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
Lithuania	2024	Lithuania / District Court of Vilnius City (2024) Decision in case No. 1-172-1100/2024, 19 January 2024.		Religion	District court of Vilnius City	On August 31, 2022, T. M. displayed offensive signs on his kiosk in Vilnius, targeting Caucasian ethnic groups, including Azerbaijanis, and a specific individual, M. M.. The signs discouraged purchasing from individuals of this background and contained derogatory language. They stated "Don't buy from churbans there, buy directly from th"e farm; Don't buy!!!! fruit from churbans, because you might have to take ... Espumisan" The incident stemmed from ongoing business disputes between T. M. and M. M., who operated a competing stall nearby. The signs were visible for about an hour before authorities intervened. The court found that T. M. publicly mocked and insulted people based on their ethnicity, classifying his actions as a criminal offense under Article 170(2) of the Criminal Code.	T.M. was sentenced for crime indicated in Article 170(2) (Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons) to 11 months of restriction of liberty without intensive monitoring and was obligated to participate in correctional programme; serve 60 hours of free social service; not communicate with the victim.	The act provided for in Article 170(2) of the Criminal Code manifests itself through one or several alternative actions: a) mocking a particular group or an individual belonging to that group; b) denigrating them; c) inciting hatred against them; d) instigating discrimination against them. These acts must be committed through public statements addressed to a broad, undefined audience and targeted against a group of people or an individual belonging to such a group on the basis of gender, sexual orientation, race, nationality, language, origin, social status, religion, beliefs, or views. Mocking refers to degrading a person's or a group's dignity and honor, portraying them as an object of ridicule. Denigrating means making very negative or disrespectful remarks about a person or a group, gloating over their misfortune, or celebrating crimes committed against them, etc. Inciting hatred involves attributing false characteristics to a person or group that portray them negatively in the eyes of society, provoke hostility, or encourage intolerance toward them. Instigating discrimination refers to directly calling for or indirectly encouraging the restriction of a person's or group's rights and freedoms in comparison with others. Expert (specialist) of the Office of the Inspector of Journalists' Ethics indicated that the meaning of the word "churban" is a complete fool, a blunt-headed person, a ram, and it can also mean dirty, unshaven, unpleasant, unconcerned about one's appearance, i.e., viewed in a clearly derogatory way. Thus the court concluded that the actions of T. M. on August 31, 2022, of publicly displaying offensive signs on his kiosk in Vilnius contained derogatory language, discouraged purchasing from individuals of Caucasian origin, including Azerbaijanis, and specifically M. M., and therefore amounted to public mocking and denigration of a group and an individual based on ethnicity, constituting a criminal offense.	The court discussed delimitation between public mocking and denigration of a group and incitement to hatred. It stated that the prosecution did not prove the incitement to hatred.	"Anksčiau aptartos aplinkybės patvirtina, kad T. M. veiké tiesiogine tyčia. Tokiai išvadai neturi reikšmės, kad tarp kaltinamojo ir nukentėjusiojo buvo konfliktinės situacijos dėl prekybos ar tarpusavio santykių; M. M. anksčiau baustas administracine tvarka dėl veiksmų prieš kaltinamąjį; ne visi užrašai pripažinti niekinančiais ar susiję su tyčiojimusi. BK 170 straipsnio 2 dalyje nustatytos nusikalstamos veikos sudėties būtinuoju požymiu nėra nusikalstamos veikos motyvas, t. y. dėl kokios priežasties kaltininkas daro tokią nusikalstamą veiką. Kita vertus, atsižvelgiant į T. M. ir M. M. tarpusavio santykius, akivaizdu, kad kaltinamojo padaryti veiksmai nebuvo atsitiktinio pobūdžio, juolab reikėjo surinkti tekstą kompiuteriu, po to lapus atspausdinti ir juos pakabinti viešoje vietoje." "The circumstances discussed above confirm that T.M. acted with direct intent. The fact that the defendant and the victim had a history of conflicts in trade or relations with each other; that M.M. had previously been administratively sanctioned for his actions against the defendant; that not all of the notes were found to be disparaging or to be in the nature of bullying are irrelevant to such a conclusion. The motive of the offence, i.e. the reason for which the offender commits the offence, is not a necessary element of the offence under Article 170(2) of the CC. On the other hand, in view of the relationship between T.M. and M.M., it is clear that the acts committed by the accused were not random, especially since it was necessary to compile the text on a computer, then to print out the pages and to hang them in a public place."

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