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
Poland	2024	Poland / Warsaw Appellate Court / II AKa 402/23		Racial or ethnic origin	Warsaw Appellate Court (Sąd Apelacyjny w Warszawie)	The case concerned a civic intervention by the accused (T. G.) against the victim's (G. M.) car parked in an unauthorised place. After taking photographs with his phone, the accused undertook a pursuit of the victim's car, stopped it and then pretended to be a police officer and identified the victim. During the incident, he uttered the following words to the victim - a person of Persian origin - among others: 'and you, Arab, they didn't teach you what this sign means'; he also used derogatory terms referring to his skin colour and threatened him with a knife. In 2023, the perpetrator was found guilty of insulting and using violence or unlawful threats against a person because of their national or ethnic origin, but his defence counsel challenged the sentence.	The Appellate Court upheld the conviction of the Warsaw Regional Court of 27 June 2023 (case no. XVIII K 13/23) in its entirety. Due to the unavailability of the lower court's judgment in the case law databases, the details as to the sanction remain unknown.	The Appellate Court noted that simply calling someone an Arab cannot constitute an insult, but the prevailing rules of morality in society must also be taken into account. As the court emphasised, in certain social circles (e.g. among fundamentalist Catholics), there may be an attitude expressed in seeing people of Arab descent, associated with professed Islam, as inferior to native Europeans. Regardless, as the court pointed out, calling a stranger with a darker complexion an Arab is always racist, as it expresses contempt and racial superiority. In the court's view, the defendant's words are all the more insulting because they suggest an inferior quality of the victim's education and culture (ignorance of traffic signs). In addition, the accused also used other explicitly racist expressions towards the victim, which also affects the overall case.	The key legal issue in the case was to assess whether the words spoken by the defendant to the victim, whom he associated with a person of Arab descent (due to the darker skin colour) and thus a Muslim, could have constituted an insult within the meaning of Article 216(1) of the Criminal Code.	"Niezależnie nawet od tego, że bezpośrednie zwrócenie się do drugiej osoby per "Arab" może być uznane za zachowanie nacechowane pejoratywnie i rasistowsko, bo w codziennym życiu nikt nie zwróciłby się tak do obcej osoby, zwłaszcza o ciemniejszej karnacji, której nie chciałby okazać pogardy i wyższości rasowej (co logicznie podnosił w swoich zeznaniach również pokrzywdzony), to w zestawieniu z zapytaniem, czy nie uczyli go co oznacza znaczek (w tym wypadku drogowy) jest niczym innym, jak próbą zdyskwalifikowania kultury i edukacji podyktowanej odrębnym od oskarżonego pochodzeniem etnicznym G. M. W sformułowaniu tym na plan pierwszy wychodzi uzewnętrzniona, zwerbalizowana teza, że Arabów uczą gorzej, albo wręcz nie uczą, nie znają znaków drogowych, bo to niższa cywilizacja, pokrzywdzony tymczasem wynajął samochód ("brałeś samochód na rent i myślisz, że nie wiadomo kim jesteś") i udaje cywilizowanego i wyedukowanego, gdy w zamyśle Arabowie nie mają środków transportu albo "jeżdżą na osłach", więc nie są uczeni znaków drogowych." "Even regardless of the fact that directly addressing another person as 'Arab' can be considered as pejorative and racist behaviour, because in everyday life no one would address a stranger in this way, especially one with a darker complexion, (as the victim also logically argued in his testimony), when combined with the question of whether or not he had been taught the meaning of a sign (in this case a road sign), this is nothing more than an attempt to disparage the culture and education dictated by G.'s ethnicity, which is different from the accused's. M. In this formulation, an externalised, verbalised thesis comes to the fore that Arabs are taught worse or even do not teach, they do not know traffic signs because they are a lower civilisation, the victim meanwhile rented a car ('you took a car for rent and you think you do not know who you are') and pretends to be civilised and educated, when the intention is that Arabs have no means of transport or 'ride on donkeys', so they are not taught traffic signs."

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