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

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United Kingdom	2017	United Kingdom / R v Viscount St Davids	http://www.judiciary.uk/judgments/r-v-viscount-st-davids/	Racial or ethnic origin, Racial or ethnic origin, Nationality, Migrant status	Magistrates Court	This case concerned two Facebook posts written by Lord St Davids, a British Aristocrat. Owing to the nature of the posts Lord St Davids was prosecuted for sending menacing electronic communications under the Communications Act 2003. The posts targeted two individuals. The first, Gina Miller, is a business woman who led a legal action against the British government to prevent the exit of the European Union without parliamentary approval. The post contained a photograph of Mrs Miller at a debate with Nigel Farage with the text, “£5,000 for the first person to ‘accidentally’ run over this bloody troublesome first generation immigrant. This f*cking boat jumper comes to our country, then believes she knows better than the people of our country, what is best for us. If this what we should expect from immigrants, send them back to their stinking jungles”. The second related to Arnold Sube, who had featured in a Daily Mail which stated he had eight children and needed a larger house to accommodate them. Mr Sube is a French national and ethnically Black. In his post about Mr Sube, Lord St Davids wrote, “I will open the bidding. £2000 in cash for the first person to carve Arnold Sube into pieces. Piece of shit.” Charges were brought in relation to a third post, also about Mr Sube, which read, “Please will someone ‘smoke’ this ghastly insult to our country. Why should I pay tax to feed these monkeys. A return to Planet of the apes is not acceptable. Doubtless some horrid do gooder will take this post down. I’ll count the minutes.” However this was ruled not to have passed the test for a communication of menacing character.	Lord St Davids was sentenced to 12 weeks imprisonment and ordered to pay Mrs Millers £500 (brought down from £100 owing to his limited resources). The judge also imposed a restraining order to protect Mrs Miller, Mr Sube and a witness for the term of five years	The prosecution argued that Lord St Davids Facebook posts were menacing in character as prohibited by Section 127 of the Communications Act 2003. Lord St Davids denied that the posts were menacing and argued that they were a joke and he had posted them to gain attention and provoke. He also claimed they were a pieces of political commentary or satire.	Racial abuse contained in menacing communications can take sentences to the higher end of the range available.	"You told me proudly in evidence that your family motto is Love of Country and that that is your motivation but it seems to me on the evidence I have seen that you are not motivated by love of country but by your hatred of anybody who has different views to yours and to any who have recently arrived in this country. You show this hatred by publicly directing abusive threats at others which is a criminal offence in this multi-racial society we are lucky enough to live in." ... "The aggravating features and greater harm caused in this case take the first offence to the higher end of the range. In particular the extreme racial abuse and the distress caused to Mrs Miller. The second offence was not accompanied by racist language and I have no evidence that Mr Sube was made aware of the post. That puts the second offence towards the lower end of the range." ... "In so far as the racial abuse is concerned, it must be said I do not consider your remorse can be felt very deeply and I give you very limited credit for that. I have seen racist posts uploaded by you in August 2016 as well as the September and November 2016 ones. It is clear from the evidence that your views about immigrants are deeply held."

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