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
Netherlands	2016	Netherlands / District Court Overijssel / Case no. 08/952265-16 ECLI:NL:RBOVE:2016:4134	http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBOVE:2016:4134	Religion	District Court Overijssel (Rechtbank Overijssel)	On 27 February 2016, five extreme right men attacked a mosque in the city of Enschede by throwing Molotov cocktails. Approximately 30 people, including children, were inside the mosque at that time. Nobody was injured in the attack and it did not cause serious damage to the mosque. Motivation for these attacks was to cause anxiety among Muslims and to stop the municipality opening a new reception centre for asylum seekers. The court convicted the five men, stating the attack had "terrorist characteristics." Four of the men were given sentence of four years imprisonment, one of which was conditionally suspended. The fifth man had two years of his prison sentence conditionally suspended because he showed remorse.	Attacks to inspire fear like in this case constitutes an arson attack on a mosque and thus, carry heavy penalties. In this case, all of the accused were punished by imprisonment.: The court convicted four of the five men to four years imprisonment one of which was conditionally suspended. The fifth man has two years of his prison sentence conditionally suspended because he showed remorse. The lawyer of the accused asked for a lower sentence, arguing that the incident was not an act of terrorism. He pointed to the clumsy way the arson was carried out - no one was injured and one of the persons present in the mosque managed to extinguish the fire before serious damage was done. But the court did not follow the argument of the defendant's lawyer.	The court decided that the accused acted with terrorist motives when they decided to burn a mosque with molotov cocktails. They were inspired by extreme right wing and racist thoughts and wanted to cause major anxiety among mosque-goers in Enschede in particular and within the Dutch Muslim community in general. Their attempt to burn a mosque constituted an act of terrorism.	This verdict clarifies that attacks on Muslim targets like mosques, which are motivated by inspiring fear, are terrorist attacks and carry heavy penalties.	"Verdachte en zijn medeverdachten hebben gezamenlijk besloten om de moslimgemeenschap en de gemeente Enschede angst aan te jagen met als doel de gemeente te laten afzien van de komst van een asielzoekerscentrum in Enschede. Daartoe hebben zij geprobeerd om met molotovcocktails een moskee in brand te steken. Door op deze wijze hun rechts-extremistische en racistische gedachtengoed uit te dragen hebben zij een grote angst teweeg gebracht zowel bij de moskeegangers te Enschede in het bijzonder als bij de Nederlandse moslimgemeenschap in het algemeen. Dat het bij een poging brandstichting is gebleven is niet de verdienste van verdachte en zijn medeverdachten geweest, maar van een alerte voorbijganger die de brand heeft weten uit te trappen. Brandstichting betreft, gelet op het gevaar zettende en onvoorspelbare karakter ervan, een zeer ernstig misdrijf dat levens en eigendommen bedreigt en bovendien grote maatschappelijk onrust doet ontstaan. Verdachte heeft bij het plegen van de feiten op geen enkele wijze rekening gehouden met de risico's waaraan anderen daardoor zijn blootgesteld. Feiten als deze houden een ernstige beschadiging en ontregeling van de rechtsorde in, met name als die worden gepleegd met een terroristisch oogmerk." "The accused and the other accused have decided to incite fear to Muslim community in Enschede with the clear intention to stop the arrival of a reception centre for asylum seekers in Enschede. To this end, they tried to burn a mosque with Molotov cocktails. By venting their extremist and racist ideology in this way, they have caused a great fear to the visitors of the Enschede mosque and the Dutch Muslim community in general. The fact that this attempt at arson did not cause a major fire is only due to a passer-by who stopped the fire. Arson, in view of its perilous and unpredictable nature, is a very serious crime that threatens life and property and causes major social unrest. The suspect did not taken into account in any way the risks to which others have been exposed by his attempt at arsons. Acts like these involve serious damage and disruption of the rule of law, especially if committed with a terrorist purpose." The Netherlands, District Court Overijssel (Rechtbank Overijssel) (2016), case No. 08/952265-16, ECLI:NL:RBOVE:2016:4134, 27 November 2016, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBOVE:2016:4134

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