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 extracts in original language and translated into English
Spain	2024	Juzgado de lo Penal nº 9 de Barcelona (Sentencia 78/2024 de 26-2-2024) [Juzgado de lo Penal nº 9 de Barcelona (Judgment 78/2024 of 26-2-2024)]	https://www.fiscal.es/search?q=&ot=json&p=0&ps=10&f=1&site=sitesearch&q=&f_title=Juzgado+de+lo+Penal+n%C2%BA+9+de+Barcelona+(Sentencia+78%2F2024+de+26-2-2024)+%5BJuzgado+de+lo+Penal+nº+9+de+Barcelona+(Judgment+78%2F2024+of+26-2-2024)%5D&f_title_es=Juzgado+de+lo+Penal+nº+9+de+Barcelona+(Sentencia+78%2F2024+de+26-2-2024)+%5BJuzgado+de+lo+Penal+nº+9+de+Barcelona+(Judgment+78%2F2024+of+26-2-2024)%5D&f_type=documentos	Religion, Racial or ethnic origin	Barcelona Criminal Court nº 9 (Juzgado de lo Penal nº 9 de Barcelona)	The Defendants insulted and reprimanded a group of Muslims who were approaching a cultural center to begin Ramadan. Local police officers in the municipality de Lliçà de Vall (Barcelona) on 19 March 2017, identified the defendants after they were handing out flyers and leaking the phrase "No to the mosque!" and "No to Islamization" along with the slogan "Spain Democracy formation's logo. A defendant approached the victims with statements such as "Hear of shit, fucking Moor, such a shame, go to your country [Oyes de mierda, puto moro, chupame la polla, vete a tu país moro de mierda]. Then, the defendants stabbed one of the victims with a knife, who had to be pulled from the scene, resulting in an incised wound that required surgical treatment and five stitches and took 10 days to cure. Four of the victims continued the victim from performing his daily tasks.	The defendant was found guilty of criminal responsibility for the crime of injury with a dangerous instrument, as defined by articles 147.1 and 148.1 of the Criminal Code, for the accused and another unidentified were criminally accountable for the concurrence of crimes covered by articles 169.1, 170.1 and 172.3 of the Criminal Code, as it was concluded that the accused, by performing a single action [Ground of religious discrimination ("anti-Muslim racism"). Assess the aggravating circumstance of discriminatory motives on grounds of nationality and religion under article 22.4 of the Criminal Code. It was established that the defendants belonged to an extreme right-wing formation that was established in 1985 that claims that the Spanish nation should only be formed and inhabited by people native-born people and that anyone who was not born in the Spanish state poses a threat to the survival of the homogeneous nation.	Relevant legal provisions: The mitigating circumstances of recidivism under article 21.6 of the Criminal Code, discriminatory motives based on nationality and religion covered by article 22.4 of the Criminal Code, with the circumstance of discriminatory motives based on nationality and religion under article 22.4 of the Criminal Code. The mitigating circumstances of vindication, as under article 21.6 as a very qualified mitigating circumstance, and the one of reparation of the damages under article 21.5 of the Criminal Code. The two aggravating circumstances by articles 148.1, 2, refers to the penalties with which the crime is punished and article 77 of the Criminal Code refers to the penalties in cases of ideal concurrent instrumental or medial concurrent instrumental, when a crime becomes a necessary means for the commission of another crime.	"se declara probado y así lo reconocemos en los siguientes son integrantes del partido político [Plataforma Nacional formación política de extrema derecha]. ..."con un discurso político que pretende dar evidencia de una comunidad de nacional interclasista, homogénea y cultural que el Estado español habría perdido formada y habitada exclusivamente por nosotros [los nativos] y que todos aquellos que no hayan nacido en el Estado español son una amenaza" "It is declared proven and so we acknowledge the two defendants are members of the political party "National Democracy", [Plataforma Nacional] a right-wing political formation ..." "with a political discourse the existence of a national homogeneous community, considering that the Spanish State should be formed and inhabited exclusively by members of the native [nationals] that all those not born in the Spanish State are a threat"

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