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	2023	Poland / Białystok Regional Court / III K 35/23		Racial or ethnic origin	Białystok Regional Court (Sąd Okręgowy w Białymstoku)	The case concerns the beating of an Algerian man (A. A.), who runs a catering outlet, by an intoxicated perpetrator (K. Z.); the incident occurred after the victim refused to open the premises and hand over his meal to the accused. The perpetrator taunted the victim using racist language referring to his racial affiliation, origin and complexion, before striking him on the temple with his fist (in which he held a bunch of keys).	The court found the defendant guilty of an offence under Article 119(1) (discrimination) in conjunction with Article 257 (assault on grounds of xenophobia, racism or religious intolerance) of the Criminal Code and sentenced him to six months' imprisonment. The court further ordered a payment in lieu to the victim and forbade the offender to approach the victim at a distance of less than 50 metres for a period of three years.	As the court pointed out, the purpose of Articles 119(1) and 257 of the Penal Code is to combat all forms of discrimination, regardless of the purpose for which the perpetrator uses violence. A necessary condition for attributing responsibility for the aforementioned acts is that the perpetrator is motivated by a reason that is based on the negation or even contempt of generally accepted universal values. As the court pointed out, the victim in no way gave the accused reason to assault him, and the only motivation for the accused's action was the victim's difference based on his racial affiliation. In the court's opinion, the defendant believed that the victim was inferior to him as a human being and aimed to demonstrate his 'inferiority' and negate his right to equal treatment.	The court's task was to decide on the criminal responsibility of the accused for the alleged offence in the first instance.	"W realiach dowodowych tej sprawy oczywistym jest, że zarówno wyzwiska oraz inne obraźliwe zwroty wypowiadane przez sprawcę - o treści jednoznacznie wskazującej na kontekst związany z kolorem skóry i pochodzeniem A. A. - jak i stosowana przemoc, motywowane były jego przynależnością rasową. To właśnie z tego powodu sprawca dopuścił się agresji słownej, jak i fizycznej wobec ww. mężczyzny. Znieważył go obrażając publicznie, naruszając jego godność, w tym prawo do dobrego imienia. Uważał, że jest "inny", gorszy niż on jako człowiek, zmierzał do okazania jego "niższości" i zanegowaniu prawa do równego traktowania, funkcjonowania m.in. w przestrzeni publicznej." "In the light of the evidence in this case, it is clear that both the insults and other offensive phrases uttered by the perpetrator - with content clearly indicating the context related to A. A.'s skin colour and origin - as well as the violence used, were motivated by his racial affiliation. It was for this reason that the perpetrator committed verbal and physical aggression against the aforementioned man. He insulted him by publicly offending him, violating his dignity, including the right to a good reputation. He considered him to be 'different', inferior to him as a human being, and sought to demonstrate his 'inferiority' and deny his right to equal treatment and functioning in public space, among other places."

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