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	2017	Netherlands / Court of Appeal 's-Hertogenbosch / Case no. 17/05728		Religion	Netherlands / Court of Appeal 's-Hertogenbosch	A Christian preacher with the American nationality made in public in the centre of the city of Eindhoven several anti-Muslims statements like "Moslims are bad", "Moslims are terrorists" and "All Moslims will go to hell". The Court of Appeal convicted her for group insult for making the statement "Moslims are terrorists" under article 137c of the Dutch Criminal Code. In the eyes of the Court, this statement by the preacher was insulting of Muslims and did not contribute to any public debate or were not connected to any artistic expression. The statement "Moslims are bad", and "All Moslims will go to hell" are in the eyes of the Court not punishable under article 137c. of the Criminal Code because these statements do no from the perspective of the religious beliefs of the defendant do not constitute an insult.	A Christian preacher who made the statement "Muslims are terrorists" in public was condemed under Dutch criminal law to pay a conditional fine of €350.	Making the statement "Moslims are terrorists" in public a Christian preacher insulted Muslims and is punishable under article 137c which criminalizes group insult.	The statement "Muslims are terrorists" made in public insults Muslims and does not contrubute in any way to a public debate and cannot be seen as an expression of a belief or a artistic intentions. So it is criminal under article 137c of the Dutch Criminal Code.	"Het hof is van oordeel dat de uitlating van de verdachte " Moslims are terrorists" op zichzelf beschouwd beledigend is voor moslims, in aanmerking genomen dat zij de strekking hebben moslims bij het publiek in een kwaad daglicht te stellen en hen als groep te treffen. De context van de uitlatingen: De vraag of deze uitlating van de verdachte dienstig was of bijdroeg aan enig maatschappelijk debat dan wel is gedaan in verband met een geloofsopvatting of een artistieke expressie inhoudt, moet naar het oordeel van het hof ontkennend worden beantwoord." "The Court is of the opinion that the statement "Muslims are terrorists" of the defendant is in itself insulting to Muslims, considering that this statement intends to put Muslims in a bad light and to hurt Muslims as a group. The context of the statement: The question whether the statement by the defendant was relevant or contributed in any way to a social debate or whether it was made in connection with a belief or an artistic expression, must in the opinion of the court be answered in the negative." The Netherlands, Court of Appeal 's-Hertogenbosch (Gerechtshof 's-Hertogenbosch) (2017), Case no.17/05728 , 22 November 2017.

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