

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	2022	Poland / Court of Appeal of Warsaw / Judgement of 12 January 2022, case no. II AKa 33/21	http://orzeczenia.ms.gov.pl/content/SN/154500000001006_II_Aka_000033_2021_Uz_2022-01-12_002	Nationality	Appeal Court of Warsaw (Sąd Apelacyjny w Warszawie)	The defendant used violence and unlawful threats against a citizen of an Arabic country on the grounds of his national, racial and ethnic origin, by punching him in the face with his fist and threatening him with death while displaying a tattoo containing, inter alia, the image of a swastika, acting in public. The first instance court acquitted the defendant of this charge. The judgement was appealed against by the public prosecutor and the victim's attorney.	The court of appeal has repealed the judgement of the court of the first instance and referred the case to that court for reconsideration.	The court of appeal made a comprehensive and thorough assessment of the evidence. As a result, it determined that the defendant's line of defence, which invoked, inter alia, a necessary defence against an attack by the victim or a citizen's capture, did not merit any consideration.	In the court's view, the excuses expressed in the reasons for the judgment of the court of first instance, which concern the interpretation of the defendant's demonstrative display of a swastika tattoo to the victim, after hitting him in the face, with shouts of death, are inadmissible and unacceptable. Downplaying a tattoo with clear fascist swastika signs inscribed in a larger cross sign and attempting to interpret the unambiguous association of swastikas, is discrediting. To state that these tattoos represent "an attachment (of the accused) to the Slavic tradition" rather than "an aversion to the Arab race" blatantly contradicts common knowledge, historical and social experience.	"Sąd (pierwszej instancji - red.), odrywając się od powszechnej wiedzy, rozsądku i doświadczenia życiowego, uznał gorszące poglądy oskarżonego, jakoby > i > mogło polegać na brutalnym, ponizającym, zastraszcającym traktowaniu obywateli, by >. Głoszenie takich poglądów jest szkodliwe i niedopuszczalne." "The court (of first instance - ed.), departing from common knowledge, reason and life experience, found the defendant's views that > and > could consist of brutal, humiliating, intimidating treatment of foreigners to >. Preaching such views is harmful and unacceptable."

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