

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
Luxembourg	2021	Luxembourg/Police Court of Luxembourg City/no. 218/21	https://anon-public.lu/D%3%A9cisions%20anonymis%C3%A9es/justice/20de%20aix%20Luxembourg/Police%20anonymis%C3%A9e/2021/0427_IPLux-278a-accessible.pdf	Religion	Police Court of Luxembourg City (tribunal de police de Luxembourg)	On the 7th of November 2019, the Judicial Police Service was informed of the existence of an online comment relating to an article published on the website of a company. The investigation later revealed that the profile associated with the comment belonged to the defendant. In his comment, the defendant declared that one should not trust the Muslims in general, for they live as ISLAM, which translates as subjugation, meaning that the only goal of Muslims is to submit those in the West to their sect, given that moderate Islam does not exist, being only a precursor to terror. According to the same statements, all that Islamic terrorists did and do is contained in the Koran as part of the Sharia. The Court concluded that the defendant had committed a crime of incitement to hatred or violence under articles 457-1 of the Criminal Code. As such, the defendant was convicted to a €125 fine.	The Court concluded that the defendant had committed a crime of incitement to hatred or violence under articles 457-1 of the Criminal Code. As such, the defendant was convicted to a €125 fine.	In view of the fact that in his comment the defendant refers to Muslims in general, the Court considers that this part of the population is discriminated against on the basis of their membership of a particular religion. Furthermore, it concludes that the defendant's undifferentiated attacks against Muslims living in Luxembourg as well as other Muslims, who are all equated with radical Islamists, are likely to arise, particularly among the less informed public, feelings of contempt, rejection or even hatred towards this segment of the population. Finally, the Court declares that the intention of the defendant to incite hatred or violence against Muslims follows from the very terms used in his comment, which warns against Muslims in general and claims that they intend to propagate radical islamism.	In its reasoning, the Court interprets the elements of the crime of incitement to hatred or violence. Firstly, the statements need to be of such a nature as to incite to hatred. Secondly, there needs to be a deliberate intention of the perpetrator to incite to hatred or violence against a group of persons on the basis of one of the protected characteristics enshrined in article 454 of the Criminal Code.	"Le message diffusé par le prévenu est en partie couvert par la liberté d'expression (...), il en va différemment des attaques formulées par le prévenu, de manière non différenciée, contre des personnes, désignées comme « die Muselmanen allgemein », assimilés dans le message du prévenu à des islamistes radicaux qui auraient tous pour but de soumettre les pays de l'Ouest à l'islamisme". "Le message diffusé par le défendeur est partiellement couvert par la liberté d'expression; (...). Ceci n'est pas le cas de la case with the attacks made by the defendant in an undifferentiated manner against persons referred to as "die Muselmanen allgemein", who are equated in the defendant's message with radical Islamists, all of whom are said to have the aim of subjugating the countries of the West to Islamism."

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

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