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	2019	Belgium / Court of First Instance of Antwerp / No number found	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/correctionele-rechtbank-antwerpen-5-juni-2019	Religion, Sex/Gender, Racial or ethnic origin	Court of first instance Antwerp,department Antwerp criminal matters (Rechtbank van eerste aanleg Antwerpen,afdeling Antwerpen strafzaken)	Guns, illegal weapons, an alarm gun, posters about stopping Islamization and two laptops were found in the defendant's home. Through Twitter, he proposed ethnic cleansing of people of Moroccan origin. Via Twitter, he repeatedly harrassed UNIA's director by calling her a rat, public traitor, anti-Semite, and a "Mulsim sucking collaborating whore", alongside her picture, because he felt that UNIA takes complaints lodged by Muslims serious and others not. The defendant also harrassed a UNIA policy officer, inciting to hatred and violence against her based on her origin alongside her picture, because he had the impression that she hates Jews and because anti-Semite are criminals who must be punished. The defendant also used Twitter to explicitly target the Muslim community. During the investigation, the defendant said that his Tweets were unacceptable. The case was introduced by UNIA (equality body) and two civil parties.	The Court determined that the facts have been proved. The defendant is condemned to 10 months imprisonment (with 5 years postponement considering his personality, his chance of improvement and social integration) and a 800 euro fine (or 1 month imprisonment if not paid). The Court also forfeited the defendants' weapons. The defendant has to pay 20 euro to the Budget fund for legal second-line assistance, 53,58 euro for the management costs in criminal cases, 200 euro to finance the Fund to help victims of intentional acts of violence, and 28,25 euro for the costs of the criminal claim. In civil matters, the defendant has to pay damages to the plaintiffs (each amount to be increased with the compensatory interest from 1 January 2016 to date, the legal interest and the costs): 500 euro to UNIA, 750 euro to the director of UNIA, and 750 to the policy officer at UNIA. Additionally, he has to pay the justice compensation of each plaintiff (240 euro each).	The Court found the facts of the charges to be very serious. It stated that the possession of weapons leads to social insecurity. Furthermore, the Court argued that the defendant consciously and carefully acted in a way to incite others to racism. He not only posted racist messages himself on Twitter, but also allowed his Twitter followers to continue to post racist comments. By harrassing two ladies who work at UNIA, the defendant also seriously disturbed these people's peace. The facts demonstrate that the defendant has a total lack of respect for other human beings as well as for society.	In this case, the defendant not only targets the Muslim community in Belgium, but also the people - the director of UNIA and a policy officer at UNIA - who are seens as collaborators of the Muslim community. As a result, the defendant's motive to harrass both women and to ask his "followers" to bully and terrorise them was his hatred, disapproval of and hostility towards the plaintiffs based on their descent, ethnic origin (of the policy officer) as well as his disapproval of their gender. Intersectionality thus plays an important role in this case and the Court gave special consideration to it.	"Via zijn Twitter account roept beklaagde expliciet op tot geweld tegen en het uitmoorden van moslims. Door zijn welbewust en doordacht handelen zet beklaagde derden bewust aan tot racisme. Hij plaatst racistische berichten en laat "volgers" toe racistische opmerkingen te blijven spuien. In onze maatschappij, die gesteund is op gelijkheid van kansen zonder enig onderscheid, kan dit niet getolereerd worden. De feiten getuigen van een totaal gebrek aan respect voor de medemens en de maatschappij. " "Through his Twitter account, the defendant explicitly calls for violence against and the killing of Muslims. Through his conscious and well-considered actions, the defendant consciously incites third parties to racism. He posts racist messages and allows "followers" to keep spouting racist comments. In our society, which is based on equality of opportunity without any distinction, this cannot be tolerated. The facts bear witness to a total lack of respect for fellow human beings and society."

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http://fra.europa.eu/en/databases/anti-muslim-hatred/

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