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
Luxembourg	2017	Luxembourg / District Court (Correctional Chamber) / Case no. 2065/2017		Religion	Luxembourg District Court (Tribunal d'arrondissement)	An anonymous reporting on 22 September 2016 through the Bee Secure Stopline platform has made the police authorities aware of a comment posted by the defendant via her Facebook account. The comment was made in respect of an article that related to a German railway agent who had been insulted and threatened of being thrown off the train by some illegal passengers during a check of tickets. The defendant's comment, in a rather confused Luxembourgish language, indicated that she had been looking forward to the day when these "mentally impaired animals" will encounter someone who will resort to violence against them till their "pedo-Prophet" comes out of their ears.	The defendant was convicted, she was sentenced to payment of EUR 500 criminal fine.	The accused explained that she had not taken the time reading the article on which she commented, but in the majority of cases the perpetrators of such crimes reported by the media are people of Muslim origin, so she had assumed that this had been the case again. Her intention was to express her contempt for the perpetrators without directly targeting their religion. The court, however, held that the commentary of the defendant had targeted implicitly but necessarily the Muslims. Further, the defendant used extremely pejorative terms when describing her target ("mentally impaired animals") and desired aggression against them, thus violated article 457-1 of the Criminal Code (incitement to hatred or violence).	The court clarified that the comment "pedo-Prophet" implicitly but necessarily referred to Mohamed Prophet and thus the defendant targeted the group of people belonging to the Muslim religion. Further, the court emphasized that it was not necessary that the comment in question contain a call to hatred, violence or discrimination. For the offense to be constituted, it is sufficient for the comments to be such as to arouse those feelings.	"Le commentaire de la prévenue vise implicitement mais nécessairement les musulmans puisqu'il est fait référence au prophète Mohamed (« de pedo-Prohet »). La prévenue a dès lors visé des personnes qui en raison de leur appartenance à une communauté se distinguent par leur religion. […] En l'espèce l'auteure du commentaire […] insinue gratuitement qu'il doit nécessairement s'agir de musulmans et attend avec impatience le jour où ils se heurteront à quelqu'un qui aura recours à la violence à leur égard. Il va de soi que ces propos incitent à la haine et à la violence contre les musulmans […]." "The commentary of the defendant aims implicitly but necessarily the Muslims since it refers to the prophet Mohamed ("pedo-Prohet"). The defendant has therefore targeted persons who because of their membership of a community are distinguished by their religion. […] In this case the author of the commentary […] suggests that it must necessarily be Muslims and looks forward to the day when they will encounter someone who will resort to violence against them. It goes without saying that these words incite to hatred and violence against Muslims […]."

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