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
Spain	2019	Spain / Madrid Provincial High Court , Criminal Judgement (Audiencia Provincial de Madrid, Sala de lo Penal) / SAP M 1843/2019, Rec. 2037/2018, ECLI: ES:APM:2019:1843	http://www.poderjudicial.es/search/openDocument/128604041edaca33/20190409	Religion	Madrid Provincial High Court (Audiencia Provincial de Madrid)	The perpetrator uploaded in his YouTube channel hatred songs from a number of RAC music songs including ant-Muslim hatred lyrics. In 2012, the defendant created a YouTube channel (1.827 subscribers and 626.063 views). The channel created with the clear intention of encouraging and enlivening hatred and discrimination against foreign groups. In 2016, he changed its profile name to "Remember Sound Channel" with a total of 178 videos posted, nine of them belong to the musical style named as RAC (Rock Against Communism). RAC is one of the mass media used to promote and spread hatred, discrimination and violence on racist, anti-Semitic, xenophobic and ideological grounds. Five of the videos mentioned contained lyrics with racist, homophobic and islamophobia messages. He was detained in December 2016.	The perpetrator pleaded guilty. Penalty: 15 months and 1 day in prison. Special disqualification for the right of passive suffrage during the time of the sentence. Fine: 9 months with a daily fee of 2 euros and with subsidiary personal responsibility, in case of non-payment (Art. 53 of the Criminal Code). Special disqualification for educational profession or teaching position, as well as teacher on sports or free time activities for a period of 4 years and 3 months (Art. 510.5 of Criminal Code). Charged with the payment of the Court fees. Judgment was declared final. It was granted the suspension of the execution of the judgement for a period of two years, while he should not commit a crime. On December 14, 2017, while the "Remember Sound Channel" remained active, the videos had been removed from the YouTube social platform.	The Provincial High Court defined the the publication of videos and RAC style songs on a YouTube channel (with 88.999 views) as a clear attack on the dignity of the immigrant collective and a crime against fundamental right. The perpetrator was linked to groups with a strong far-right character, and One song refers to C-18, which is a Neo-Nazi trend organization. C-18s have been flagged in the UK as suspected of deaths of immigrants, non-white people, and even other C-18 members.	It´s considered a crime against fundamental rights (Art. 510.2 a) and Art. 503 of the Criminal Code). Special disqualification for educational profession or teaching position, as well as teacher on sports or free time activities for a period of 4 years and 3 months (Article 510.5 of Criminal Code).	"En las canciones de esas bandas nacionalistas, concretamente en cinco (5) de los vídeos mencionados se observaba en sus letras los, siguientes mensajes racistas, homófobos e islamófobos, y expresiones que incitaban al odio, la violencia, la discriminación y la hostilidad contra determinadas personas extranjeras)These facts are clearly attempts against the dignity of the immigrant collective. (Estos hechos son claramente atentatorios contra la dignidad del colectivo inmigrante." "In the songs of these nationalist bands, specifically in five (5) of the videos mentioned its lyrics were observed the following racist, homophobic and Islamophobic messages, as well as expressions that incited hatred, violence, discrimination and hostility against certain foreign persons"

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