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
Netherlands	2021	The Netherlands, Court of Appeal 's-Hertogenbosch (Gerechtshof 's-Hertogenbosch) (2021), Case no. 20-003807-17, ECLI:NL:GHSHE:2021:3287, 4 May 2021.	https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHSHE:2021:3287	Racial or ethnic origin	Court of Appeal 's-Hertogenbosch (Gerechtshof 's-Hertogenbosch)	This case concerns a street-cleaner of Sudanese descent who was insulted by a man. It happened in 2015. The street-cleaner saw a man standing under the subway of a shopping centre. The man smashed a beer bottle. The street-cleaner walked up to the man in response, to clean the bottle and the mess immediately. The man shouted at the street-cleaner, "black ape that you are, go back to your country" and "Muslims should go back to the IS", as well as "all blacks should back to Africa". The Court of Appeal found the man guilty of group insult.	The accused was found guilty of verbally and deliberately insulting a group of people in public because of their race and religion (under article 137c of the Dutch Criminal Code). The accused was also found guilty of threat, damaging property and theft. For all this he was convicted to 28 days imprisonment.	By making statements like "all blacks must go back to Africa", as well as "Muslims must go back to the IS" the accused deliberately insulted a group of people, namely Muslims and/or persons of Arabic, Turkish, Moroccan and/or Sudanese origin, because of their race and/or religion. That is criminal behaviour under article 137c of the Dutch Criminal Code.	Statements like "black ape that you are, go back to your country" and "Muslims should go back to the IS", as well as "all blacks should back to Africa" are punishable under article 137c of the Dutch criminal code that criminalizes group insult on the grounds of religion or race.	"De verdachte heeft de volgende uitlatingen gedaan: "alle zwarten moeten terug naar Afrika", alsmede "moslims moeten terug naar de IS". Het hof is van oordeel dat deze uitlatingen zich richten tot personen die niet wit zijn. Met deze uitspraken wordt – mede door de hierboven beschreven context waarin de uitlatingen zijn gedaan – duidelijk gemaakt dat personen van niet-Nederlandse afkomst, personen met een donkere huidskleur en/of moslims in het bijzonder niet welkom zijn. Immers, "alle zwarten moeten terug naar Afrika" en "moslims moeten terug naar de IS". Hun eigenwaarde wordt hierdoor aangetast en zij worden in verband met hun ras en/of godsdienst bij het publiek in een kwaad daglicht gesteld hetgeen beledigend is." "The accused made the following statements: "all blacks must go back to Africa", as well as "Muslims must go back to the IS". The court is of the opinion that these statements were addressed to persons who are not white. These statements - partly because of the context in which the statements were made - makes it clear that persons of non-Dutch origin, dark-skinned persons and/or Muslims in particular are not welcome. After all, "all blacks must go back to Africa" and "Muslims must go back to the IS". Their self-esteem is affected by this and they are portrayed in the public's eye in relation to their race and/or religion in a bad light which is offensive." The Netherlands, Court of Appeal 's-Hertogenbosch (Gerechtshof 's-Hertogenbosch) (2021), Case no. 20-003807-17, ECLI:NL:GHSHE:2021:3287, 4 May 2021.

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