

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/ Court of Appeal/Målnummer B 4351-23		Religion	Göta Court of Appeal (Göta Hovrätt)	The case concerns agitation against a population group. The defendant (L.I.) was prosecuted for producing and distributing a film online featuring a Quran being burned along with bacon on a grill. Under the grill there were signs that read, among other things, "Muhammad was a paedophile". According to the indictment, the film was soundtracked with music, including the song "Remove Kebab", which is strongly associated with the mosque attack in Christchurch, New Zealand. It also appears from the film that the Quran and the burnt bacon were left at the entrance to a mosque. The accused produced and distributed the film together with others. The District Court convicted L.I. of agitation against a population group in 2023. The judgment was appealed to the Court of Appeal, which upheld the District Court's judgement.	The Court of Appeal upheld the District Court's ruling and convicted L.I. of agitation against a population group and sentenced L.I. to a conditional sentence (villkorlig dom). The conditional sentence was not combined with day fines. [The conditional sentence means that L.I. does not have to serve a prison sentence but is subject to a probation period of two years. If no new crimes are committed during this period, the sentence is considered served.]	When examining criminal responsibility under chapter 16, section 8 of the Criminal Code, the Court of Appeal considered that the message was directed at Muslims as a group, with reference to their religious belief. The Court noted that the burned Quran and bacon were placed outside a mosque, which indicates that the message was aimed at practitioners of "Islam" rather than Islam as a religion. The fact that the film was accompanied by music strongly associated with acts of violence against Muslims excludes the possibility that the message was directed at anyone other than Muslims. The Court further assessed that the film's other elements conveyed a message that included statements about Muslims, which collectively expressed contempt. The Court concluded that the film's content clearly exceeded the boundary of what constitutes factual criticism and did not invite a free and open debate or discussion.	The key issue in the case was whether the defendant's acts or events could be considered to express contempt for the population group Muslims, resulting in liability for agitation against a population group. In assessing L.I.'s message, the Court considered the context in which the statements were made, including that burned Quran and bacon were placed outside a mosque and that the message was accompanied by music strongly associated with acts of violence against Muslims. The Court also assessed that L.I. remains criminally liable even in light of the strong protection of freedom of expression in both the Swedish Constitution and the European Convention on Human Rights.	"Hovrätten anser vidare att meddelandet riktats mot muslimer som grupp med syftning på trosbekännelse. Även hovrätten fäster vikt vid att de brända resterna av koranen och bacon placerats utanför en moské, vilket talar för att meddelandet riktats mot utövarna av islam snarare än mot islam som religion. Att filmen dessutom varit försedd med musik som starkt förknippas med våldsdåd mot muslimer utesluter att meddelandet varit riktat mot annat än utövarna av religionen. Med beaktande av musikens starka koppling till våldsanvändning anser hovrätten, liksom tingsrätten, att filmen inte kan uppfattas på annat sätt än som hot mot muslimer. Hovrätten ansluter sig vidare till tingsrättens bedömning att filmens övriga moment förmedlar ett budskap som innefattar kränkande och förlöjligande omdömen om muslimer som sammantaget ger uttryck för missaktning." "The Court of Appeal further considers that the message was directed at Muslims as a group, with reference to their religious belief. The Court of Appeal also attaches significance to the fact that the burned remnants of the Quran and bacon were placed outside a mosque, which indicates that the message was aimed at practitioners of Islam rather than Islam as a religion. Additionally, the fact that the film was accompanied by music strongly associated with acts of violence against Muslims excludes the possibility that the message was directed at anything other than the practitioners of the religion. Given the music's strong connection to the use of violence, the Court of Appeal, like the District Court, considers that the film cannot be perceived as anything other than a threat against Muslims. Furthermore, the Court of Appeal concurs with the District Court's assessment that the film's other elements convey a message that includes degrading and mocking statements about Muslims, which collectively express contempt."

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