DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

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
Poland	2015	Poland / I instance: District Court in Warsaw / Ref.no. XVIII K 100/14 / II instance: Appellate Court in Warsaw / Ref. no. II Aka 60/15		Racial or ethnic origin	I instance: District Court in Warsaw, II instance: Appellate Court in Warsaw	On February 13, 2013 two Polish citizens used physical violence against a Nigerian citizen which was motivated by his race and nationality. The perpetrators were beating the victim, punching him in the face and hitting with plastic bottles, which posed a threat to foreigner's life and health. Moreover, perpetrators publicly insulted their victim with abusive words referring to his skin colour and nationality, for example they called him a "monkey". The case was reported to the police and perpetrators were accused under Article 119 § 1 of the Criminal Code.	One of the accused was sentenced to 8 months of imprisonment and the punishment was suspended for the 2 years of the probation period. The second of the accused was sentenced to 6 months of imprisonment.	The District Court established that the attack was motivated by the victim's nationality and race and classified it under Article 119 § 1 of the Criminal Code. The defender lodged an appeal arguing that one of the accused was certainly not prejudiced against foreigners since he had some previous contacts with persons of a different colour of skin and he participated in some foreign integration trips, therefore the crime was not racially motivated. The Appellate Court upheld the ruling of the District Court, indicating that the perpetrator not necessarily has to belong to a specific, antagonistic group, nor to be guided by any ideology. The decisive factor is that the motive of the violence was victim's nationality or race.	The perpetrator of the hate crime does not necessarily have to belong to a specific, antagonistic group, nor to be guided by any ideology. The decisive factor is that the motive of the violence was victim's nationality or race.	"(...) podmiotem przestępstwa z art. 119 § 1 KK może być każdy, nie ma bowiem wymogu aby sprawca należał do określonego, antagonistycznego wyznania, sekty, zgrupowania politycznego lub, co dotyczy sprawy niniejszej, aby kierował się jakąś ideologią. Dlatego też dla oceny prawnej zachowań oskarżonych nie mają znaczenia ewentualne ich kontakty z obcokrajowcami, teraz czy też w przeszłości, czy to rodzinne, czy też koleżeńskie." " (...) the subject of a crime enshrined in Article 119 § 1 of the Criminal Code may be anyone and the perpetrator does not have to belong to a specific, antagonistic group nor to be guided by any ideology. Therefore, for the assessment of the conduct of the accused, his contacts with foreigners, now or in the past, whether they are his family or friends, is irrelevant."

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