

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
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United Kingdom	2015	United Kingdom / [2015] EWCA Crim 1414 / R v. Cooke (Steven)		Religion	England and Wales Court of Appeal	The appellant, a member of the far-right English Defence League (EDL) who oppose the "Islamification" of England, pleaded guilty to an offence of violent disorder after taking part in a serious episode of public disorder. During a demonstration, EDL members chanted racist and anti-Muslim chants, burnt flags and committed serious violence towards the police and counter United Against Fascism demonstrators, who were mainly young people of Asian origin. The judge found a religiously aggravated element to the offence which increased the sentencing starting point by six months.	The court concluded that, whilst there was no evidence that he had partaken in the anti-Muslim chanting, he had joined in the violence which was clearly aggravated by religious hostility and the judge had been entitled to look at the event as a whole. The court noted that the appellant had tried to throw objects at UAF members, who were mainly of Asian ethnicity, and had stated that he wanted to fight them. This was therefore enough to establish a religiously aggravated element in the offence. Accordingly, the court allowed the appeal the second ground and reduced the appellant's sentence.	The appellant argued that there were no grounds on which to infer that the public disorder he committed was religiously aggravated as he had not been one of the EDL members chanting or flag burning and thus the starting point for sentencing had been set too high by the trial judge. The appellant was attempting to get his sentence reduced on two grounds, (i) the trial judge was incorrect to infer a religiously aggravated element from his actions (ii) his role in the incident with regard to the level of violence was not significant enough to warrant the sentence and he also had positive and powerful personal mitigating factors that would support a lesser sentence.	Willingness to join in violent disorder which is clearly motivated by hostility towards a religious group is, in principle, enough to imply a religiously motivated element under of Section 28(1)(b) of the Crime and Disorder Act 1998.	"It seems to us that in principle it was open to the judge in the present case to infer, if the evidence was there, that the appellant was motivated by religious hostility from his willingness to join in this violent disorder when it was plain to him ... that the offence was motivated by hostility towards members of a racial or religious group ... We think the judge was entitled to look at the evidence as a whole ... The whole thrust of the violence and abuse was religiously motivated ... It is immaterial whether the hostility is based to any extent on any other factor which is not racial or religious hostility."

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