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 / Cour de cassation/18-85299/ECLI:FR:CCASS:2019:CR01530	https://www.legifrance.gouv.fr/affichJurijudi.do?oldAction=rechJurijudi&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 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 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, it is Jihadism. So it's Islam" and "For me it's the same"; fourth passage, "For thirty years we've been experiencing an invasion, a colonisation, which leads to a conflagration" and "In countless French suburbs where many young girls are veiled, it's also Islam, it's also jihad, it's also the struggle to Islamise 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 association Coordination of Appeals for a Just Peace in the Middle East (Coordination des appels pour une paix juste au proche-orient) had M. H. summoned before the criminal court, which found him guilty. On the defendant's appeal, the Court of appeal partially confirmed the decision of the first judges. The Court of cassation rejected the appeal.	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).	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?	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 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 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 du prévenu étant axé sur l'idée que tous ne peuvent, par vocation religieuse, 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.

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