

OPENBAAR MINISTERIE

Amsterdam District Court Public Prosecutor's Office

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Date	xxx October 2025	When answering, please state the
Unit	CNO - LECD Investigations Team	date and our reference.our
Our reference	xxxxx	reference
Extension	088 699 1200	
E-mail	amsterdam@om.nl	
Subject	Your report dated 14 September 2025	

Dear Sir, Madam,

The Bob Vylan band performed at Paradiso, Amsterdam, on 13 September last. During this performance, the frontman made statements that resulted in 35 police reports from both private citizens and from interest organisations in connection with, stated succinctly, discrimination and incitement. The police initiated an investigation on the basis of these reports. (Parts of) several statements were quoted in media coverage, which, apart from their context, can be interpreted in different ways. However, it is important that the assessment of potentially criminal offences always takes full account of the context. An investigation into the statements made by an artist on a public pop music stage such as Paradiso require careful assessment by the Public Prosecution Service (OM). The entire Bob Vylan performance, which was recorded by Paradiso, was reviewed and listened to by the police, with the assistance of a sworn interpreter for the English language, in order to obtain a complete picture of what was said that evening. The statements that were reported were subsequently assessed for punishability. The conclusion is that no punishable statements were made. Below, I will explain this per statement whereby I first set out the legal framework followed by an individual assessment of the total of four statements that were reported to the police.

The legal framework

I assessed Bob Vylan's statements against the criminalisation of the group defamation (Article 137c of the Dutch Criminal Code), incitement of hatred, discrimination and violence (Article 137d of the Dutch Criminal Code) and incitement (Article 131 of the Dutch Criminal Code). These articles have the same



key components, namely that there must be a public statement made orally, in writing or by images.

The group defamation article provides that it is a crime to make intentionally insulting statements in public, orally, in writing or by images concerning a group of people on the basis of their race, religion or personal beliefs, their sexual orientation or their handicap.

Article 137d provides that it must also concern a statement concerning a group of people on the basis of one of the above-mentioned grounds for discrimination. Incitement to hatred applies if a statement creates what is known as an 'intrinsically conflicting dichotomy' between different groups in society.¹ 'Incitement to act violently against a person or property' usually involves violent offences, such as assault, Article 300 of the Dutch Criminal Code), and acts of violence in a public place (Article 141 of the Dutch Criminal Code), but also destruction of property (Article 350 of the Dutch Criminal Code).

The offence of incitement applies in a broader sense to the incitement of the commission of any criminal offence. Both provisions (Article 137d and 131 of the Dutch Criminal Code) require a statement that is inciting in nature, but moreover Article 131 of the Dutch Criminal Code also provides that it must be sufficiently clear that it involves incitement of a specific criminal offence. This means that the content and purport of the formulations, writings or images must be considered in conjunction with each other and the context in which these statements were disclosed to the public must be taken into account.²

The legal assessment of the police reports

The 35 police reports concern the following statements:

1. *"(...) Death to the IDF(...)"*
2. *"(...) But sometimes, sometimes you also have to represent kicking a nazi in the fucking face!(...)"*
3. *"(...) Fuck Andy, fuck the fascists, fuck the zionists. Get out there and fight them. Get out there and meet them in the streets. Get out there and let them know that you do not fucking stand by them. Do you understand me?(...)"*
4. *"(...) Because if you talk shit, you will get banged. Rest in peace Charlie Kirk you piece of shit(...)"*

Other statements made by Bob Vylan are not subjected to legal assessment, because they are clearly not punishable.

¹ See inter alia the District Court of The Hague 26 October 2016, ECLI:NL:RBDHA:2016:12789; District Court of The Hague 10 December 2015, ECLI:NL:RBDHA:2015:14365; Amsterdam District Court 20 November 2013, ECLI:NL:RBAMS:2013:8425 and ECLI:NL:RBAMS:2013:8429 and Amsterdam District Court 8 December 2011, ECLI:NL:RBAMS:2011:BU7305.

² Supreme Court 15 December 2020, ECLI:NL:HR:2020:2020.



It is important to outline the circumstances and context in which Bob Vylan made the statements before carrying out the legal assessment. As a punk rap duo, Bob Vylan is known for their raw style that is critical of society. Punk music has always been a genre that opposes problems in society. During their concerts, Bob Vylan not only uses the stage for their music, but also for political messaging. The spoken interludes form an integral part of their performance. The audience is included in their perception of current political and social issues, in line with their opinions. Similarly to their music, the interludes form part of a broader artistic and ideological message and therefore of their artistic expression, which has a large degree of freedom.

Group defamation and incitement to hatred/violence (Articles 137c and 137d of the Dutch Criminal Code)

Concerning a group of people based on a ground for discrimination

Within the context of Article 137c and 137d, a 'group of people' is defined as a group of people with a common characteristic. This characteristic is further elaborated through the exhaustive list of grounds in paragraph 1 of those articles. A statement as referred to in Article 137c and 137d of the Dutch Criminal Code must always be directed against a group of people whose common characteristic is a character related to race, religion or personal beliefs, gender, sexual orientation or handicap.

It was established that the statements by Bob Vylan made during the concert do not concern Jews as a group of people; they concern Zionists. Zionism is a political movement and ideology.³ The statements made by Bob Vylan also concern the IDF – "Israel Defense Forces", the Israeli army. The nature of this group cannot be traced back to a ground for discrimination referred to in anti-discrimination articles 137c and 137d of the Dutch Criminal Code.

I also assessed whether Bob Vylan, which each time refers to Zionists, actually refers to Jews as an ethnic/religious group. The reason being that it might be the case that the term 'Zionists' is being used to actually refer to 'Jews' as a group of people. This may be the case for example if the statements mentioned Zionists, but this includes very strong references to conspiracy theories about Jews.

I am of the opinion that this does not apply in this case. During the show, Bob Vylan made a clear distinction between Zionists and Jews as an ethnic and religious group : "(...) *We're not antisemitic. We're anti-zionists(...)*". The context does not show that Bob Vylan focuses, including implicitly, on Jews as an ethnic or religious group either.

The conclusion that the component 'concerning a group of people due to their race and/or religious' does not apply, because it cannot be concluded in this case that

³ District Court of The Hague 17 September 2015, ECLI:NL:RBDHA:2015:12631.



the statements were made about Jews. This means that Bob Vylan's statements are not punishable on the basis of anti-discrimination Articles 137c and 137d of the Dutch Criminal Code.

Incitement (Article 131 of the Dutch Criminal Code)

The statements made by Bob Vylan were also assessed against the offence of incitement. This does not require that the statements are directed against a group of people on the basis of a ground for discrimination as referred to in Articles 137c and 137d of the Dutch Criminal Code. Incitement therefore does not constitute discrimination in itself. It is sufficient that the statement incites any criminal offence. It must be possible to conclude on the basis of the facts and circumstances that *'it is sufficiently clear that if the acts being incited would be carried, such would result in criminal offences'*.⁴ This means that the content and purport of the formulations, writings or images must be considered in conjunction with each other and the context in which these statements were disclosed to the public must be taken into account.⁵ The Public Prosecution Service concludes that none of the four above-mentioned statements constitutes incitement. It is held with respect to all four statements that although the language used is provocative and coarse the statements are each time an appeal to activism and political involvement, and also in keeping with the expressive and confronting style of the punk genre, and do not concern a specific incitement to the actual use of violence. This explained further per statement below.

1. *"Death to the IDF"*

Literally translated, this means: *"Dood aan de IDF"* (Dutch translation of the English statement above). The statement is directed against the Israeli army. The army itself is an indefinite, institutional entity. This means that the required specificity/determinability to be able to conclude that it concerns incitement of a specific criminal offence is lacking. Moreover, it does not involve unambiguous incitement of a specific, determinable criminal offence⁶. The statement can therefore be considered, also in connection with the nature of protest music, to be a strong rejection of military violence on the part of the Israeli army, and not as a literal appeal to kill persons who form part of the IDF.

2. *"(...) But sometimes, sometimes you also have to represent kicking a nazi in the fucking face!(...)"*

This statement does not constitute criminal incitement either. The statement forms the closing element to a politically-charged argument in which Bob Vylan calls on

⁴ Rotterdam 30 October 2007, ECLI:NL:RBROT:2007:BB7174.

⁵ Supreme Court 15 December 2020, ECLI:NL:HR:2020:2020.

⁶ See also: Arnhem Court of Appeal 28 February 2024, concerning acquittal of charge 1, sedition, ECLI:NL:GHARL:2024:1519,



people to actively oppose fascism and oppression. During the performance, Bob Vylan referred to a far right march in the United Kingdom and argues that that their concert in the Netherlands is also being threatened by similar groups. Bob Vylan denounces the hypocrisy of these protestors and emphasises that immigrants are actually essential to society. The audience in attendance is then challenged and spurred on with the text: "*Everybody out here, if you care you need to get out and you need to fight these fascists*", which should be interpreted as an appeal to social opposition and protest in this context. The speech is concluded with (contested) statement 2.

It could be argued in respect of this statement that it is inciting in nature in a literal sense, because it literally says '*sometimes you also have to represent kicking a nazi in the fucking face*'. However, this statement can also be interpreted as provocative, symbolic language in keeping with the expressive and rhetorically-sharp language of punk (rap) music. When considered from this perspective, 'kicking a nazi in the face' is an exaggeration/metaphor, intended to forcefully express opposition to fascism, not an incitement to actual (physical) violence.

3. "*(...) Fuck Andy, fuck the fascists, fuck the zionists. Get out there and fight them. Get out there and meet them in the streets. Get out there and let them know that you do not fucking stand by them. Do you understand me?(...)*"

This third statement does not constitute criminal incitement either. The statement follows shortly the second statement and the song *Northern Line*. During this passage, Bob Vylan speaks out against two ideological groups: fascists and Zionists. The message comprises a clear call to action: encouraging the audience to mobilise and carry out confrontations in public spaces in an inflammatory tone. The essence of the message is an appeal to resist fascism and Zionism: "*Get out there and let them know that you do not fucking stand by them*". The expletive and direct form of address ("*Do you understand me?*") increase the sense of urgency.

The appeal to confront Zionists and fascists and "to fight them" could in itself be interpreted as an incitement to physical confrontation or violence. Similarly to the context of statement 2, the context shows that this appeal concerns social opposition to these ideologies and not incitement to actually commit physical violence. This is confirmed by the fact that shortly thereafter Bob Vylan declares: "*we should be out there and fight them and protest and marching against these motherfuckers*", which refers to combatting oppression and fascism that is problem that is increasing all over the world. The text "*meet them in the streets*" appears to be an appeal to go out into the street to protest against these ideologies, not to use violence. The statement is therefore an appeal to activism and political involvement, and does not concern a specific incitement to the actual use of violence against Zionism or fascists.



And finally concerning this statement. Various reports suggest that Bob Vylan called up to 'hunt Zionists' or to carry out a pogrom (in the sense of: "*Get out there and find them in the streets*" instead of "*Get out there and fight them in the streets*"). Even if Bob Vylan made the statement "*Get out there and find them in the streets.*", such would not alter the assessment under criminal law, because that statement would still be considered to be within the same context of social opposition and activism and does not incite the commission of physical violence⁷.

4. "*(...) Because if you talk shit, you will get banged. Rest in peace Charlie Kirk you piece of shit(...)*"

The fourth statement assessed. does not constitute criminal incitement either. This statement quickly followed the appeal discussed above to protest and demonstrate against oppressions and against fascism. Bob Vylan used this theme to discuss the death of Charlie Kirk and as a segway to introduce the next song: *CSGB (Chat Shit Get Banged)*. Based on the lyrics, the title of this song should be interpreted as: "Talk shot and you get hit". Although that language is strong and violent, possibly also shocking, hurtful and disconcerting⁸, the message focuses on rejection of Charlie Kirk's ideas; this means that it is not inciting in nature. The essence of the statement is that any person who in the opinion of Bob Vylan spreads hatred and/or fascist ideas will suffer the consequences. This does not constitute incitement to violence against persons with comparable ideas.

The conclusion is that these Bob Vylan statements do not incite any criminal offence within the meaning of Article 131 of the Dutch Criminal Code and are therefore not punishable.

Conclusion

I conclude on the basis of the matters set out above that there is no punishability pursuant to Articles 137c, 137d and 131 of the Dutch Criminal Code nor on the basis of any other article of the Dutch Criminal Code.

As Bob Vylan has not committed any criminal offence, I will not assess the handling or failure to do so on the part of (the management of) Paradiso, which had also been reported to the police in the form of participation or complicity.

The reports are therefore dismissed due to lack of punishability.

If you disagree with this decision, you may submit a complaint about this to the Amsterdam Court of Appeal. The Court of Appeal will then assess whether the Public Prosecution Service arrived at its decision in a reasonable manner. You may send

⁷ The Public Prosecution Service also refers in this connection to the judgment of the Gelderland District Court of 15 September last in which the civil court assumed "*Get out there and fight them in the streets*" (and subsequently did not consider this to be punishable or unlawful either). See considerations 4.7 and 4.8 in ECLI:NL:RBGEL:2025:8039.

⁸ Which is not necessarily punishable, see *Handyside v. United Kingdom*, ECtHR 1976



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Our reference xxxxx
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your letter to: Amsterdam Court of Appeal, PO Box 1312, 1000 BH Amsterdam
stating 'notice of complaint pursuant to Article 12 Dutch Code of Criminal
Procedure'. Please enclose a copy of this letter dismissing the case.

Yours sincerely,

W.J. Nijkerk
Public Prosecutor

