

Database 2012-2020 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	MAIN REASONING / ARGUMENTATION	KEY ISSUES (CONCEPTS, INTERPRETATIONS) CLARIFIED BY THE CASE	RESULTS (SANCTIONS, OUTCOME) AND KEY CONSEQUENCES OR IMPLICATIONS OF THE CASE	KEY QUOTATION IN ORIGINAL LANGUAGE AND TRANSLATED INTO ENGLISH WITH REFERENCE DETAILS
France	2019	France / Cour de cassation/18-85299/ECLI:FR:CCASS:2019:CR01530	https://www.legifrance.gouv.fr/affichJurivudi.do?oldAction=rechJurivudi&idTexte=JURITEXT000039156941&fastReqId=186215874&fastPos=10	Religion	Court of Cassation (Cour de cassation)	During the programme "C à vous" (Over to you) broadcast on the France 5 television channel on 6 September 2016, during which he	By their meaning and scope, the incriminating remarks which referred to all Muslims in France as invaders and intimidated that they were obliged to renounce their religion or leave the country, carried a call for discrimination.	Does what was said constitute a call for the rejection and discrimination of Muslims as such?	The Court of Cassation rejected the appeal and set at 2,500 euros the sum that Mr. H., found guilty of calling for discrimination, will have to pay to the association Coordination of Appeals for a Just Peace in the Middle East (Coordination des appels pour une paix juste au Proche-Orient).	To find the defendant guilty solely on account of the remarks made in the fourth and fifth passages contested, after citing the main moments of the interview, during which the incriminating remarks were made, and stating that the fourth passage in question describes Muslims as

gave an interview, Mr H. made the following remarks at four different points during the conversation with a journalist: first passage, the answer "No" to the question whether "there are Muslims in France who live in peace, who do not interpret the

invaders and colonisers which requires, at least implicitly, a resistance by the populations concerned, the decision notes that it is a call for the rejection and discrimination of Muslims as such, with the entire discourse of the defendant centred on the idea that everyone, even if they are not violent, can only be followers of jihad by religious vocation, without disassociating themselves from those who engage in violence in the name of their faith. Pour déclarer le prévenu coupable en raison des seuls propos tenus dans les quatrième et

texts of the Koran to the letter, who are totally integrated"; second passage, "the soldiers of jihad are considered by all Muslims, whether they say it or not, as good Muslims, they are warriors, they are soldiers of Islam"; third passage, "No, but it is not terrorism

cinquième passages poursuivis, après avoir cité les principaux moments de l'interview, au cours de laquelle les propos incriminés ont été prononcés, et exposé que le quatrième passage litigieux décrit les musulmans comme des envahisseurs et des colonisateurs qui nécessitent, au moins implicitement, une résistance des populations concernées, l'arrêt relève qu'il s'agit d'un appel au rejet et à la discrimination des musulmans en tant que tels, l'ensemble du discours étant axé sur l'idée que tous ne peuvent, par vocation religieuse,

m, it is
Jihadis
m. So
it's
Islam"
and
"For
me it's
the
same";
fourth
passage
, "For
thirty
years
we've
been
experi
encing
an
invasio
n, a
colonis
ation,
which
leads
to a
conflag
ration"
and "In
countle
ss
French
suburb
s
where
many
young
girls
are
veiled,
it's also
Islam,

même
lorsqu'ils ne
sont pas
violents,
qu'être adeptes
du jihad, sans
se désolidariser
de ceux qui se
livrent à la
violence au
nom de leur
foi.

it's also
jihad,
it's also
the
struggle
to
Islamize
a
country
which
is not,
which
is
normally
a
non-
Islamic
land, a
land of
the
miscreant.
It
is the
same
thing,
it is
occupation
of
the
country";
fifth
passage
, "I
think
they
should
be
given
the
choice
between
Islam

and
France
". The
associa
tion
Coordi
nation
of
Appeal
s for a
Just
Peace
in the
Middle
East
(Coord
ination
des
appels
pour
une
paix
juste
au
proche
-
orient)
had M.
H.
summo
ned
before
the
crimin
al
court,
which
found
him
guilty.
On the
defend
ant's

					appeal, the Court of appeal partiall y confir med the decisio n of the first judges. The Court of cassati on rejecte d the appeal.			
--	--	--	--	--	--	--	--	--

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. As of June 2019 information from the UK will no longer be updated.

<https://fra.europa.eu/en/databases/anti-muslim-hatred/en/databases/criminal-detention/criminal-detention>

Copyright © 2022 European Union Agency for Fundamental Rights