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 / District Court The Hague (Rechtbank Den Haag) (2024), Case. no.C/09/656154 / HA ZA 23-978, ECLI:NL:RBDHA:13925, 4 September 2024.	https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2024:13925	Religion	District Court The Hague (Rechtbank Den Haag)	Civil case between the board (Stichting Islamitisch Onderwijs or IOS) of the Cornelius Haga Lyceum, an secondary Muslim school on the one hand and the Dutch state on the other hand. The school is part of the regular school system and is intended for students with a muslim background. It is funded by the government under article 23 of the Dutch constitution which guarantees freedom of education. Around 70 percent of all pupils and student in the Netherlands visit a school affiliated to a religion or to certain didactic philosophy.)The Dutch Security and Intelligence Service (AIVD) reported in February 2019 on the backgrounds of school staff and alleged links to terrorist groups of the Cornelius Haga-school, as well as the school's curriculum, which was claimed to be partially Salafi. These reports, along with a related letter from the Dutch National Coordinator for Security and Counterterrorism (NCTV), were made public during the enrollment period. Media coverage labeled the school as a "hate school" and criticized it for radicalizing students. Former Prime Minister Mark Rutte advised against sending children to the school. Following these claims, the school's board pursued legal action. An April 2021 review by various ministries and institutions found the school's education quality and student safety to be satisfactory.	The Court orders the State to pay compensation for the damages suffered by SIO (board of the school). The Court orders the State to pay the legal costs, estimated at € 2,825.14 on the part of SIO, to be paid within fourteen days after being summoned to do so. The amount of compensation to be paid will be determined by the court later in a so called special procedure under Dutch law for the assessment of damages (schadestaatprocedure).	The court's ruling highlighted that the intelligence reports contained unlawful elements, and it was evident that the state improperly obstructed the school's growth. The State was found to act unlawfully by creating a false image of the Cornelius Haga Lyceum, because of which the Cornelius Haga Lyceum suffered damages and should be compensated by the state.	The two acts of the State that were found by the Court to be unlawful acts where: 1. creating the image that there is room at the school for persons with anti-democratic and anti-integrative ideologies, and 2. providing without legal basis, the financial (intelligence) reports compiled by the AIVD (the General Intelligence and Security Service) of the school to the municipality of Amsterdam and the Ministry of Education and to a number of government bodies.	"Uit het voorgaande volgt dat de rechtbank voor recht zal verklaren dat de Staat onrechtmatig jegens SIO heeft gehandeld door in de periode van februari 2019 tot en met 20 januari 2020 het beeld te creëren, en in stand te houden, dat op de school ruimte is voor personen met een antidemocratisch en anti-integratief gedachtengoed. Verder zal de rechtbank voor recht verklaren dat de Staat (de AIVD) onrechtmatig heeft gehandeld door zonder wettelijke grondslag (i) het financiële ambtsbericht aan de gemeente Amsterdam en het ministerie van OCW en (ii) het financiële inlichtingenbericht aan een aantal overheidsinstanties te verstrekken. De Staat wordt veroordeeld om de schade die het gevolg is van dit onrechtmatig handelen te vergoeden." "It follows from the foregoing that the court will rule that the State acted unlawfully towards SIO [board of Islamic secondary school] by creating, and maintaining, in the period from February 2019 to 20 January 2020, the image that there is room at the school for persons with anti-democratic and anti-integrative ideologies. Furthermore, the court will rule that the State (the AIVD [the General Intelligence and Security Service]) acted unlawfully by providing, without legal basis, (i) the official financial report to the municipality of Amsterdam and the Ministry of Education and (ii) the financial intelligence report to a number of government bodies.The State is ordered to compensate the damages resulting from this unlawful conduct."

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