# 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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| France | 2018 | France / Court of Cassation/ECLI:FR:CCASS:2018:CR03270 | http://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000036635261&fastReqId=823372279&fastPos=6 | Religion | Court of Cassation | Mr B., a journalist and essayist, was summoned to appear before the criminal court for having made anti-Muslim remarks to Mr Stefano A, an Italian journalist, during an interview (in French, translated into Italian) in Paris on 30 October 2014 with the Italian daily newspaper Corriere Della Serra, published in the country and broadcast on the internet. He said: "Muslims have their civil code, it's the Koran, they live among themselves in the peripheries, the French have been forced to leave." "I think we are heading towards chaos, this situation of a people among the people, Muslims among the French people, will lead us to chaos and civil war." Millions of people live here in France, and do not want to live in the French way " ("Les musulmans ont leur code civil, c'est le Coran. Ils vivent entre eux, dans les périphéries. Les Français ont été obligés de s'en aller". "Je pense que nous nous dirigeons vers le chaos. Cette situation d'un peuple dans le peuple, des musulmans dans le peuple français, nous conduira au chaos et à la guerre civile. Des millions de personnes vivent ici, en France, et ne veulent pas vivre, à la française"). The first instance judges dismissed the defendant's plea of invalidity and found him guilty. The Court of Appeal upheld the decision. | The Court of Cassation overturned and annulled the judgment of the Paris Court of Appeal of 17 November 2016, and referred the parties to the Court of Appeal composed of different judges. | The Court of Appeal did not justify its decision. It was the Court's role to find out whether the defendant had contributed or whether he knew that the disputed statements given to the Italian daily newspaper were also intended to be published in France and published on the newspaper's website, accessible via the internet. | The Court of Cassation stated that in order to incriminate a person for incitement to racial discrimination, the court should examine their personal participation in the offence: did they act with the intention to publish their words in France? | "Mais attendu qu'en se déterminant par ces seuls motifs, sans mieux caractériser la participation personnelle de M. Y..., qui la contestait dans ses conclusions, au fait de publication sur le territoire national du quotidien étranger et de sa mise en ligne sur le site de ce quotidien et alors qu'il lui appartenait de rechercher, dans les termes du droit commun, en ayant le pouvoir d'apprécier le mode de participation du prévenu aux faits poursuivis, s'il avait contribué ou s'il savait que les propos litigieux donnés au quotidien italien, étaient aussi destinés à être publiés en France et diffusés sur le site du journal, accessible par le réseau internet, la cour d'appel n'a pas justifié sa décision". "But whereas by determining on these reasons alone, without better characterizing the personal participation of Mr Y..., who challenged [the Court] in its conclusions, the fact of publishing the foreign daily newspaper in the country and its publication online on the site of this newspaper and while it was [the Court's] role to establish, in terms of common law, with the power to assess the level of participation of the accused in the alleged offences, if he had contributed or if knew that the disputed remarks given to the Italian newspaper were also intended to be published in France and on the newspaper's website, accessible via the internet, the Court of Appeal did not justify its decision." |

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