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
United Kingdom	2016	United Kingdom / England and Wales High Court / EWHC 464 (Admin) / Henderson v. Crown Prosecution Service	http://www.bailii.org/ew/cases/EWHC/Admin/2016/464.html	Racial or ethnic origin, Religion	England and Wales High Court	The appellant had been convicted for three offences of harassment and for three offences of racially aggravated harassment. Both sets of convictions concerned the same victims and arose from the same facts but the two offences had been characterised as alternatives. Despite having been found guilty of the underlying offences the court imposed no separate penalty for them.	The court held that, as a matter of principle, where there are two charges which are properly characterised as alternatives there should not be findings of guilt on both charges. Accordingly, in such circumstances a Magistrate should adjourn the trial of the underlying offences sine die. The appellate judge also held that in cases where a defendant is offering a guilty plea to the underlying offences but wishes to contest the aggravated offence, that plea should not be taken. The appeal was therefore allowed and the defendant's convictions for the underlying offences were quashed.	The question for the court was what the proper course of action should be when a defendant is found guilty of a racially or religiously aggravated offence when they had been charged with an underlying offence arising from the same facts.	Defendants should not be convicted for both underlying offences and aggravated offences that arise from the same set of facts. The underlying offences should be adjourned sine die and the convictions should be based on the aggravating offences. Furthermore plea offers for underlying offences should not be accepted at the expense of aggravating offences.	"As a matter of principle where there are two charges which are properly characterised as alternatives (as were the charges in the present case) there should not be findings of guilt on both charges; and it is not open to a Magistrates' Court to make a finding of guilt on an alternative underlying offence having made a finding of guilt on the aggravated offence."

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