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
Belgium	2018	Belgium / Court of First Instance of Ghent / Roll number 18G011567 - System number 18RG9098		Religion, Nationality, Racial or ethnic origin	Court of first instance East-Flanders,department Ghent criminal matters (Rechtbank van eerste aanleg Oost-Vlaanderen,afdeling Gent strafzaken)	The facts of the case concern a wide range of inappropriate and racist remarks made on social media following the attacks in Istanbul (Turkey) on 1 January 2017. K.A. from Houthalen-Helchteren was killed in those attacks. The defendant, a Belgian national, repeatedly posted messages on the Internet, including on Facebook, targeting Muslims with a migrant background and replied to messages and videos posted by others from 18/09/2014 to 02/06/2017 included.The defendant denies the facts and claims his Facebook was hacked. He argues that the use of the word macaca ("makak") should not necessarily be interpreted as racist because it concerns a type of ape. The case was brought by the Prosecutor's Office in Gent, UNIA and the parents, the sister and the brother of K.A. joined the case as civil parties.	The Court found the defendant guilty and imposed sanctions with a preventive and repressive objective. The defendant was ordered to pay the symbolic amount of 1 euro of compensation to the plaintiffs and to UNIA as well as their their litigation costs (180 euro each). Furthermore, the defendant received 6 months in prison and a 4.000 euro fine (or 1 month and 15 days in prison). He was also ordered to pay 200 euro to the Fund to help victims of intentional acts of violence and occasional rescuers, 20 euro to the Budget fund for legal second-line assistance, 53,58 euro for the management costs in criminal cases, and litigation costs (28,46 euro) of the office of public prosecutor.	The Court finds the defendants' arguments completely implausible, considering the inconsistencies in the defendant's declarations and the complete lack of evidence of hacking. The Court argues that there can be no doubt about the defendant's "special will to incite hatred or violence", considering that he not only liked posts on other people's Facebook page, but also spreaded racist and hateful messages through his own Facebook profile.	The Court gave special consideration to the defendant's use of Facebook, the most well known and used online social network site, to spread racist messages. Not only is doing so from behind a computer considered cowardly and very reprehensible behaviour, the defendant denied his online statements when confronted with them in the real world. According to the Court, this demonstrated the defendant's true attitude and raises questions regarding his insight in his errors and the associated possibility of recidivism.	"De beklaagde heeft duidelijk een gebrek aan respect voor anderen waarbij hij vulgair en racistisch taalgebruik niet schuwt. Het gedrag van beklaagde is totaal onverantwoord en draagt bij tot een polarisering in de huidige samenleving. De samenleving wordt reeds geconfronteerd met onverdraagzaamheid en extremisme dat aanzet tot haat en het gebruik van geweld. (...) Het is zeer verontrustend om te lezen hoeveel mensen, al dan niet anoniem, net als beklaagde haatdragende en racistische boodschappen verspreiden via sociale media. " "The defendant clearly has a lack of respect for others and does not avoiding vulgar and racist language. The behaviour of the defendant is totally irresponsible and contributes to polarization in today's society. Society is already confronted with intolerance and extremism that incites hatred and the use of violence. (...) It is very disturbing to read how many people, whether or not anonymously, like defendant spread hate and racist messages through social media"

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