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 / Procurator General of the Supreme Court (Procurateur Generaal Hoge Raad) (2024), Case no. 22/01663, ECLI:NL:PHR:2024:39, 27 February 2024.	https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:PHR:2024:39	Religion	Procurator General of the Supreme Court (Procurateur Generaal Hoge Raad)	A man made the following statement in public (in a shopping mall in the city of Veenendaal) "What you need to do is understand how dangerous Muslims are. Muslims are not good people".	The man was first convicted by the Court of Appeal for group insult of Muslims under article 137c of the Dutch Criminal Code. He was given a conditional fine of 250 Euro. On 16 April 2024, the Supreme Court Court decided to upheld the conviction, following the conclusion of the Procurator General.	The Court of Appeal's ruling that these remarks constitute group insult punishable under article 137c of the Dutch criminal Code and serve no other purpose than to target Muslims as a group is deemed justified by the Procurator General of the Supreme Court. According to Supreme Court case law, when assessing a statement in connection with its punishability as group insult within the meaning of article 137c of the Criminal Code, the wording of the statement and the context in which it was made should be taken into account. It should be considered whether the contested statement can contribute to the public debate or is a statement of artistic expression. It should also be considered whether the statement is not unnecessarily offensive in that context. The Court of Appeal's decision that the contested statement does not contribute to the public debate or is a statement of artistic expression and is unnecessarily offensive is supported by the Procurator General.	The contested statement is not protected by freedom of expression because it is unnecessarily offensive and does not contribute to public debate or is an expression of artistic expression. It is therefore punishable under 137c of the Dutch Criminal Code.	"De verdachte is veroordeeld voor groepsbelediging van moslims door de uitlating "What you need to do is understand how dangerous moslims are. Moslims are not good people". Het oordeel van het hof dat deze opmerkingen beledigend zijn en geen ander doel dienen dan moslims als groep te treffen lijkt mij niet onbegrijpelijk, omdat het hier niet gaat over geloofskritiek maar alleen een rechtstreekse aanval op gelovigen zelf is. Of de verdachte gelovigen beledigt vanuit zijn eigen godsdienst, is daarbij niet van belang. Ook het gemotiveerde oordeel van het hof dat de uitlatingen niet in het kader van een publiek debat zijn gedaan is niet onbegrijpelijk." "The defendant was convicted of group insult of Muslims by making the statement "What you need to do is understand how dangerous Muslims are. Muslims are not good people". The Court of Appeal's ruling that these remarks are insulting and serve no other purpose than to target Muslims as a group does not seem incomprehensible to me, because this is not about criticism of faith but is a direct attack on believers themselves. Whether the defendant insults Muslims because of his (Christian) religion is irrelevant."

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