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 (16th Chamber) / Case no. 3257/2017		Religion, Migrant status	Luxembourg District Court (Tribunal d'arrondissement)	In September 2015, violent comments were posted about two articles concerning the refuge crisis that have been shared on the Facebook page of Radio Latina, a Portuguese-speaking radio station in Luxembourg. One was about an NGO worker being outraged by the comments of incitement to hatred on Facebook. The other was about Differdange, a city in Luxembourg, being open to welcome up to 60 refugees. On these articles, a number of people expressed their opinions: “when they start beheading and bombing in the name of God, that will be the families and those who welcome them”; “what these people did to Catholics at home, they killed complete families and now they want people to be in their favor”; “these people have no culture, no citizenship, they have no education, the only thing they see is evil, nothing more. They are cold-blooded criminals, looters, outlaws and rapists”; “Once your daughter is raped or stoned by one…”	All five defendants were convicted to one-year suspended imprisonment.	In the course of the police investigation all defendants claimed that they might have misrepresented themselves and that they had nothing against refugees in general, but they were rather against the terrorists. The court, however, held that all five defendants had violated article 457-1 of the Criminal Code (incitement to hatred or violence).	The court clarified that even though two of the defendants had actually resided in France when posting the relevant comments, the Criminal Court of Luxembourg had been still competent to hear their case since Article 457-1 of the Penal Code provides for the criminalization of acts that have partially taken place abroad.	"[…] que l’article 457-1 3) a été introduit pour « tenir compte de certains comportements d'organisations racistes internationales qui tentent de profiter des lacunes législatives de certains Etats, en faisant parvenir leur matériel à connotation raciste à un public déterminé, en échappant à l'incrimination prévue par les différentes législations nationales […]. […], il a fallu recourir à un libellé très vaste de ce texte permettant d'atteindre le résultat voulu, c'est-à-dire l'incrimination des faits en question, même s'ils ne se déroulent que partiellement sur le territoire luxembourgeois." "[…] that Article 457-1 3) was introduced to "take into account certain behaviors of international racist organizations which attempt to take advantage of the legislative shortcomings of certain States, by sending their racist material to a particular public, by escaping the criminalization provided for by different national laws […]. […] it was necessary to resort to a very broad wording of this text to achieve the desired result, that is to say the incrimination of the facts in question, even if they only take place partially on Luxembourg territory."

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