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	2019	United Kingdom / Her Majesty's Attorney General v Yaxley-Lennon [2019] EWHC 1791 (QB)	https://www.bailii.org/ew/cases/EWHC/QB/2019/1791.html	Religion	High Court	The case relates to actions amounting to contempt of court by the respondent. Stephen Yaxley-Lennon also known as Tommy Robinson, a prominent far-right and anti-Islam activist and co-founder of the English Defence League. On 25 May 2018, whilst on a suspended sentence for breaching reporting restrictions, the respondent recorded a Facebook live post outside Leeds Crown Court which made reference to various details of a live trial that was subject to a reporting postponement order. During the recording he also aggressively confronted the defendants of the trial as they arrived at court. The trial related to the prosecution of men of Asian descent on charges of sexual offences against minors, whom the respondent referred to as "Muslim child rapists" in his video. Accordingly, he was sentenced to 13 months in prison.	The High Court upheld that the respondent had committed contempt of court by breaching reporting restrictions and received a custodial sentence.	The court found that even when there has been prior reporting or when matters that are given in evidence had been previously public, it does not prevent a court from making a Reporting Restriction Order (RRO). The court further held that in order to establish a breach of such an order, the test is subjective recklessness and that there is no requirement to prove that the alleged contemnor had actual knowledge of the terms of the order. In this connection the court noted that the respondent clearly had knowledge of the RRO as he had mentioned it in the video concerned. The court also found that fact the content of the video, in particular the segment where the respondent allegedly incited the harassments of the defendants in the trial, would have resulted in those defendants feeling intimidated and at risk and that was enough in itself to represent a serious impediment to the course of justice. Furthermore, the fact the video was broadcasted on un-moderated social media platforms was held to also a danger owing to the unparalleled speed and reach of this type of medium. In relation to the direct interference with the administration of justice, the court characterised the respondents behaviour as intimidating, aggressive and provocative and gave rise to a real risk that the defendants whom he confronted would have been upset and agitated by such actions and thus be unsuitable to participate in serious criminal proceedings. The fact the respondent simultaneously filmed these actions was noted and the court found that condoning such behaviour would pose a significant risk to the wider interest of the justice system. Finally, the court noted that imposing penalties for breach of an RRO represented a breach of the right to freedom of expression under Article 10 ECHR but that such an interference could not justify interference with fair trial rights.	This case is significant in the context of anti-Muslim and anti-migrant hate owing to the high profile of the respondent and the fact that he and his supporters frequently use the reporting of such cases to push their far right agenda. The case itself has also been used by his supporters to further their agenda with posts such as this: www.tr.news/its-time-for-a-political-revolution/.	The Attorney General identifies eight main features of the Video, as follows... "The respondent expressly described himself as "reporting on" the Akhtar trial." "He related the alleged offending to wider patterns of offending (other instances of large-scale child exploitation in northern cities and across the country); he suggested this conduct had largely occurred without prosecution; he referred in derogatory terms to the ethnic and religious backgrounds and associations of the criminal defendants; he gave graphic and disturbing examples of other historic sexual offences committed by Muslim men; and suggested that "sexual slaves" are permitted, if not encouraged, by Islam as a religion." ... "At another point, the respondent incited viewers to harass the criminal defendants. The words relied on are: "You want to harass someone's family? You see that man who was getting aggressive as he walked into court, the man who faces charges of child abduction, rape, prostitution – harass him, find him, go knock on his door, follow him, see where he works, see what he's doing. You want to stick pictures online and call people and slander people, how about you do it about them?"

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