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	2024	The Netherlands/Court of Appeal The Hague (Gerechtshof Den Haag) (2024). Case no. 22-003672-23.a, ECLI:NL:GHDHA:2024:1389, 6 August 2024.	https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHDHA:2024:1389	Religion	Court of Appeal The Hague (Gerechtshof Den Haag)	On 22 January 2023 a 54-year-old Dutch man residing in Germany, while tearing up a Quran in public on a quare near the Dutch parliament in The Hague, said: "I should be able to tear up a Quran if I want to. The Quran is a fascist book. It is as bad as "Mein Kampf". Its supporters uphold the same ideology as Hitler. Everyone knows where that has led to in this country". Several criminal reports were received by the Dutch Prosecution Service. Based on these reports a criminal investigation was started.	On 23 November 2023, the man was convicted by the District Court under article 137c of the Dutch Ciminal Code. On 6 August 2024, this verdict was upheld by the Court of Appeal. The defendant was convicted to perform a community service for a period of forty hours.	According to the Public Prosecution Service the statement can be qualified as group insult and is punishable under article 137c of the Dutch Criminal Code, which makes it a crime to deliberately insult a group of people on the basis of their religion or belief. However, the act of tearing up a Quran is not a criminal offense according to the Dutch Criminal Code.	The Court of Appeal rules that statements such as those made by the defendant have no place in Dutch society in which freedom of religion and equality are among the most important core values. Tearing up a Quran in a public is not in itself an offence under the Dutch Criminal Code.	"De verdachte heeft moslims door het doen van zijn uitlatingen, terwijl er een camera op hem was gericht, openlijk in diskrediet gebracht en zich schuldig gemaakt aan groepsbelediging. Uit de aangifte blijkt dat meerdere vertegenwoordigers van de moslimgemeenschap zich ook daadwerkelijk en ernstig aangetast voelden in hun eer en goede naam. Het hof is van oordeel dat voor uitlatingen zoals door de verdachte gedaan, geen plaats is in onze maatschappij waarin vrijheid van geloof en gelijkheid tot de belangrijkste kernwaarden behoren." 'By making his statements while a camera was pointed at him, the defendant openly discredited Muslims and was guilty of group insult. Several representatives of the Muslim community indcated that their honour and reputation had been seriously affected by reporting these stamentts to the polic. The court of appeal is of the opinion that statements such as those made by the defendant have no place in our society in which freedom of religion and equality are among the most important core values."

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