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
Malta	2016	Malta / Court of Magistrates as a Court of Criminal Judicature v. Vincent Debono 1/2016	https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=100559	Racial or ethnic origin	Court of Magistrates as a Court of Criminal Judicature	In October 2015, a prison warden and former policeman, Vincent Debono, posted the comment 'I hope it's burning with them inside', below an article being shared on Facebook entitled '3rd refugee centre torched in Sweden in 6 days'. The article reported that a string of suspected arson attacks had hit three facilities intended to house asylum seekers in Sweden.	The accused was found guilty of misuse of electronic equipment and fined 5,000 EUR. He was acquitted of the charge of inciting racial hatred on the grounds that the relevant legal provision was only applicable if the crime was carried out against persons present in Malta.	The Court held that the accused's comment clearly went beyond the limits of what was enshrined in freedom of expression, as it was an expression aimed at causing damage, dejection, vexation or offence to others. However, the defence pointed out that Maltese law defines racial hatred as an act that is carried out against a person or a group of persons in Malta. Therefore, the accused could not be found guilty of racial hatred because his comment was clearly directed against persons in Sweden.	Under Maltese law, racial hatred is defined as an act that is carried out against a person or persons in Malta. The Court suggested that the legislator should amend the current law to also include persons who are not present in Malta where the person expressing the hatred is, at least, in Malta.	"Huwa ċar li l-intenzjoni tal-Leġislatur kienet, u stante li t-tifsira ta' "vjolenza jew mibgħeda" tinkludi r-referenza lejn "persuna jew grupp ta' persuni f'Malta" u b'hekk dan ir-reat jista' jiġi meqjus integrat biss jekk issir riferenza għal vjolenza jew mibgħeda kontra persuna jew grupp ta' persuni li jkunu jinsabu f'Malta." "It is clear that the intention of the legislator, when defining 'violence or hatred' includes a reference to 'persons or groups of persons in Malta', therefore this offence can only be considered to be complete if it is committed against a person or a group of persons that are present in Malta."

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http://fra.europa.eu/en/databases/anti-muslim-hatred/

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