# 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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| Netherlands | 2017 | Netherlands / District Court Overijssel / Case no. 08/710027-16 (P) | http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBOVE:2017:1190 | Religion | Netherlands / District Court Overijssel | A 61-year-old woman wrote in a response to an article on the Facebook page of local broadcaster RTV Oost that the only good Muslim is a dead Muslim. She also described Muslims as a cancer tumor from which the Netherlands should be freed. During the court sessionwoman expressed her regret and showed insight into the punishable nature of her actions. She also explained about the difficult personal circumstances in which she was at the time and which were the basis for the creation of the present offence. She added that it would no longer occur to her to do such a thing. The woman was condemned for insulting Muslims because of their religion. The court imposes a suspended community service of 40 hours with a probationary period of 2 years. | A woman who made "The only good Muslim is a dead Muslim. Free the Netherlands from this cancer and vote for Wilders." is condemned under Dutch criminal law to a suspended community service of 40 hours with a probationary period of 2 years. | The defendant has insulted muslims because of their religion has thereby exceeded the limit of the permissible within one of the most fundamental rights in a democratic society, namely the freedom of expression. The impact of the words of the defendant is evident from the statement by the person who reported the crime. He has become afraid of the remark of the accused, as well as that he is afraid of his children and is worried about the society in which his children have to grow up. | Making the statement "The only good Muslim is a dead Muslim. Free the Netherlands from this cancer and vote for Wilders." is insult to Muslims and constitutes group insult which is punishable under Dutch criminal law (article 137c of Dutch Criminal Code). | "Verdachte heeft zich schuldig gemaakt aan belediging van een groep mensen op grond van hun godsdienst. Verdachte heeft in een openbare schriftelijke reactie onder een artikel op de Facebookpagina van RTV Oost geschreven dat de enige goede moslim een dode moslim is. Tevens heeft verdachte moslims betiteld als een kankergezwel waarvan Nederland moet worden bevrijd. Hoewel de rechtbank de mogelijkheid om je eigen denkbeelden uit te dragen, de vrijheid van meningsuiting, ziet als een groot goed, kan en mag dit niet een inbreuk betekenen op de rechten en vrijheden van anderen. Verdachte heeft met haar opmerking andere mensen beledigd en heeft daarmee de grens van het toelaatbare binnen een van de meest fundamentele gegeven rechten in onze democratische samenleving, namelijk de vrijheid van meningsuiting, overschreden. De impact die de woorden van verdachte hebben gehad blijkt duidelijk uit de verklaring van [aangever] , die beschrijft dat hij angstig is geworden van de opmerking van verdachte, als ook dat hij bang is voor zijn kinderen en zich zorgen maakt over de maatschappij waarin zijn kinderen moeten opgroeien. Dit rekent de rechtbank verdachte aan."<br>"The suspect was guilty of insulting a group of people based on their religion. In a public written response under an article on the Facebook page of RTV Oost, the Defendant wrote that the only good Muslim is a dead Muslim. Thye defendant has also described Nulsims as a cancerous tumor from which the Netherlands must be freed. Although the court sees the possibility of expressing your own ideas, freedom of expression, as a great good, it cannot and should not infringe on the rights and freedoms of others. With her remark, the defendant has insulted other people and has thereby exceeded the limit of the permissible within one of the most fundamental rights in our democratic society, namely the freedom of expression. The impact the words of the defendant is evident from the statement by the person who reported the crime. He has become afraid of the remark of the accused, as well as that he is afraid of his children and is worried about the society in which his children have to grow up."<br>The Netherlands, District Court Amsterdam (Rechtbank Amsterdam) (2017), Case no. 08/710027-16 (P) , 17 March 2017, ECLI:NL:RBOVE:2017:1190., available at: https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBOVE:2017:... |

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