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

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
United Kingdom	2019	United Kingdom / R v Bitton (David) [2019] EWCA Crim 1372		Racial or ethnic origin, Religion, Migrant status	Court of Appeal	In May 2016, the month leading up to referendum on leaving the European Union, the appellant had published 86 messages on his public Twitter account that contained offensive and inappropriate terms and which expressed pro-Brexit, Islamophobic, anti-immigration, Anti-Semitic and racist sentiments. Examples of such tweets are as follows: "That's right. When we blow up 50 mosques you will soon get in your smelly houses and shut your curry breath mouth."; "Stay in the EU. Will get a lot of Muslims killed; we hate them."; and "Mass Murder the Muslims at Dover." The appellant had plead guilty to six offences publishing written material that was threatening, abusive or insulting with intent to stir up racial hatred and was sentenced to four years imprisonment. The sentence included a reduction at the maximum credit for having pled guilty at the earliest opportunity, meaning that the sentence of six years identified by the sentencing judge as the appropriate sentence was reduced to four.	The case resulted in a reduction of a four year sentence for the appellant to a two year sentence (having identified the six year starting point as excessive). Although this appeal led to the reduction of the custodial sentence of the appellant, it has contributed to the growing body of case law that acts as an indicator for the appropriate type of sentence for this type of offense and shows that a lengthy custodial sentence remains important as, inter alia, a need to deter others from such actions.	Counsel for the appellant argued that the sentence of four years' imprisonment was manifestly excessive because, inter alia, the circumstances of the offences did not merit a starting point of six years, the sentence did not adequately take his personal mitigation into account and cited cases involved identical offences and indicated a lower level of sentence as being appropriate. The Court of Appeal, in line with previous case law, identified the following factors as being relevant considerations when sentencing offences of publishing written material that are threatening, abusive or insulting with intent to stir up racial hatred: (i) the nature of the publication and the intent behind it; (ii) the need to deter others; (iii) the number of people who saw the material; and. (iv) the consequences of them having seen it.	The Court of Appeal, in line with previous case law, identified the relevant considerations to be taken when sentencing offences of publishing written material that are threatening, abusive or insulting with intent to stir up racial hatred.	"The tweets that the appellant published were of an utterly vile nature. No right thinking person could consider them to be anything other than abhorrent. The publication of this kind of material is corrosive to our society and highly damaging … We have, however, concluded that the length of sentence after a trial that the Recorder identified as being appropriate was simply too long. Appalling though the tweets were, such a sentence is out of line with the cases to which we have referred … Whilst his outpourings on Twitter are properly to be condemned as utterly reprehensible, the sentence passed by the Recorder is simply too long when examined in the context of the other cases to which we have referred."

DISCLAIMER The information presented here is collected under contract by the FRA's research network FRANET. The information and views contained do not necessarily reflect the views or the official position of the FRA.

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

Copyright © 2025 European Union Agency for Fundamental Rights