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	2018	Netherlands / Court of Appeal Amsterdam / Case no. 23-001502-18, ECLI:NL:GHAMS:2018:3942	http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2018:3942	Racial or ethnic origin, Religion	Court of Appeal Amsterdam (Gerechtshof Amsterdam)	A supporter of Dutch politician Geert Wilders made in a television documentary about Geert Wilders several derogatory statements about Arabs or Muslims. He spoke about Arabs as 'fervent butt bangers' who also 'fuck little boys', 'that is normal in their culture'. He was charged with group insult on basis of article 137c of the Dutch Criminal Code. The Court of Appeal acquitted him on 9 March 2016 (ECLI:NL:GHAMS:2016:828). The Supreme Court ruled on 10 April 2018 that the Court of Appeal (ECLI:NL:HR:2018:539) used a too limited assessment framework by only looking at whether the statements and reffered the case back to the Court of Appeal. On 25 October 2018 the Court of Appeal ruled that by making aforementioned statements the accused insulted Arabs on account of their race and - as is also shown in his statement to the police - implied that the behaviour he described was rooted in their culture.The Court condemned him to a fine of €400.	The accused who made derogatory statements about Arabs during a television interview was condemned to a fine of €400 because these statements constitued group insult as made punisahble by Dutch criminal law.	The accused made in his statements, during an interview in a televsion documentary, explicit derogatory insults about Arabs which constitute group insult as made criminal by article 137c of the Dutch criminal code. The Courts recognizes that these statement were made as part of general debate about the position of Arabs/Muslims in the Netherlands but these statements wre of such a grieveous nature that the still constitute group insult under Dutch criminal law.	Insulting and grieveous statements made about an ethnic group like Arabs, even when made as part made of a general debate about the position of Arabs/Muslims in the Netherlands are criminal under Dutch law.	“De uitlatingen “En zoals iedereen weet zijn Arabieren fervent kontenbonkers. En ze neuken kleine jongetjes. Dat is heel normaal in hun cultuur” zijn naar hun bewoordingen zonder meer als beledigend aan te merken. De term ‘kontenbonkers’ wordt naar algemeen spraakgebruik gebruikt als scheldwoord en als minachtende benaming voor homoseksuelen. De verdachte heeft daarmee Arabieren beledigd wegens hun ras en daarbij heeft hij – zoals ook naar voren komt in zijn tegenover de politie afgelegde verklaring – geïmpliceerd dat het door hem beschreven gedrag geworteld is in hun cultuur. De verdachte heeft met deze grove en expliciete bewoordingen de waardigheid en de eigenwaarde van Arabieren aangetast en hen als groep in diskrediet gebracht.” “The statements "And as everyone knows, Arabs are fervent butt bangers. And they fuck little boys. That's quite normal in their culture" are, as they say, insulting. The term 'ass-banger' is generally used as a word of abuse and as a derogatory term for homosexuals. By doing so, the accused insulted Arabs on account of their race and - as is also shown in his statement to the police - implied that the behaviour he described was rooted in their culture. With this coarse and explicit wording, the defendant has volated the dignity and self-esteem of Arabs and discredited them as a group.”

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