

## Cases and rulings

| Country Code | Year | Reference details title                                                                                                 | Reference details URL | Hate Bias motivation                 | Court / Body                                          | Key facts of the case                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Results (sanctions, outcome) and key consequences or implications of the case | Main reasoning / argumentation                                                                                                                                                                                                                                                                                                                      | Key issues (concepts, interpretations) clarified by the case                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Key quotation in original language and translated into English with reference details                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Luxembourg   | 2015 | <a href="#">Luxembourg / District Court (13th Chamber) / Case no. 1448/2015 / Judgment / The Public Prosecutor v. X</a> |                       | Nationality, Racial or ethnic origin | Luxembourg District Court (Tribunal d'arrondissement) | This case differs from the more "typical" case law regarding incitement to hatred, in that it concerns a defendant with links to the extreme right who deliberately created a fake alias on a social media platform pretending to be a foreigner attacking Luxembourg. He published threats and hate comments against the Luxembourgish people, nation and language, with the aim of provoking a negative reaction and inciting hatred against foreigners and migrants. | The defendant was convicted to a 12 months suspended prison sentence.         | The defendant was accused of disseminating, through the social media platform Facebook, hate speech against non-Luxembourgish persons living in Luxembourg, by pretending to be a foreigner attacking Luxembourg and its people. The Court argued that the defendant, through his comments, sought to provoke a racist reaction against foreigners. | The Court held that in order to determine whether a comment constitutes incitement to hatred, it must be analysed whether or not such a feeling (i.e. hatred) can be conceived in the minds of people from reading the written text. To do so, the text as a whole must be taken into consideration, each sentence of which is part of the broader text. The Court held that, read together, the comments posted by the defendant had clearly incited to hatred against persons on the basis of their non-belonging to the Luxembourgish nation. | "en se faisant passer pour un non-Luxembourgeois qui publierait sur le réseau social électronique facebook des commentaires absolument abjectes à l'adresse de tous les Luxembourgeois, dans le but exclusif de provoquer un sentiment de haine auprès des ressortissants luxembourgeois à l'égard de la communauté étrangère installée au Grand-Duché, prétendument raciste envers ses hôtes, P.1.) a incité à la haine à l'égard de personnes en raison de leur non-appartenance à la nation luxembourgeoise." "by pretending to be a non-Luxembourgish national who would publish absolutely abject comments on the social network Facebook addressed to the Luxembourgish people as a whole, with the sole aim of provoking a feeling of hatred amongst the Luxembourgish people, allegedly racist towards its guests, against foreigners living in the Grand Duchy, {the defendant} incited to hatred against persons based on their non-belonging to the Luxembourgish nation." |

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