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
Poland	2020	Poland / Regional Court in Wrocław / Judgement of 30 October 2020, case no. III K 202/20	http://orzeczenia.ms.gov.pl/content/$N/155025000001506_III_K_000202_2020_Uz_2020-10-30_002	Religion	Regional Court in Wrocław (Sąd Okręgowy we Wrocławiu)	The defendant was accused of having posted a series of offensive comments on a large, public Internet discussion board. The comments, made under linked media publications, were targeted at various groups, such as persons of African descent, Muslims, nationals of Arab countries, Latin Americans and members of LGBTQI community. As regards Muslims, the defendant has stated, among others, that he "wouldn't mind selling European Muslims' body organs" or that "scientific research leads to a right-wing conclusion that Muslims are subhuman".	The court has acertained the defendant's guilt on all counts and sentenced him to an aggregate penalty of 1-year imprisonment (with conditional suspension). There is no information as regards any appeals filed against the judgement at the Court of Appeal of Wrocław, which indicates that it has become final.	The court emphasised that the defendant's comments had been made publicly, since the discussion board is available to any Internet user. Therefore, in the court's opinion, the defendant's comment approving selling body organs constituted incitement to hatred based on religious affiliation as stipulated under Article 256(1) of the Criminal Code, as it indicates the defendant's reluctance towards Muslims. Moreover, according to the court, by posting a comment referring to Muslims as subhuman, the defendant insulted this group based on their members' religious affiliation.	The court had to examine the case at first instance. No particular issues were clarified by the case.	"Przez pojęcie nawoływania do nienawiści z powodów wymienionych w art. 256 k.k. rozumie się bowiem tego typu wypowiedzi, które wzbudzają uczucia silnej niechęci, złości, braku akceptacji, wręcz wrogości do poszczególnych osób lub całych grup społecznych czy wyznaniowych bądź też z uwagi na formę wypowiedzi podtrzymują i nasilają takie negatywne nastawienia i podkreślają tym samym uprzywilejowanie, wyższość określonego narodu, grupy etnicznej, rasy lub wyznania (...)." "By the term incitement to hatred based on reasons enlisted in Article 256 of the Criminal Code one should understand such statements that cause the feeling of strong reluctance, anger, lack of acceptance, almost hostility towards individuals or entire social or religious groups, or - due to the form of expression - maintain or enhance such negative attitudes and emphasise certain nation's, race's, ethnic or religious group's superiority."

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

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