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
France	2019	France / Court of Cassation/18-85306/ECLI:FR:CCASS:2019:CR01531	https://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000039156942&fastReqId=434350584&fastPos=9	Racial or ethnic origin	Court of Cassation (Cour de cassation)	The Public Prosecutor summoned historian Mr. N., editor-in-chief of the Revue d'histoire de la Shoah (Holocaust History Journal), and editorial manager of the Holocaust Memorial and guest on the programme 'Répliques' (Replies) on 10 October 2015, to appear before the criminal court on charges of incitement to discrimination, hatred or violence against a person or group of persons on account of their origin or their membership or non-membership of a particular ethnic group, nation, race or religion, for the following remarks: "Integration is at a standstill today effectively we are in the presence of another people which is being established within the French nation, which is causing a regression in a certain number of democratic values that have carried us" and "This visceral, violent antisemitism that the Fondapol enquiry clearly highlighted last year, cannot be left unchallenged". "And this is a contradiction in terms for the French nation, there will be no integration until we are rid of this atavistic antisemitism which is kept as a secret. Algerian sociologist, S... C... of very great courage has just said in a film that will be shown on France 3 "it is shameful to perpetuate this taboo, namely that in Arab families in France and everybody knows it but nobody wants to say it, antisemitism is fed with the mother's milk"". The judges opened proceedings with the civil parts of their claims, as they deduced that these statements did not apply to all Muslims in France, not even to "believing and practising Muslims", but to those in area where Muslims are numerous and Salafist. The Court of Cassation dismissed the appeals, upholding this decision.	The Court of Cassation rejected the appeals and set at 2,500 euros the total amount that the association the French League for the Defence of Human and Citizen's Rights, the association for the Defence of Human Rights, the Collective against Islamophobia in France (CCIF) and the association Sos support for undocumented migrants (Sos soutien ô sans papiers) will have to pay to Mr. M.N.	The passages in question did not target the entire North African-Muslim community, but only Salafist Muslims and some North African families, therefore one of the constituent elements of the offence is missing.	Were the contested remarks aimed at a group of persons because of their origin or their membership or non-membership of a specific ethnic group, nation, race or religion?	"Pour confirmer le jugement entrepris et débouter les parties civiles de leurs demandes, après avoir rappelé le déroulement des débats entre M. N..., auteur du livre "Les territoires perdus de la République", qui venait d'être réédité, et M. R..., auteur du livre "Le sens de la République", qui venait d'être publié, puis les principaux moments de cet échange, au fur et à mesure duquel ont été prononcés les propos litigieux, l'arrêt relève que, d'une part, dans le premier passage incriminé, où le prévenu évoque "un autre peuple qui se constitue au sein de la nation française ", celui-ci revient à ce qu'il a dit au début de l'émission sur la manifestation du 11 janvier 2015, à la suite des attentats des 7, 8 et 9 janvier 2015 où il avait précisément énoncé qu'"il y a eu réellement, dans une partie, j'insiste, de l'opinion, une approbation de ce qui s'était passé", d'autre part, à la suite du premier propos poursuivi, M. N... donne un exemple, celui de la présence de la femme dans l'espace public en indiquant que, dans les territoires aujourd'hui, où la présence musulmane est forte et où il y a des salafistes, selon la version figurant dans le constat d'huissier produit par le prévenu, où cette présence est salafiste, selon la retranscription versée aux débats par une des parties civiles, il n'y a plus de femmes dans l'espace public. Les juges en déduisent que l'auditeur comprend ainsi que les propos, tels qu'illustrés par cet exemple, ne s'appliquent pas à tous les musulmans de France, ni même aux "musulmans croyants et pratiquants" évoqués postérieurement, mais à ceux qui se trouvent dans les territoires où les musulmans sont nombreux et salafistes." "In order to uphold the ruling and reject the civil parties' claims, after recalling the course of the proceedings between Mr N..., author of the book "Les territoires perdus de la République", which had just been republished, and Mr R... the author of the book "Le sens de la République" (The Meaning of the Republic), which had just been published, and the main points of that exchange, during which the disputed statements were made, the decision notes that, firstly, in the first passage in question, in which the defendant refers to "another people being formed within the French nation", he returned to what he had said at the beginning of the programme about the demonstration on 11 January 2015, following the attacks of 7, 8 and 9 January 2015, when he had clearly stated that "there really was, in part, I stress, an approval of what had happened", on the other hand, following the first comment made, M. N... gives an example of the presence of women in public, indicating that in some areas today, where there is a strong Muslim presence and where there are Salafists, according to the version in the court bailiff's report produced by the defendant, where this presence is Salafist, according to the record given at the proceedings by one of the civil parties, there are no longer any women in public view. The judges conclude from this that the listener therefore understands that the statements, as illustrated by this example, do not apply to all Muslims in France, nor even to the "believing and practising Muslims" referred to later, but to those in areas where Muslims are numerous and Salafist."

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