

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
France	2016	France / Court of cassation / Decision No. 15-83619 ECLI:FR:CCASS:2017:CR00492	http://www.legifrance.gouv.fr/affichjurijudi.do?oldAction=rechjurijudi&iqTexte=JURITEXT0000324130716&fastReqId=8955961725&fastPos=9	Nationality	Court of cassation (Cour de cassation)	On 30 March 2014, in Montbéliard, at the end of the second round of the local elections, at a private evening which took place at the headquarters of the socialist party in the presence of about fifty people, Mr. X., lead candidate and outgoing mayor, who was not re-elected, on several occasions called Mr. Ulker Z., one of his opponents, as "Turkish filth". Due to these comments the latter took Mr. X. before the police court on the grounds of non-public racial insult. The court convicted the accused of the charge. The Besançon Court of Appeal on 21 May 2015 sentenced the accused to a €500 fine for non-public racial slandering.	The Court of cassation upheld the ruling of the Court of Appeal which sentenced the accused to a €500 fine for non-public racial slandering.	The Court of Appeal found that the expression "Turkish filth" was an insult on grounds of origin and set aside the excuse of provocation claimed by the accused. The Court of Appeal found that there was neither proportionality, neither proximity, nor correlation between the supposed provocation and the accused's verbal response, which was repeated, excessive and inappropriate, and that the accused did not provide direct or indirect evidence of provocation emanating from Mr. Z.	Elements constituting non-public insult on grounds of origin. Conditions to apply the excuse of provocation.	"La Cour d'appel a retenu que l'expression "saloperie de turc" présentait le caractère d'une injure à raison de l'origine. Les juges du second degré, pour écarter l'excuse de provocation invoquée par le prévenu, relevaient qu'il n'y a ni proportionnalité, ni proximité, ni corrélation entre la provocation hypothétique invoquée et la riposte verbale, réitérée, excessive et déplacée reprochée au prévenu, et que celui-ci n'apporte pas la preuve d'une provocation directe ou indirecte émanant de M. Z." "It follows that after having held that the expression "Turkish filth" was an insult on the grounds of origin, the judges of the second degree, in order to set aside the excuse of provocation claimed by the accused ... find that there is neither proportionality, neither proximity, nor correlation between the supposed provocation and the accused's verbal response, which was repeated, excessive and inappropriate, and that the accused does not provide direct or indirect evidence of provocation emanating from Mr. Z..."

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