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
Sweden	2024	Sweden/ District Court/Målnummer B 2793-23		Religion, Racial or ethnic origin	Malmö District Court (Malmö Tingsrätt)	The case concerns agitation against a population group. The defendant, a Danish citizen and representative of a far-right party (R.P.), was prosecuted for two cases of agitation against a population group and one case of insulting behaviour, including acts involving burnings of the Quran. One of the charges of agitation against a population group involves an incident where R.P. placed bacon in and around a Quran, then set it on fire and made several statements expressing contempt toward Muslims. The second charge pertains to an occasion where R.P. made statements expressing contempt for Muslims and individuals of Arab descent. These actions were disseminated in a public space and published on Facebook. The charge concerning insulting behaviour concerned an incident where R.P. repeatedly stated "go home to Africa" in front of the complainant.	The District Court convicted R.P. of two cases of agitation against a population group (April and September 2022) and one case of insulting behaviour (September 2022) and sentenced him to four months in prison. R.P. is also required to pay damages of 20,000 SEK to the person he insulted. The choice of imprisonment as a penalty is due to R.P.'s prior convictions for similar offenses in Danish courts.	In the first case of agitation against a population group under chapter 16, section 8 of the Criminal Code, the District Court found that R.P.'s statements, although explicitly targeting "Islam" rather than the practitioners of the religion, must— in order to have comprehensible meaning—refer to the practitioners of the religion, i.e. Muslims as a population group. The Court also interpreted R.P.'s handling of the Quran in the context of his statements. In the second case of agitation against a population group, the Court assessed that R.P.'s statements included contempt for the groups Arabs, Muslims, and people of African descent. The final step in the Court's assessment was to determine whether R. P.'s statements should be considered permissible as criticism of Islam or as part of a political campaign. The Court noted that the few elements that could potentially be interpreted as criticism of Islam or party politics are very brief and do not affect the overall message of the gatherings. The Court further noted that R.P.'s actions and statements could not possibly be regarded as contributions to any objective and substantiated discussion in relation to the recipients of the messages (on-site and on Facebook). In the case of insulting behavior, under chapter 5, section 3 of the Criminal Code, the Court assessed that R.P. had committed the insult intentionally and that there were no objective circumstances that would absolve him of responsibility.	The key issue in the case was whether the defendant's offensive statement formulated as directed at "Islam", in combination with the burning of the Quran, also could be considered to express contempt for the population group Muslims, resulting in liability for agitation against a population group. In assessing R.P.'s message, the Court considered the context in which the statements were made. The Court found that R.P. was addressing two groups of spectators (one on-site and one on Facebook). The locations chosen were described by the Court as immigrant-dense areas. The Court also took into account R.P.'s choice of clothing (he wore a jacket with neo-Nazi references) and interpreted his handling of the Quran in light of his statements. Additionally, the Court examined whether a prosecution for agitation against a population group would conflict with constitutionally protected freedoms and rights or Article 10 of the European Convention on Human Rights. Although R.P. claims that his actions have a political character, the Court finds that the content does not constitute objective and substantiated opinion formation. The Court concludes that prosecution does not violate either the Swedish Constitution or the European Convention.	"Enligt tingsrätten är det tydligt att samtliga de av åklagarna särskilt utpekade uttalandena den 16 april 2022, språkligt sett innefattade en missaktning som egentligen är riktad mot folkgruppen muslimer. R.P.s hantering av koranen måste också tolkas i ljuset av det han sade. Att skymfa en koran behöver inte innefatta ett uttryck för missaktning av en folkgrupp, men enligt tingsrätten måste [R.P.s] hantering av koranen den 16 april 2022 – sedd i kontexten av hans uttalanden – anses innefatta en straffbar missaktning av folkgruppen muslimer." "According to the district court, it is clear that all of the statements specifically highlighted by the prosecutors on April 16, 2022, linguistically contained contempt that was essentially directed at the population group Muslims. [R.P's] handling of the Quran must also be interpreted in the context of what he said. Insulting a Quran does not necessarily constitute an expression of contempt for a population group, but according to the District Court, [R.P.'s] handling of the Quran on April 16, 2022—viewed in the context of his statements—must be considered to involve punishable contempt for the population group Muslims."

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