

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	2017	Netherlands / District Court Amsterdam / Case no.13/674287-16, ECLI:NL:RBAMS:2017:3347	http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2017:3347	Racial or ethnic origin, Racial or ethnic origin	District Court Amsterdam (Rechtbank Amsterdam)	Sylvana Simons is a former television presenter who announced in 2016 she was going into politics. Sylvana Simons is black and is well known for her stance against the figure of Black Pete, a stereotypical black-face figure which is the companion of Saint Nicholas whose name day is celebrated each 5 December in the Netherlands. On announcing in 2016 she was going into politics thousands of people posted threats and insults on internet and social media. The Public Prosecution Service decided to prosecute 22 people charging them for making threats and insulting Sylvana Simons. This case concerns one of those people: Marcel K. He made a video in which Simons' head was photoshopped onto the bodies of black Americans being lynched by the Ku Klux Klan and uploaded this video on internet. He received the highest sentence. He was given 80 hours of community service, equal to what the Public Prosecutor demanded. During the hearing he said he acted in frustration over Simons stance on Black Pete. He was convicted on the charges of group insult, incitement to discrimination, insult and making threats.	Uploading a clear racist video which incites violence and discrimination is criminal under Dutch law.	By making a video in which Simons head was photoshopped onto the bodies of black Americans being lynched by the Ku Klux Klan the defendant is guilty of spreading a message that black ("negroid") persons are inferior. In this way he insults black people and incites violence and discrimination towards black people.	By making a video in which Simons head was photoshopped onto the bodies of black Americans being lynched by the Ku Klux Klan the defendant is guilty of spreading a message that black ("negroid") persons are inferior. In this way he insults black people and incites violence and discrimination towards black people.	"Zoals hiervoor genoemd draagt de video uit dat mensen negroïde personen minderwaardig zijn. Daarmee wordt onderscheid gemaakt op grond van ras. Dit onderscheid kan tot gevolg hebben dat anderen hen ook als minderwaardig zullen gaan behandelen vanwege hun ras. Een niet gelijkwaardige behandeling vanwege ras is discriminatie. Uit de inhoud van de film kan de boodschap worden afgeleid dat het lynchen van negroïde personen toelaatbaar is. Het behoeft geen betoog dat lynchen een gewelddadige actie is en dat door het openbaren van deze film dan ook aangezet wordt tot gewelddadig optreden tegen negroïde personen. Het voorgaande leidt de rechtbank tot de conclusie dat het aanzetten tot discriminatie en geweld tegen negroïde personen, wettig en overtuigend is bewezen." "As said before, the video conveys the message that black persons are inferior. This constitutes making a distinction on the ground of race. This may encourage other people to treat them as inferior people because of their race. Unequal treatment on the ground of race constitutes discrimination. From the content of the movie, the message can be deduced that the lynching of black people is permissible. It is not necessary to argue that lynching is a violent act and that, by publishing this film, incites other people towards violent actions against black persons. The foregoing leads the court to conclude that incitement to discrimination and violence against black persons has been proven convincingly and legally." The Netherlands, District Court Amsterdam (2017), Case no. 13/674287-16, ECLI:NL:RBAMS:2017:3347, 18 May 2017, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2017:3347

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