# 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 |
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| France | 2017 | France / Court of cassation / Decision No. 15-87415<br><br>ECLI:FR:CCASS:2017:CR00492 | http://www.legifrance.gouv.fr/affichJurJudi.do?oldAction=rechJurJudi&idTexte=JURITEXT000034337695&fastReqId=1431728072&fastPos=1 | Religion | Court of cassation (Cour de cassation) | Following the publication, on 1 March 2013, on the site www.bvoltaire.com of a text entitled 'What do we do with Muslims once the Koran has been banned?', the public ministry ordered Mr. X., director of website, and Mr Z., author of the text, to appear directly before the criminal court, on the grounds of incitement to discrimination, hatred or violence towards a group of people because of their origin or their membership of an ethnic group, a race, a religion or a given nation, and of complicity in this. The Court of Appeal upheld the ruling of the criminal court by sentencing them to pay a €1000 fine. | The Court of cassation upheld the ruling of the Court of Appeal convicting the director of publication and the author to €1000 fine. | The Court of cassation considered that the Court of Appeal justified its decision, since it stated that the publication of a text targeting Muslims and describing a situation, dreamed by the author according to the passage which precedes it, of a State where the public practice of their religion would be banned and those who would not comply with this rule would be expelled from the country, constituted an offence and that the exercise of the freedom of expression can be subjected to restrictions or sanctions which constitute, as in this case, measures necessary, in a democratic company, for the protection of public order and the protection of the rights of others. | Actions constituting the offence of incitement to discrimination, hatred or violence with regard to a person or of a group of people on grounds of their origin or their membership or their non-membership of an ethnic group, a nation, a race or a given religion. | "La publication d'un texte visant les musulmans et décrivant la situation, rêvée par l'auteur ...d'un Etat où serait proscrite la pratique publique de leur religion et expulsés du territoire national ceux qui ne respecteraient pas cette prescription, constituait le délit prévu par l'article 24, alinéa 8, devenu l'alinéa 7, de la loi du 29 juillet 1881 et que l'exercice de la liberté d'expression, proclamée par l'article 10 de la CEDH, peut être soumis à des restrictions ou sanctions qui constituent ... des mesures nécessaires, dans une société démocratique, à la défense de l'ordre et à la protection des droits d'autrui." "The publication of a text aimed at Muslims and describing the situation which the author had dreamed of ...a State in which the practice of their religion was prohibited and expelled from the country those who do not respect this rule constitutes the offence provided for in Article 24, paragraph 8, which became paragraph 7, of the Act of 29 July 1881, and that the exercise of freedom of expression, proclaimed by Article 10 of The ECHR, may be subject to restrictions or sanctions which ... constitute necessary measures in a democratic society for the protection of public order and the protection of the rights of others." |

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