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	2021	France / Court of cassation / Decision No. 20-83.325 / ECLI:FR:CCASS:2021:CR00240		Religion	Court of Cassation, Criminal Chamber	The case dealt with the sale and advertising on two far-right websites of a leaflet containing the words: "Islam assassin, Islam dehors" (Islam assassin, Islam get out), in white letters, appearing on a blood red background for the first two words and on a black background for the other two words.	The Court of Cassation considered that the Paris Court of Appeal, in noting the extrinsic elements that accompanied the words "Islam assassin Islam dehors" but without taking them into account in its assessment, did not draw the consequences of its own findings and did not justify its decision. It quashed the judgement and referred the case back to the Paris Court of Appeal, differently composed.	The Court of Cassation considered that the terms "Islam assassin Islam dehors" should be assessed considering the extrinsic elements that accompanied them: their appearance on a background of a drawing representing blood and a dagger together with a mosque evoking the Muslim religion, as well as by a text associating the Muslims with Islamists. There is a need to be determine whether these extrinsic elements can be considered to be such as to make the words an exhortation to hatred or violence, against the Muslim community as a whole.	The key question was to determine whether the words "Islam assassin Islam dehors" should be assessed in their own right or in the light of the extrinsic elements that accompanied them. In the first approach, that of the Court of Appeal, it is possible to consider that they are part of a debate of general interest relating to the criticism of a religion and the acts that some of its followers commit in its name, without exceeding the admissible limits of freedom of speech. In the second, the one taken by the Court of Cassation, the words may be considered as an exhortation to hatred or violence, against the Muslim community as a whole.	"En se déterminant ainsi, et alors qu'elle a relevé que les quatre mots poursuivis étaient présentés sur fond d'un dessin représentant du sang et un poignard ainsi qu'une mosquée évoquant la religion musulmane, et présentés par un texte qui associe par un procédé oratoire, « les islamistes » et « les prétendus musulmans modérés » (...), sans mieux rechercher si ces éléments extrinsèques n'étaient pas de nature à conférer aux propos poursuivis le caractère d'une exhortation à la haine ou à la violence, à l'encontre de la communauté des musulmans dans son ensemble (...), la cour d'appel n'a pas tiré les conséquences de ses propres constatations et n'a pas justifié sa décision." "In its verdict, and having noted that the four words incriminated appeared on the background of a drawing representing blood and a dagger together with a mosque evoking the Muslim religion, and presented by a text associating "the Islamists" and "the alleged moderate Muslims" (...) in an oratorical process, without better determining whether these extrinsic elements were not likely to make the incriminated words an exhortation to hatred or violence, against the Muslim community as a whole (...), the Court of Appeal did not draw the consequences of its own findings and did not justify its decision."

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