

CAN THE KORAN BE BANNED IN SCOTLAND AND INDIA?

"Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

Benjamin Franklin

"Freedom is never more than one generation away from extinction." Ronald Reagan

Publication date: 21. April 2021

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SCOTLAND

MSPs approve Scotland's controversial hate crime law

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'Free to Disagree' campaign urges rethink of Scottish hate crime bill

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Atheist intends to criminalise Bible if Scot hate crime Bill is passed

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Muslim leader calls for removal of parts of Qur'an that 'promote terrorism,' Muslim cleric calls for his beheading

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Fury over government's refusal to publish Huddersfield grooming report in full

<https://www.examinerlive.co.uk/news/west-yorkshire-news/fury-over-governments-refusal-publish-17885104>

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The Abrogated Koran <http://hellish2050.com/books/AbrogatedKoran.pdf>

India In Cognitive Dissonance

<https://notionpress.com/read/india-in-cognitive-dissonance>

Introduction

Have the Members of the Scottish Parliament any concept of unintended consequences?

The new hate crimes legislation in Scotland has the intention of creating a cohesive society. However, the unintended consequences of such legislation may well be to shatter whatever cohesion that might currently exist.

Have they even defined the problem correctly? And having defined the problem, probably incorrectly, will the intervention they have implemented even achieve the hoped for outcome?

There is likely to also be a problem of perverted incentives. Such that there becomes an Orwellian inversion of language and hence an inversion of reality. If you restrict the bandwidth of communication, for example by outlawing certain forms of expression, what effect will that have on the honesty of communication? As George Orwell described in his fictional novel "1984", that if the language is sufficiently restricted, then it will not be possible to even think certain thoughts. This novel was supposed to be a dire warning, not an instruction manual!

A hierarchy of offendedness will no doubt develop. What on earth will that lead to? Such a path of good intentions leads inexorably to totalitarian ideologies, with the ideology that shows itself to be most offended by the slightest perceived insult, promoted to the top of the tree. You already know which totalitarian ideology is most easily offended: Islam, of course.

It is not really any surprise therefore that the driver of this "Hate" legislation is a Muslim: the Justice Minister Humza Yousaf.

Has anyone contemplated that Mohammed himself had a similar role, when he and his followers set up residence in Medina? They had made themselves thoroughly unpopular in Mecca and had been kicked out, then emigrating to Medina.

Here is a quote from *Sirat Rasoul Allah*, a book by Ibn Ishaq to confirm what happened in the early years of Islam. Ibn Ishaq is the single most authoritative scholar of early Islam. It describes an attack by Mohammed and his followers on a Jewish tribe, and the plundering and enslavement of the women as sex slaves:

The apostle occupied the Jewish forts one after the other, taking prisoners as he went. Among these were Safiya, the wife of Kinana, the Khaybar chief, and two female cousins; the apostle chose Safiya for himself. The other prisoners were distributed among the Muslims. Bilal brought Safiya to the apostle, and they passed the bodies of several Jews on the way. Safiya's female companions lamented and strewed dust on their heads. When the apostle of Allah observed this scene, he said, 'Remove these she-devils from me' But he ordered Safiya to remain, and threw his reda [cloak] over her. So the Muslims knew he had reserved her for his own.

Sirat Rasoul Allah is available via the website: hellish2050.com

Mohammed being in charge of the legal system of Medina did not work out well for the non-Muslims in that town, particularly for those who questioned his religious commands. Then as now, it is astonishing that a relatively few people are able to control the masses. There are numerous examples from history, and the result is usually not good! When democratic principles are twisted and perverted by a few individuals, the result can be dire for the many.

History must be examined, in order to understand where errors have been made, and hopefully avoid making similar errors at the current time.

Where is the tension between solving problems, moving society forwards, but not too rapidly or disjointedly, and the concerns that previous certainties are dissolving? It is no wonder that so many people feel that the world has gone mad, that their own lives have become surreal. And importantly, relationships between people have become stuck in quicksand.

The linkages between elements in society are fracturing. The future looks bleak and extremely concerning. And nobody but “extremists” have the courage to speak out.

Medical error is the third most leading cause of death. The errors made by governments are blamed on the recalcitrant population, meanwhile society atrophies and dissolves. Governments with their bizarre and unwanted interventions are injecting into society the equivalent of flesh eating superbugs. And then blaming the patient!

A society cannot be simultaneously coherent and multi-cultural. You can have one, or the other, but not both simultaneously. If a society was already coherent, there would be no need at all for such “hate crime”

legislation. Nobody seems willing to address the root cause of the problem, namely the violently intolerant incompatible cultures, but instead the legislation such as this is used to paper over the cracks, and to kick the football down the road. Whilst blaming the victim, the victim having been created by the governments themselves. This really is adding insult to injury.

At some future date, society may well become coherent again, but under the jackboot of Sharia law. If the current demographic trend continues, this may well be in the latter half of the 21st century, for the UK. France, Israel, Sweden and others are further along this demographic path than the UK. Of course, man-made laws, including “hate crime” laws, will be swept aside. Islam is full of hatred and discrimination against non-Muslims. Just have a quick glance at the Koran, and you can confirm this fact for yourself. It is not a secret, anyone can easily obtain, and read a translation of the Koran. In particular read the *Abrogated Koran*. Understanding the concept of abrogation is absolutely key to understanding the Koran itself. In brief, the more violent verses abrogate, effectively cancel out, the more tolerant verses, wherever the contradictions exist. The *Abrogated Koran* is obtainable via website: hellish2050.com

One of the unintended consequences of the “hate crimes” legislation in Scotland, is that the Koran could end up being banned. Just to clarify for the dim-witted: pointing out that something might happen is not the same as hoping for it to happen. The author of the book you are reading would prefer that people would actually read the Koran, all the way through, translated into a language that they understand — and not ban it. It is astonishing that so many Muslims read the Koran in Arabic and not their own native language, without even understanding the meaning of the Arabic words that they are reading. Strange but true. It is speaking the words in Arabic that supposedly gives them merit and a path to paradise. Whether or not they themselves understand what they are reading, is of secondary significance. This does sound insane, because it is!

History has a habit of repeating — not precisely, but when a similar set of circumstances occur, a similar outcome is to be expected.

India has had centuries of conflict involving Islam. Islam is intolerant of every other society and form of governance, particularly democratic governance, because Islam is totalitarian and demands supremacy. Just read the Koran (in a language that you understand!) and you can fairly

rapidly confirm the reality of this statement for yourself. In an attempt to keep the lid on the inevitable conflicts within a multi-religious society involving supremacist ambitions, the Indian Penal Code (IPC) defies as illegal certain types of language. The relevant sections of the IPC are copied into the appendices. They are quite short, and to the point.

Since the IPC prohibits hate speech and in written forms too, it was more or less inevitable that someone would point out that the Koran is itself at odds with the IPC laws. As Scotland has now implemented similar laws, (albeit far more verbose and hence creating a wonderful gravy train for lawyers), it is more or less inevitable that someone in Scotland will take the Koran to court. And there may be a possibility that it would thereby be banned in Scotland. Assuming of course that a criminal prosecutor would have the courage to take it to court.

In 1985 an attempt was made to ban the Koran in India. The case was taken to court in Calcutta. Of course, the judge seems to have been politically leaned on, and it was not banned. However there seems to be no shortage of evidence that the Koran does indeed contravene the relevant clauses in the Indian Penal Code (IPC). There seems to be no problem with the logic applied to the argument to ban the Koran, in accordance with the IPC. A book was written, describing the problem of Islam, the violence and hatred and intolerance that is closely associated with it, and the details of the evidence, argument, and ruling in this legal case. The book "The Calcutta Qur'an Petition" is freely available, and should be required reading for anyone concerned with "hate speech" legislation, and Islam. It is a free download: <http://hellish2050.com/books/CalcuttaQuranPetition.pdf>

Just to clarify yet again: the author of the book you are reading "Can the Koran be Banned?" is opposed to book banning. In a free society, free people should be able to read whatever books they want to read. Banning books seems to be a terribly retrogressive step. But so too does the prescription, by government, of what the citizens are allowed to do, write, or say. Of course within rational limitations, such as for example: not deliberately making false statements about a living person.

In a properly functioning democratic society, the government is supposed to be the servant of the citizens. It should not be the slavemasters, based on the interests of a small but strident minority.

There is a general principle of law, that laws can only apply on and after the date of their enactment. It is a key principle that a suspect cannot be tried on the basis of a law that did not exist at the time of the alleged offence. Unfortunately this long-established principle has been blown apart, by the Old Bailey in London — somewhat unnoticed. They have effectively created new legal rules, and then applied them retroactively, in order to secure the conviction that the Attorney General appears to have wanted for political expediency. Not many people are aware of this significant legal development, or have considered the enormity of it. It will be somewhat interesting to see what effect will be achieved, if the Scottish “hate crime” law is applied retroactively too.

We already see that society has de facto adopted the retroactive principle: the statues of long-deceased prominent people have been removed, because they have in some way been associated with the slave trade. It is utterly absurd of course, however the same type of absurd people who think the removal of statues is a good idea, or removing them solves any current problems that we face, are the same sort of people who devise “hate speech” laws. What could possibly go wrong?

Becoming offended by all and sundry metal or stone objects, and speech and writings has become a big industry within the legal sphere. Where can we buy shares in this industry? We can all get rich quick, or be thrown in jail. Up to 7 years in jail in Scotland, and soon England and Wales too if the Law Commission achieves its aims, for writing something that someone feels offended by.

Scottish Hate Crime Law

See Appendix A – Scottish Hate Crime – General Overview
and Appendix B – Scottish Hate Crime – Bill.

The General Overview states the purpose of the Bill:

“Hate crime and prejudice threaten community cohesion. A cohesive society is one with a common vision and a sense of belonging for all communities. “

While this may be a good principle, the reality is that it is not possible to have a cohesive society that contains competing and irreconcilable cultures. The reality is that, particularly where Islam is part of the mix, it simply is not possible to have a cohesive society. The Koran itself makes that abundantly clear, putting non-Muslims at a subservient and inferior position to Muslims. And commanding Muslims not to be friends with non-Muslims (although they are permitted to pretend to be, which is part of permissible deceit within Islam.)

The General Overview also states:

“Hate crime has hugely damaging effects on victims, their families, communities and wider society.”

Islamic scriptures are indeed filled with hatred and commands for violence, and there is a clear correlation between these commands, and the stated intentions of jihadis and with their violent acts.

The Koran Surah (chapter) 1 must be recited daily by Muslims. This Surah denounces non-Muslims. An important question must be asked: would it be regarded as hate speech if a group in Scotland only allowed people to join that group, on condition that at every gathering they were compelled to “denounce Mohammedans”? Surely it would. And surely Surah 1 of the Koran indeed denounces non-Muslims. Read it for yourself:

Surah 1 Al-Fatihah (The Opening)

- 1. In the name of Allah, the Beneficent, the Merciful.*
- 2. Praise be to Allah, Lord of the Worlds,*
- 3. The Beneficent, the Merciful.*
- 4. Master of the Day of Judgment,*
- 5. Thee (alone) we worship; Thee (alone) we ask for help.*

6. *Show us the straight path,*

7. *The path of those whom Thou hast favoured; Not the (path) of those who earn Thine anger nor of those who go astray.*

These Islamic scriptures that propagate such hatreds, including the Koran, are not at all secret, but are visible in plain sight for anyone to read. It includes the Koran. Being blown up, stabbed, or rammed by a vehicle by jihadis does indeed have a hugely damaging effect on victims and their families. If the Scottish Hate Crime laws are serious about tackling the root of the problem, it need look no further than reading the Koran. It is all there plainly to be seen.

The legislation also includes the concept of “aggravation of offences by prejudice”. It gives the example that if a Muslim was assaulted, then the offense of assault may be regarded as being worse, because the victim was a Muslim or perceived to be a Muslim. Whatever happened to the long-established principle of “one law for all”? If the principle of adding extra sentence duration is applied based on the status of the perceived victim, then it should of course should work both ways. For example, if a non-Muslim girl was sexually attacked and raped by a Muslim “grooming” gang, then that should be deemed to be also aggravated by religious reasons. Note that the Koran permits the subjugation of sex slaves, the non-Muslim girls and women owned by Muslim men. Search in the Koran for the phrase “those who your right hands possess”. There is even a verse that combines the permission to own sex slaves with permission of marriage between first cousins. Allah (or Mohammed) was not very knowledgeable or wise: such close marriages often result in recessive genetic disorders, leading to deformities and mental retardation at a rate **thirteen times** higher than in the non-Muslim population that does not practice such closely related marriages. The Koran should be banned as a dangerous document, on health grounds alone.

Koran 33:50 O Prophet! Lo! We have made lawful unto thee thy wives unto whom thou hast paid their dowries, and those whom thy right hand possesseth of those whom Allah hath given thee as spoils of war, and the daughters of thine uncle on the father's side and the daughters of thine aunts on the father's side, and the daughters of thine uncle on the mother's side and the daughters of thine aunts on the mother's side who emigrated with thee, and a believing woman if she give herself unto the Prophet and the Prophet desire to ask her in marriage - a privilege for thee only, not for the (rest of) believers - We are Aware of that which We enjoined upon

them concerning their wives and those whom their right hands possess - that thou mayst be free from blame, for Allah is ever Forgiving, Merciful.

Sexual orientation is a protected characteristic. It is noteworthy that the Koran is discriminatory against homosexuals, and has the strong implication that they should be destroyed. They are referred to as “the people of Lot”, or “folk of Lot” in some translations.

Koran 27:54-55 And Lot! when he said unto his folk: Will ye commit abomination knowingly? Must ye needs lust after men instead of women? Nay, but ye are folk who act senselessly.

Some Islamic countries do follow the instructions in the Islamic scriptures literally, and hence they do execute homosexuals, in accordance with Sharia law. How on earth does the Scottish Government intend to reconcile protecting Islam, with the need to protect homosexuals? The it seems unlikely that both can be protected, therefore the Scottish Government is bound, at some point, to take sides, even if it is currently in denial regarding the severity of the problem. The Scottish Government is clearly naive in its wishful thinking.

The bill also has a section on stirring up hatred. A quote from the General Overview: “The Bill also provides for the offences of possession of inflammatory material.” Now this is interesting! If it is an offence to own such a material, then everyone who owns a Koran should be prosecuted. The Koran is very definitely inflammatory. Just read it for yourself, and you can prove this fact to be accurate, to your own knowledge. Many of the verses are quite self-evident and easily understood. Yes some verses are obscure in their meaning, but many of the most inflammatory are quite straightforward to understand.

If the possession of the inflammatory material (namely the Koran) is a criminal offense, then logically nobody should be permitted to sell, print, or otherwise distribute copies of it either, whether it is directly in their possession or not. A prosecution is currently underway of a Cambridge maths graduate who had a copy of the Anarchist Cookbook - a book sold by Amazon. Again, should there be one law for everyone and everyone subject to the same law, or not?

For the purpose of the exercise, we merely have to prove that the Koran itself constitutes inflammatory material, and the Scottish Government will then have the onus to remove all copies of it from Scotland!

The Members of the Scottish Parliament have been warned several times that Islam itself is a serious threat to Western nations and to Western civilisation. It has been well known for many years by mainstream politicians that Islam has numerous negative features. Churchill knew it, as did Gladstone. The MEPs have also been told that if this Bill is passed, a potential consequence would be that the Koran may have to be banned, given that it contains numerous instructions to commit hatred. Those MSPs who did reply seemed to be in utter denial that such a possibility would exist. And yet here we are!

The General Overview does make the interesting allowance:

“For the purposes of the offences relating to stirring up hatred, the Bill also contains provisions on freedom of expression that provide, among other things, that behaviour or material is not to be taken to be threatening or abusive solely on the basis that it involves or includes discussion or criticism of religion or religious practices or practices.”

It would therefore appear that this book that you are reading “Can the Koran be Banned in Scotland and India?” is permissible under this provision for freedom of expression... involves or includes discussion or criticism of religion...” These laws seem designed to create a climate of fear, to make most people think that even discussing Islam in a critical way is illegal. The fact that a specific provision has to be made to enable the critical discussion of religion is indicative of how far we have gone in the destruction of traditional freedoms. Traditionally we have been permitted to do anything unless it is specifically illegal. The Napoleonic legal system is the other way around: you can only do those things that are specifically made legal. That a sense of Napoleonic legal approach has been introduced is in itself a concerning development.

Note that a book that quotes from the Koran, in order to criticise the Koran, is not in itself the Koran. Nor is it promoting or encouraging the hatred and violence that exists within the Koran and that is very often taken literally by Muslim scholars and devout Muslims.

The Indian Penal Code seems to have similar aims to the Scottish Hate Crimes Bill, namely: to instill a cohesive society. This is also a vain hope, as Islam is powerful within India and is indeed expanding.

We must now examine the Koran itself, in order to point out how it contradicts the requirements of the Scottish Hate Crimes Bill.

The Koran is Inflammatory Material

There are very many verses in the Koran that are problematic. It is noteworthy that the more violent, intolerant verses supersede the more tolerant verses. This is the well-established practice of “abrogation”. Understanding which verses in the Koran are abrogated by which other verses is absolutely key to understanding the Koran itself. An unusual edition of the Koran, based on an authentic and approved translation into English by the top levels of Islamic scholarship, is freely available. It is the “Abrogated Koran” which is available for order as a printed copy, or available as a free PDF download, via the website: hellish2050.com

The Koran is inflammatory in a number of categories: it shows a violent hatred towards non-Muslims. It condemns homosexuals to death. Women are regarded as second-class relative to men. Sex slavery is permissible.

There are very many problematic verses in the Koran, which can be very easily shown to be incompatible with Scottish Hate Crimes legislation, and indeed incompatible with the Indian Penal Code. In order to prove the case, it is not necessary to list out every single problematic verse, a relatively few number, provided that they have not been abrogated, is sufficient to prove the point.

Proving the point is not the same as proving a case in a court of law however! Political interference seems to have occurred in India in 1985, see “The Calcutta Qur'an Petition” free download: hellish2050.com

Recently a more limited case was put to a court in India. The appellant sought to have a number of problematic verses removed from the Koran, but again there seems to have been political commentary going on at the same time as the court case. Who knows what persuasion may have been conducted behind the scenes? One wonders whether judges are really interested in “the truth, the whole truth, and nothing but the truth”. If they had been, they would see that the evidence is indisputable that there is a problem with the Koran itself.

We only need to demonstrate that a relatively few verses are problematic. The Koran is regarded by Islamic scholars as indivisible – nobody has any authority to remove verses or indeed add verses. Therefore the problematic verses contaminate the entire book. There is no possible scope for picking and choosing verses that a reader happens to prefer. Only a literalist interpretation of the Koran is permissible – the Koran itself makes that clear. The Koran itself is inflammatory.

Violence within the Koran.

Here are a few example verses, there are numerous others beside:

“Against them make ready your strength to the utmost of your power, including steeds of war, to strike **terror** into the hearts of the enemies of Allah and your enemies...” (8:60)

“When your Lord was revealing to the angels, ‘I am with you; so confirm the believers. I shall **cast terror** into the hearts of the unbelievers; so strike the necks, and strike every finger of them!’” (Qur’an 8:12)

“We will cast **terror** into the hearts of those who disbelieve for what they have associated with Allah of which He had not sent down authority. And their refuge will be the Fire, and wretched is the residence of the wrongdoers.” (Qur’an 3:151)

“And **kill them** wherever you find them, and drive them out from where they drove you out; persecution is worse than slaughter. But fight them not by the Holy Mosque until they should fight you there; then, if they fight you, **kill them** — such is the recompense of unbelievers, but if they give over, surely Allah is all-forgiving, all-compassionate. Fight them until there is no persecution and the religion is Allah’s; then if they give over, there shall be no enmity save for evildoers.” (Qur’an 2:191-193)

“They wish that you should disbelieve as they disbelieve, and then you would be equal; therefore do not take friends from among them, until they emigrate in the way of Allah; then, if they turn their backs, seize them and **kill them** wherever you find them; do not take for yourselves any one of them as friend or helper.” (Qur’an 4:89)

“This is the recompense of those who fight against Allah and His Messenger, and hasten about the earth to do corruption there: **they shall be killed, or crucified, or their hands and feet shall be struck off on opposite sides**; or they shall be exiled from the land. That is a degradation for them in this world; and in the world to come awaits them a mighty chastisement.” (Qur’an 5:33)

“**Fight them**, till there is no persecution and religion is all for Allah; then if they give over, surely Allah sees the things they do.” (Qur’an 8:39)

“Then, when the sacred months are over, **kill the idolaters** wherever you find them, and take them, and confine them, and lie in wait for them at every place of ambush. But if they repent, and perform the prayer, and pay

the alms, then let them go their way; Allah is All-forgiving, All-compassionate.” (Qur’an 9:5)

“**Fight those who believe not in Allah** and the Last Day and do not forbid what Allah and His Messenger have forbidden, and do not practice the religion of truth, even if they are of the People of the Book — until they pay the jizya with willing submission and feel themselves subdued.” (Qur’an 9:29)

“Allah has bought from the believers their selves and their possessions against the gift of Paradise; they fight in the way of Allah; **they kill, and are killed**; that is a promise binding upon Allah in the Torah, and the Gospel, and the Koran; and who fulfils his covenant truer than Allah? So rejoice in the bargain you have made with Him; that is the mighty triumph.” (Qur’an 9:111)

“O believers, **fight the unbelievers** who are near to you; and **let them find in you a harshness**; and know that Allah is with the godfearing.” (Qur’an 9:123)

“When you meet the unbelievers, **strike their necks**, then, when you have made wide slaughter among them, tie fast the bonds; then set them free, either by grace or ransom, till the war lays down its loads. So it shall be; and if Allah had willed, He would have avenged Himself upon them; but that He may try some of you by means of others. And those who are slain in the way of Allah, He will not send their works astray.” (Qur’an 47:4)

A Judge Makes Islam Illegal?

A judge in an English court has made an interesting judgement, that could well have the effect of making Islam itself illegal – or at least that it cannot be regarded as a “protected characteristic”. Is this an inadvertent blunder, or has an important principle of English law been stated? What do you think?

The relevant part of her ruling is this, regarding the validity or not of a system of beliefs. That it:

“...must not be incompatible with human dignity and not conflict with the fundamental rights of others.”

Islam is of course incompatible with human dignity and is in conflict with the fundamental rights of others.

Has this judge inadvertently made Islam illegal? What do you think?

<https://www.dailymail.co.uk/news/article-9325439/Judge-rules-belief-English-nationalism-protected-characteristic.html>

Judge rules that belief in English nationalism is a 'protected characteristic' in landmark decision at tribunal of English Democrats campaigner who was sacked by NHS

And if a belief in English Nationalism has been invalidated due to the additional criticism of Islam, does the converse also apply? We have already seen an example where a politician has scorned the Flag of St George (the national flag of England) [in case it might be offensive to Muslims](#). This is already a stated issue. Can we have one law for everyone and everyone subject to the same law, or not? Will Islam always take precedence? If we cannot have one law for all, then a cohesive society will be impossible to achieve. There are already exemptions from the law for religious practices – relating to animal cruelty. Muslims are permitted to be cruel to animals in ways that non-Muslims would be prosecuted.

Message from a Barrister

A Barrister was asked to review the arguments in the earlier edition of his book, in particular to consider whether the Hate Crime Law in Scotland could result in the Koran itself being banned. Here is his response:

Regarding your thesis I would have thought that the most relevant section of the Hate Crime and Public Order (Scotland) Bill [HCPO(S)] section 3(2).

(2) A person commits an offence if —

(a) the person—

(i) behaves in a manner that a reasonable person would consider to be threatening or abusive, or

(ii) communicates to another person material that a reasonable person would consider to be threatening or abusive, and

(b) in doing so, the person intends to stir up hatred against a group of persons based on the group being defined by reference to a characteristic mentioned in subsection (3).

(3) The characteristics are— (a) age, (b) disability, (c) religion or, in the case of a social or cultural group, perceived religious affiliation, (d) sexual orientation, (e) transgender identity, (f) variations in sex characteristics.

(4) It is a defence for a person charged with an offence under this section to show that the behaviour or the communication of the material was, in the particular circumstances, reasonable.

(4A) For the purposes of subsection (4), in determining whether behaviour or communication was reasonable, particular regard must be had to the importance of the right to freedom of expression by virtue of Article 10 of the European Convention on Human Rights, including the general principle that the right applies to the expression of information or ideas that offend, shock or disturb.

My first observation is that an offence is only committed if a person behaves badly or communicates hateful material. So mere possession or reading the Qur'an, Mein Kampf, White Fragility, etc would never be enough. One would have to lend it, show it or possibly read from it to another person.

Second, the offence is only committed if a person intended to stir up hatred thereby. Academic research or prayer is fine.

What about a Muslim who reads from the Qur'an (or to be fair about this the Bible) to stir up hatred for example against Jews, homosexuals or unbelievers?

Prima facie they are guilty of an offence but they may argue that their actions are 'reasonable'. There is no guidance, as is often the case, as to what is meant by reasonable other than that regard must be had to the ECHR (a nonsensical provision since all UK public authorities are bound to have regard to the ECHR in everything they do anyway under the Human Rights Act 1998; and why could the Scottish Parliament not renumber the sections? Laziness or do they want the reader to know that subsection 4A was a mere sop?)

In the normal course of events one may think that complying with the requirements of one's religion would count as a reasonable excuse in law (think of Sikhs carrying the kirpan) but preaching is not really a requirement of Islam. And if one had a Muslim argue that preaching hatred of Jews, gays, etc was fundamental to their religion that would be an interesting angle for the courts to have to deal with.

Ultimately, the real innovation of the HCPO(S) is to extend rules that already govern public discourse (eg s 18 Public Order Act 1986 [POA]) from into private discussions. The definition of the speech/conduct outlawed may include new protected characteristics but doesn't seem to be particularly new in its formulation, save that it introduces for private conversations a defence of reasonableness that does not exist for public statements.

To be fair I have some support for s18 POA. As my thoughts on the Qur'an have developed I see it increasingly as a belated attempt by an Arab warlord to revive Mosaic law to claim divine authority for his invasion of Palestine. Many of the worst sections have an echo of the justification of genocide, prisoner rape and intolerance of sexual autonomy as Moses, Joshua etc established Israel (so it is believed) some millennia earlier. Very few preachers Jewish or Christian would ask that these passages be taken in the present day as a direct instruction. If a Christian preacher did ask his congregation to go out and kill a homosexual for example I would have no unhappiness in seeing that person arrested, tried and imprisoned under section 18, even if he did little more than read from the Bible in a sufficiently pointed way. But criminalising such conduct should not impinge

upon Christians' and Jews' right to use the text in Bible study or as venerating scripture generally.

Since the reasonableness defence is new to this area of law, there will as yet be no case law upon its meaning in this context. In theory it should be a case of 'it's not what you do it's the way that you do it', although in practice I fear, as no doubt you do too, that a double standard will be imposed to protect practitioners ancient and venerable jihad of peace, whilst ruthlessly crushing those who criticise it.

Conclusions

The Scottish Hate Crimes Bill has the stated aim of creating a cohesive society. This is a vain hope, given that Islam exists in Scotland. Islam refuses to integrate with any other society on earth: the Koran itself prevents such cohesion. Just read the Koran for yourself and you will see this fact clearly apparent.

Interestingly, and key for the argument to abolish the Koran in Scotland, the wording states: "The Bill also provides for the offences of possession of inflammatory material." It is very easy to demonstrate that the Koran itself is inflammatory. Therefore the Koran may well be liable to be banned from Scotland. Let us wait for the bill to be finalised, before we point this out though! There are probably quite a few people with deep pockets, able and willing to pay for lawyers, and who are not entirely pleased with Islam!

The foregoing assumes, wrongly, that courts and prosecutors are not corrupt, that the rule of law prevails, and that logical consistency matters. In England the Crown Prosecution Service is free to STOP any criminal prosecution not initiated by them (and they do).

The Justice Secretary of Scotland Humza Yousaf may well be hoist by his own petard! It would be interesting to see how the Muslim community would react, if he is seen as being the instigator of the Koran being banned.

Appendix A – Scottish Hate Crime – General Overview

Here is the Scottish Government web page dealing with hate crime:

<https://www.gov.scot/policies/crime-prevention-and-reduction/hate-crime/>

The [General Overview](#), is available via the link above. It is reproduced below:

General Overview

What is the Scottish Government going to do?

The Scottish Government is committed to updating hate crime legislation; ensuring it is fit for the 21st century.

The Hate Crime and Public Order (Scotland) Bill has been introduced to the Scottish Parliament. The legislation is an essential element of the Scottish Government’s ambitious programme of work to tackle hate crime and build community cohesion.

The Bill provides for the modernising, consolidating and extending of hate crime legislation in Scotland.

Current hate crime legislation has evolved over time in a fragmented manner. Different elements of hate crime law are located in different statutes; it is not as user-friendly as it could be and it lacks consistency.

The new Bill will provide greater clarity, transparency and consistency. It brings most of Scotland’s hate crime legislation into one statute. This will make the law easier to understand and more user-friendly.

Humza Yousaf MSP, Cabinet Secretary for Justice:

‘This new Hate Crime Bill is an important milestone. By creating robust laws for the justice system Parliament will send a strong message to victims, perpetrators, communities and to wider society that offences motivated by prejudice will be treated seriously and will not be tolerated.’

Why is the Scottish Government doing it?

Hate crime has hugely damaging effects on victims, their families, communities and wider society. Hate crime and prejudice threaten community cohesion. A cohesive society is one with a common vision and a sense of belonging for all communities.

The Scottish Government recognises that legislation in and of itself is not enough to build the inclusive and equal society that we aspire to. However, having clear legislation sends a strong message.

Lord Bracadale carried out an Independent Review of Hate Crime Legislation in Scotland and his report and recommendations were published on 31 May 2018. The Scottish Government has considered Lord Bracadale's recommendations and engaged extensively with stakeholders and the wider public, including through the One Scotland: hate has no home here consultation, engagement events and bilateral meetings.

Between December 2018 and February 2019, as part of the consultation process, the Scottish Government ran 11 public awareness events throughout Scotland. Many of these were attended by either individuals with a general interest in hate crime legislation or as representatives from a variety of different stakeholder groups.

Subsequently the Scottish Government contracted independent external analysts who undertook the analysis of the consultation responses and produced a report, published by the Scottish Government in June 2019.

The responses to the consultation and public awareness events have yielded valuable information both from individual and organisational perspectives; helping to inform the development of the Bill.

The Scottish Government also undertook Impact Assessments in order to ascertain how the Bill would impact on the lives of people in Scotland. The policy development of the Bill has been shaped, in particular, by the Equality Impact Assessment (EQIA), which gives careful consideration to equality issues throughout in order to ensure better outcomes for people and communities.

The Bill's impact assessments can be found here and in the Bill's Policy Memorandum.

We would welcome your views on any aspect of the Bill. Please send any queries to ConnectedCommunities@gov.scot.

Key Points

Aggravation of offences by prejudice p. 3

Characteristics p. 4

Offences related to stirring up hatred p. 5

Power to add the characteristic of sex p. 7

Blasphemy p. 8

Misogynistic harassment p. 9

Sectarianism p. 9

AGGRAVATION OF OFFENCES BY PREJUDICE

- The Bill retains the existing core method of prosecuting hate crimes in Scotland – via the attachment of a statutory aggravation when a person has committed an offence and has evinced, or has been motivated by, malice and ill-will towards a person or group of persons based on a listed characteristic.
- A baseline offence (e.g. murder, assault, breach of the peace) must be committed for an aggravation to be attached. The Bill retains the existing threshold for proving an aggravation (i.e. the aggravation can be proved by evidence from a single source).
- Where proven, the court must state and record the conviction so that it shows the type of prejudice in question (for instance, race, sexual orientation) as the aggravation. The court must also take the aggravation into account in sentencing, stating the extent, if any, that a sentence has been increased due to the operation of a statutory aggravation. Where the sentence is not different, the court must state the reasons for there being no such difference.
- The Bill contains a list of characteristics that such hate crime statutory aggravations apply to, which are set out below. This includes offences aggravated by prejudice based on a presumption by the offender that the victim is a member of, or is associated with, a group of persons defined by reference to a listed characteristic.
- An offence may also be aggravated by prejudice in circumstances where the offender evinces malice and ill-will towards the victim based on the offender's incorrect presumption that the victim is a member of, or is associated with, a group of persons defined by reference to a listed characteristic. For example, if the offender assaults a person (the victim) and, in so doing, evinces malice and ill-will towards the victim based on the offender's presumption that the victim was a Muslim then, even if the victim is not in fact a Muslim, the offence (assault) may still be aggravated by religious prejudice.

CHARACTERISTICS

- The list of characteristics in relation to which an offence may be aggravated by prejudice is being updated to reflect society in 21st century Scotland. As well as adding age to the list, the definition of transgender identity has been updated and a separate category for variations in sex characteristics has been created (this was previously listed as ‘intersexuality’ within the definition of transgender identity).
- The characteristics listed for these statutory aggravations are:
 - o Age
 - o Disability
 - o Race, colour, nationality (including citizenship), or ethnic or national origins
 - o Religion
 - o Sexual orientation
 - o Transgender identity
 - o Variations in sex characteristics
- The offences relating to stirring up hatred in Part 2 of the Bill also apply in relation to these characteristics.

OFFENCES RELATED TO STIRRING UP HATRED

- The Bill provides for offences relating to stirring up hatred.
- Currently, stirring up offences in Scotland operate solely in the context of the characteristic of racial hatred.
- Offences related to stirring up hatred involve conduct that is intended or likely to encourage others to hate a particular group of people.
- In terms of stirring up of racial hatred, the Bill largely replaces, modernises and consolidates the existing offences in Part III of the Public Order Act 1986 (“the 1986 Act.”)
- The Bill provides it is an offence for a person to behave in a threatening, abusive or insulting manner, or to communicate threatening, abusive or insulting material to another person where:

o in doing so, the person intends to stir up hatred against a group of persons based on the group being defined by reference to race, colour, nationality (including citizenship), or ethnic or national origin, or

o as a result, it is likely that hatred will be stirred up against such a group.

- The Bill also introduces new offences related to stirring up hatred in respect of the characteristics of age, disability, religion, sexual orientation, transgender identity, and variations in sex characteristics. The offences related to stirring up hatred in Part 2 of the Bill therefore apply in relation to the same list of characteristics as are listed in relation to offences aggravated by prejudice in Part 1 of the Bill.

- A person commits an offence of stirring up hatred in respect of one of the new listed characteristics (i.e. other than race, colour, nationality, or ethnic or national origin) if the person behaves in a threatening or abusive manner, or communicates threatening or abusive material to another person, and either:

o in doing so, the person intends to stir up hatred against a group of persons based on the group being defined by reference to age, disability, religion, sexual orientation, transgender identity or variations in sex characteristics, or

o as a result, it is likely that hatred will be stirred up against such a group.

The Bill also provides for the offences of possession of inflammatory material.

- In respect of the listed characteristics (other than race, colour, nationality, or ethnic or national origins), a person commits an offence if they have possession of threatening or abusive material with a view to communicating the material and either:

o the person intends to stir up hatred in respect of a group of persons based on the group being defined by reference to age, disability, religion, sexual orientation, transgender identity or variations in sex characteristics, or

o it is likely that, if the material were communicated, hatred will be stirred up against such a group.

- In respect of possession of inflammatory material, in relation to race, colour, nationality (including citizenship), or ethnic or national origins, the Bill provides for a very similar offence. The only difference is that the

threshold for the conduct is that the material is threatening, abusive or insulting.

- The Bill therefore retains ‘insulting’ behaviour within the scope of the revised offences related to stirring up of racial hatred, and therefore adopts the same thresholds as those for existing offences related to stirring up racial hatred contained in the 1986 Act.
- A separate approach for racial hatred is justified due to the historical and structural nature of racism, the prevalence and seriousness of race hate crime in Scotland, and the impact that this has on community cohesion.
- For the purposes of the offences relating to stirring up hatred, the Bill also contains provisions on freedom of expression that provide, among other things, that behaviour or material is not to be taken to be threatening or abusive solely on the basis that it involves or includes discussion or criticism of religion or religious practices or practices.

POWER TO ADD THE CHARACTERISTIC OF SEX AT A LATER DATE

- The Bill also includes a power to, by regulations, add ‘sex’ to the list of characteristics which apply in relation to aggravation of offences by prejudice offences under Part 1 of the Bill and/or to the list of characteristics which apply in relation to offences related to stirring up under Part 2 of the Bill .
- In effect, this power therefore provides the option to add either a statutory aggravation and/or stirring up of hatred offence on the grounds of sex.
- If ‘sex’ were to be added to the legislative framework at a later date it would be applied on the same basis as the other characteristics included within the Bill. This is based on the motivations of the perpetrator (and thus not on whether a victim actually shares one of more of the characteristics).
- For example, a statutory aggravation in relation to ‘sex’ may apply where the offender evinces malice and ill-will based on the offender’s perception that the victim was a woman, irrespective of the victim’s sex, or of the victim’s trans identity. The statutory aggravation on sex could also be applied if a person was targeted because they have an association with women.

BLASPHEMY

- The Bill will abolish the common law offence of blasphemy. The offence has not been prosecuted in Scotland for more than 175 years and no longer reflects the kind of society in which we live.

What else is the Scottish Government doing in addition to the Bill?

MISOGYNISTIC HARASSMENT

In addition to the provisions included in the Bill, the Scottish Government recognises the clear need to tackle misogyny.

The Scottish Government is therefore committed, in principle, to developing a standalone offence on misogynistic harassment. A Working Group will be established to take this forward.

The Working Group will look at how criminal law deals with misogyny, including whether there are gaps in legislation that could be filled with a specific offence on misogynistic harassment.

The Working Group will also consider the power provided in the Bill to, by regulations, add the characteristic of sex to the new hate crime framework established by the Bill. The Scottish Government will reflect on the conclusions reached by the Working Group and will report to Parliament with agreed next steps.

The ongoing focus of the Scottish Government is on responding to the coronavirus (COVID-19) outbreak. However, the remit and membership of the Working Group on misogynistic harassment will be announced at the earliest date possible and their work will begin shortly after.

SECTARIANISM

The Bill does not include provision for a sectarianism statutory aggravation or stirring up of hatred offence. A sectarian aggravation would overlap with both race and religious aggravations, with the latter aggravations already capturing sectarian offending.

The Scottish Government remains fully committed to tackling sectarianism in Scotland. Over the past eight years more than £14.5 million has gone towards establishing educational work in schools, colleges, universities, workplaces, communities and online.

Appendix B – Scottish Hate Crime – Bill

Here is the Scottish Government web page dealing with hate crime:

<https://www.gov.scot/policies/crime-prevention-and-reduction/hate-crime/>

The [Bill](#), is available via the link above. It is reproduced below:

Hate Crime and Public Order (Scotland) Bill

[AS AMENDED AT STAGE 3]

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Schedule 2—Modifications of enactments

Amendments to the Bill since the previous version are indicated by sidelining in the right margin. Wherever possible, provisions that were in the Bill as introduced retain the original numbering.

Hate Crime and Public Order (Scotland) Bill

[AS AMENDED AT STAGE 3]

An Act of the Scottish Parliament to make provision about the aggravation of offences by prejudice; to make provision about an offence of racially aggravated harassment; to make provision about offences relating to stirring up hatred against a group of persons; to abolish the common law offence of blasphemy; and for connected purposes.

PART 1 5

AGGRAVATION OF OFFENCES BY PREJUDICE

1 Aggravation of offences by prejudice

(1) An offence is aggravated by prejudice if—

(a) where there is a specific victim of the offence—

(i) at the time of committing the offence, or immediately before or after doing 10 so, the offender demonstrates malice and ill-will towards the victim, and

(ii) the malice and ill-will is based on the victim's membership or presumed membership of a group defined by reference to a characteristic mentioned in subsection (2), or

(b) whether or not there is a specific victim of the offence, the offence is motivated 15 (wholly or partly) by malice and ill-will towards a group of persons based on the group being defined by reference to a characteristic mentioned in subsection (2).

(2) The characteristics are—

(a) age,

(b) disability, 20

(c) race, colour, nationality (including citizenship), or ethnic or national origins,

(d) religion or, in the case of a social or cultural group, perceived religious affiliation,

(e) sexual orientation,

(f) transgender identity,

(g) variations in sex characteristics. 25

(3) It is immaterial whether or not the offender's malice and ill-will is also based (to any extent) on any other factor.

(4) Evidence from a single source is sufficient to prove that an offence is aggravated by prejudice.

(5) In this section—

“membership”, in relation to a group, includes association with members of that group, 5

“presumed” means presumed by the offender.

2 Consequences of aggravation by prejudice

(1) Subsection (2) applies where it is—

(a) libelled in an indictment, or specified in a complaint, that an offence is aggravated by prejudice, and 10

(b) proved that the offence is so aggravated.

(2) The court must—

(a) state on conviction—

(i) that the offence is aggravated by prejudice, and

(ii) the type of prejudice by which the offence is aggravated (by reference to 15 one or more of the characteristics mentioned in section 1(2)),

(b) record the conviction in a way that shows—

(i) that the offence is aggravated by prejudice, and

(ii) the type of prejudice by which the offence is aggravated (by reference to one or more of the characteristics mentioned in section 1(2)), 20

(c) take the aggravation into account in determining the appropriate sentence, and

(d) state—

(i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or 25

(ii) otherwise, the reasons for there being no such difference.

PART 1A

OFFENCE OF RACIALLY AGGRAVATED HARASSMENT

2A Racially aggravated harassment

(1) A person commits an offence if the person— 30

(a) pursues a racially aggravated course of conduct which amounts to harassment of another person and—

(i) is intended to amount to harassment of that person, or

(ii) occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person, or 35

(b) acts in a manner which is racially aggravated and which causes, or is intended to cause, another person alarm or distress.

(2) A course of conduct or an action is racially aggravated if—

(a) at the time of carrying out the course of conduct or action, or immediately before or after doing so—

(i) the offender demonstrates malice and ill-will towards the victim, and

(ii) the malice and ill-will is based on the victim's membership or presumed membership of a group defined by reference to race, colour, nationality 5 (including citizenship), or ethnic or national origins, or

(b) the course of conduct or action is motivated (wholly or partly) by malice and ill-will towards a group of persons based on the group being defined by reference to race, colour, nationality (including citizenship), or ethnic or national origins.

(3) It is immaterial whether or not the offender's malice and ill-will is also based (to any 10 extent) on any other factor.

(4) A course of conduct must involve conduct on at least two occasions.

(5) In this section—

“conduct” includes speech,

“harassment” of a person includes causing the person alarm or distress, 15

“membership”, in relation to a group, includes association with members of that group,

“presumed” means presumed by the offender.

(6) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a 20 fine not exceeding the statutory maximum (or both), or

(b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both).

PART 2

OFFENCES RELATING TO STIRRING UP HATRED 25

Offences of stirring up hatred

3 Offences of stirring up hatred

(1) A person commits an offence if—

(a) the person—

(i) behaves in a manner that a reasonable person would consider to be 30 threatening, abusive or insulting, or

(ii) communicates to another person material that a reasonable person would consider to be threatening, abusive or insulting, and

(b) either—

(i) in doing so, the person intends to stir up hatred against a group of persons 35 based on the group being defined by reference to race, colour, nationality (including citizenship), or ethnic or national origins, or

(ii) a reasonable person would consider the behaviour or the communication of the material to be likely to result in hatred being stirred up against such a group.

(2) A person commits an offence if —

(a) the person—5

(i) behaves in a manner that a reasonable person would consider to be threatening or abusive, or

(ii) communicates to another person material that a reasonable person would consider to be threatening or abusive, and

(b) in doing so, the person intends to stir up hatred against a group of persons based 10 on the group being defined by reference to a characteristic mentioned in subsection (3).

(3) The characteristics are—

(a) age,

(b)disability,¹⁵

(c)religion or, in the case of a social or cultural group, perceived religious affiliation,

(d)sexual orientation,

(e)transgender identity,

(f)variations in sex characteristics.

(4)It is a defence for a person charged with an offence under this section to show that the²⁰ behaviour or the communication of the material was, in the particular circumstances,reasonable.

(4A) For the purposes of subsection (4), in determining whether behaviour or communication was reasonable, particular regard must be had to the importance of the right to freedom of expression by virtue of Article 10 of the European Convention on Human Rights, ²⁵ including the general principle that the right applies to the expression of information or ideas that offend, shock or disturb.

(5)For the purposes of subsection (4), it is shown that the behaviour or the communication of the material was, in the particular circumstances, reasonable if—

(a)evidence adduced is enough to raise an issue as to whether that is the case, and³⁰

(b)the prosecution does not prove beyond reasonable doubt that it is not the case.

(6)For the purposes of subsections (1)(a)(i) and (2)(a)(i), a person's behaviour—

(a)includes behaviour of any kind and, in particular, things that the person says, or otherwise communicates, as well as things that the person does,

(b)may consist of— ³⁵

(i)a single act, or

(ii)a course of conduct.

(7)For the purposes of subsections (1)(a)(ii) and (2)(a)(ii), the ways in which a person may communicate material to another person are by—

(a)displaying, publishing or distributing the material,⁴⁰

(b)giving, sending, showing or playing the material to another person,

(c) making the material available to another person in any other way.

(8) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both), or

(b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or 5 a fine (or both).

Further provision relating to the offences

6 Powers of entry etc. with warrant

(1) A sheriff or justice of the peace may grant a warrant under this section authorising a constable to enter premises if the sheriff or justice of the peace is satisfied, by evidence 10 on oath, that there are reasonable grounds for suspecting—

(a) that an offence under section 3 has been, or is being, committed at the premises, or

(b) that there is evidence at the premises of the commission of an offence under section 3. 15

(1A) A warrant granted under this section remains in force for a period of 28 days beginning with the day on which it was granted.

(2) A warrant granted under this section may authorise a constable to—

(a) enter the premises by force if necessary,

(b) search the premises and any person found in the premises, 20

(c) seize and detain any material found on the premises, or on any person in the premises, if the constable has reasonable grounds for suspecting that it may provide evidence of the commission of an offence under section 3.

(3) A constable who is authorised by a warrant granted under this section to seize and detain material may, if the material is only capable of being looked at, read, watched or 25 listened to (as the case may be) after conversion from data stored in another form, require that the material—

(a) be converted into such a form in a way which enables it to be taken away, or

(b) be produced in a form which is capable of being taken away and from which it can be readily converted. 30

(4) In this section—

(a) “constable” has the same meaning as in section 99(1) of the Police and Fire Reform (Scotland) Act 2012,

(c) “premises” means any place and includes any—

(i) land or building, 35

(ii) vehicle, vessel, trailer, aircraft or hovercraft,

(iii) tent or moveable structure.

7 Recording conviction for offence under section 3

Where a person is convicted of an offence under section 3, the court must —

(a) state on conviction, and

(b) record the conviction in a way that shows,

the characteristic (or characteristics) to which the offence relates (by reference to it 5 being an offence under section 3(1) or by reference to one or more of the characteristics mentioned in section 3(3)).

8 Forfeiture and disposal of material to which offence relates

(1) Where a person is convicted of an offence under section 3—

(a) the court may order the forfeiture of any material to which the offence relates, and 10

(b) the court may order that any of the forfeited material be disposed of in such manner as the court may direct.

(2) An order made under subsection (1)(b) does not take effect until—

(a) if an appeal is brought against the conviction or sentence, after the appeal is finally decided or abandoned, or 15

(b) otherwise, after the expiry of the period within which an appeal against the conviction or sentence may be brought.

(3) For the purposes of subsection (2), the lodging of an application for a stated case or note of appeal against sentence is to be treated as the bringing of an appeal.

9 Individual culpability where organisation commits offence 20

(1) This section applies where—

- (a) an offence under section 3 is committed by a relevant organisation, and
- (b) the commission of the offence involves consent or connivance on the part of a responsible individual.

(2) The responsible individual (as well as the relevant organisation) commits the offence.²⁵

(3) For the purposes of this section—

(a) “relevant organisation” means an organisation listed in the first column of the table in subsection (4),

(b) “responsible individual” means, in relation to a relevant organisation—

(i) an individual falling within the corresponding entry in the second column³⁰ of the table in subsection (4), or

(ii) an individual purporting to act in the capacity of an individual falling within the corresponding entry.

(4) The table is as follows—***Relevant Individual organisation***

| | |
|---|---|
| company as mentioned in section 1 of the Companies Act 2006 | director, manager, secretary or other similar officer |
|---|---|

| | |
|---|--|
| 5 | member, where the company’s affairs are managed by its members |
|---|--|

| | |
|-------------------------------|--------|
| limited liability partnership | member |
|-------------------------------|--------|

| | |
|-------------------|---------|
| other partnership | partner |
|-------------------|---------|

| | | |
|----|-------------------------------|---|
| 10 | any other body or association | individual who is concerned in the management or control of its affairs |
|----|-------------------------------|---|

(1A) “European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4 November 1950.

(2)“Material” means anything that is capable of being looked at, read, watched or listened to, either directly or after conversion from data stored in another form.⁵

(3)References to an offence under a particular section include references to an offence of—

(a)attempting to commit an offence under that section,

(b)aiding, abetting, counselling, procuring or inciting the commission of an offence under that section,

(c)conspiring to commit an offence under that section.¹⁰

PART 3

FURTHER PROVISION RELATING TO HATE CRIME

The characteristics

14 Meaning of the characteristics

(1)This section applies for the interpretation of sections 1, 3 and 9A.¹⁵

(2)A reference to age includes a reference to an age range.

(3)A disability is a physical or mental impairment of any kind.

(4)For the purposes of subsection (3) (but without prejudice to its generality), a medical condition which has, has had, or may have a substantial or long-term effect, or is of a progressive nature, is to be regarded as amounting to an impairment.²⁰

(5)A group defined by reference to religion is a group of persons defined by reference to—

(a)religious belief or lack of religious belief,

(b)membership of or adherence to a church or religious organisation,

(c)support for the culture or traditions of a church or religious organisation,

(d)participation in activities associated with such a culture or such traditions.²⁵

(6)A reference to sexual orientation is a reference to sexual orientation towards—

(a)persons of the same sex,

(b)persons of a different sex, or

(c) both persons of the same sex and persons of a different sex.

(7) A person is a member of a group defined by reference to transgender identity if the person is—

(a) a female-to-male transgender person,

(b) a male-to-female transgender person,

(c) a non-binary person,

(d) a person who cross-dresses,³⁵

and references to transgender identity are to be construed accordingly.

(8) A person is a member of a group defined by reference to variations in sex characteristics if the person is born with physical and biological sex characteristics which, taken as a whole, are neither—

(a) those typically associated with males, nor

(b) those typically associated with females,

and references to variations in sex characteristics are to be construed accordingly.

15 Power to add the characteristic of sex

(1) The Scottish Ministers may by regulations add the characteristic of sex to the list of characteristics in one or more of the following provisions—

(a) section 1(2),

(b) section 3(3).

(c) section 9A(a).

(1A) Regulations under this section may modify sections 10A(3) and 15A(3) by making provision about the information relating to the characteristic of sex which may require to be included in reports under those sections.

(2) Regulations under this section may modify section 14 by adding interpretative provision relating to the characteristic of sex.

(3) Regulations under this section—

(a) may make incidental, supplementary, consequential, transitional, transitory or saving provision,

(b) may make different provision for different purposes,

(c) are subject to the affirmative procedure.

(4) Before laying a draft of a Scottish statutory instrument containing regulations under this section before the Scottish Parliament, the Scottish Ministers must—

(a) lay before the Scottish Parliament a proposed draft of the instrument,

(b) have regard to any representations about the proposed draft that are made to them within the period of 40 days beginning with the day on which the proposed draft is laid and make any changes to the draft instrument that they consider appropriate.

(5) In calculating the period of 40 days, no account is to be taken of any time during which the Scottish Parliament is dissolved or is in recess for more than 4 days.

Providers of information society services

10 Provision in relation to providers of information society services

Schedule 1 makes further provision about offences under sections 2A and 3 in relation to persons providing information society services (as defined in paragraph 5 of that schedule).

Reports relating to hate crime

10A Publication of reports on hate crime convictions

(1) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting year, publish a report on convictions during that reporting year for—

(a) offences aggravated by prejudice within the meaning of section 1, and

(b) offences under this Act.

(2) The Scottish Ministers must provide information about the groups to which the offences relate by including in the report—

(a) information about convictions for offences which, by virtue of being offences under section 2A or 3(1), relate to groups defined by reference to race, colour, nationality (including citizenship), or ethnic or national origins,

(b) in respect of each conviction for an offence aggravated by prejudice within the meaning of section 1, information about the type of prejudice by which the offence was aggravated (by reference to one or more of the characteristics mentioned in section 1(2)), and

(c) in respect of each conviction for an offence under section 3(2), information about the characteristic to which the offence relates (by reference to one or more of the characteristics mentioned in section 3(3)).

(3) The Scottish Ministers must—

(a) take reasonable steps to establish whether the information provided under subsection (2) about the groups to which the offences relate may be supplemented by information about any subgroups to which the offences relate, including (in particular) where a conviction is for an offence relating to a group defined by reference to—

(i) age, the particular age or age range to which the offence relates,

(ii) disability, the particular type of disability to which the offence relates, including whether it is a physical impairment or a mental impairment,

(iii) race, colour, nationality (including citizenship), or ethnic or national origins, the particular race, colour, nationality (including citizenship), or ethnic or national origins to which the offence relates,

(iv) religion or, in the case of a social or cultural group, perceived religious affiliation, the particular religion (including lack of religious belief) or religious affiliation to which the offence relates,

(v) sexual orientation, whether the offence relates to sexual orientation towards persons of the same sex, towards persons of a different sex, or towards both persons of the same sex and persons of a different sex,

(vi) transgender identity, whether the offence relates to identity as a female-to-male transgender person, as a male-to-female transgender person, as a non-binary person, or as a person who cross-dresses, and

(b) if they establish that the information provided under subsection (2) may be so supplemented, take reasonable steps to obtain that supplementary information and include it in the report.

(4) The report must not include information in respect of any conviction—

(a) which identifies any individual, or

(b) from which the identity of any individual may be ascertained.

(5) The report may be in any form that the Scottish Ministers consider appropriate and (in particular) may be part of another document.

(6) In this section, “reporting year” means a period of one year ending on 31 March.

15A Publication of reports on hate crime recorded by police

(A1) The chief constable of the Police Service must, as soon as reasonably practicable after the end of each reporting year, provide the information that the Scottish Ministers require in order to publish a report in accordance with this section.

(1) The Scottish Ministers must, as soon as reasonably practicable after receipt of information under subsection (A1), publish a report on records made by the Police Service during that reporting year of cases categorised by the Police Service as—

- (a) offences aggravated by prejudice within the meaning of section 1, and
- (b) offences under this Act.

(2) The report must include the following information in respect of each recorded offence to the extent that this information has been recorded by the Police Service—

- (a) the age, sex, and ethnic or national origins of any person recorded as being a victim of the offence,
- (b) the age, sex, and ethnic or national origins of any person recorded as being a perpetrator or suspected perpetrator of the offence.

(3) The report must include the following information to the extent that this information has been recorded by the Police Service—

(a) in respect of each record of an offence under section 2A and each record of an offence under section 3(1), the particular race, colour, nationality (including citizenship), or ethnic or national origins recorded as being targeted,

(b) in respect of each record of an offence aggravated by prejudice within the meaning of section 1 and each record of an offence under section 3(2) —

(i) the particular characteristic mentioned in section 1(2) or 3(3) which is recorded as being targeted,

(ii) where the characteristic is age, the particular age or age range recorded as being targeted,

(iii) where the characteristic is disability, the particular type of disability that is recorded as being targeted, including whether it is a physical impairment or a mental impairment,

(iv) where the characteristic is race, colour, nationality (including citizenship), or ethnic or national origins, the particular race, colour, nationality (including citizenship), or ethnic or national origins recorded as being targeted,

(v) where the characteristic is religion or, in the case of a social or cultural group, perceived religious affiliation, the particular religion (including lack of religious belief) or religious affiliation recorded as being targeted,

(vi) where the characteristic is sexual orientation, whether the sexual orientation that is recorded as being targeted is sexual orientation towards persons of the same sex, towards persons of a different sex, or towards both persons of the same sex and persons of a different sex,

(vii) where the characteristic is transgender identity, whether the transgender⁵ identity that is recorded as being targeted is identity as a female-to-male transgender person, as a male-to-female transgender person, as a non-binary person, or as a person who cross-dresses.

(4) The report must not include information in respect of any recorded offence—

(a) which identifies any individual, or

(b) from which the identity of any individual may be ascertained.

(4A) The report may be in any form that the Scottish Ministers consider appropriate and (in particular) may be part of another document.

(5) In this section—

“Police Service” means the Police Service of Scotland,

“reporting year” means a period of one year ending on 31 March.

PART 4

ABOLITION OF THE OFFENCE OF BLASPHEMY

16 Abolition of the offence of blasphemy

The common law offence of blasphemy is abolished.

PART 5

GENERAL PROVISIONS

17 Ancillary provision

(1)The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.

(2)Regulations under this section may—

(a)make different provision for different purposes,

(b)modify any enactment (including this Act).

(3)Regulations under this section—

(a)are subject to the affirmative procedure if they add to, replace or omit any part of the text of this or any other Act,

(b)otherwise, are subject to the negative procedure.

18 Modifications of enactments

Schedule 2 contains modifications of enactments.

19 Crown application: criminal offences

(1)Nothing in this Act makes the Crown criminally liable.

(2)The Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission for which the Crown would be criminally liable if it were not for subsection (1).

(3)Subsection (1) does not affect the criminal liability of persons in the service of the Crown.

19A Crown application: powers of entry

(1)A warrant granted under section 6 is exercisable in relation to Crown land specified in column 1 of the following table only with the consent of the person specified in the10 corresponding entry in column 2 of the table (the “appropriate authority”).*Crown land* *Appropriate authority*

| | |
|--|---|
| Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Crown Estate (that is, the property, rights and interests under the management of the Crown Estate Commissioners) | The Crown Estate Commissioners |
| Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Scottish Crown Estate | The person managing the land |
| Land an interest in which belongs to Her Majesty in right of the Crown other than land forming part of the Crown Estate or the Scottish Crown Estate | The office-holder in the Scottish Administration or, as the case may be, the Government department managing the land |
| Land an interest in which belongs to Her Majesty in right of Her private estates | The person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers |
| Land an interest in which belongs to an office-holder in the Scottish Administration | The office-holder in the Scottish Administration |
| Land an interest in which belongs to a Government department | The Government department |
| Land an interest in which is held in trust for Her Majesty by an office-holder in the Scottish Administration for the purposes of the Scottish Administration | The office-holder in the Scottish Administration |
| Land an interest in which is held in trust for Her Majesty for the purposes of a Government department | The Government department |

(2) In subsection (1)—

(a) the reference to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862,

(b) "Government department" means a department of the Government of the United Kingdom,

(c) "Scottish Crown Estate" means the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.

(3) It is for the Scottish Ministers to determine any question that arises as to who in accordance with subsection (1) is the appropriate authority in relation to any land, and their decision is final.

20 Commencement

(1) This section and sections 17 and 21 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(3) Regulations under subsection (2) may—

(a) include transitional, transitory or saving provision,

(b) make different provision for different purposes.

21 Short title

The short title of this Act is the Hate Crime and Public Order (Scotland) Act 2021.

SCHEDULE 1

(introduced by section 10)

OFFENCES UNDER SECTIONS 2A AND 3: INFORMATION SOCIETY SERVICES

Exceptions for mere conduits

2 (1) A service provider does not commit an offence under section 2A or 3 in respect of the information transmitted in the course of providing so much of an information society service as consists in—

(a) the provision of access to a communication network, or

(b) the transmission in a communication network of information provided by a recipient of the service,

if the transmission condition is satisfied.

(3) The transmission condition is satisfied if the service provider does not—

- (a) initiate the transmission,
- (b) select the recipient of the transmission, or
- (c) select or modify the information contained in the transmission.

(4) For the purposes of sub-paragraph (1)—

- (a) the provision of access to a communication network, and
- (b) the transmission of information in a communication network,

include the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(5) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Exception for caching

3 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.

(2) The service provider does not commit an offence under section 2A or 3 in respect of the automatic, intermediate and temporary storage of information so provided, if—

- (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
- (b) the condition in sub-paragraph (3) is satisfied.

(3) The condition is that the service provider—

- (a) does not modify the information,
- (b) complies with any conditions attached to having access to the information, and
- (c) where sub-paragraph (4) applies, expeditiously removes the information or disables access to it.

(4) This sub-paragraph applies if the service provider obtains actual knowledge that—

(a) the information at the initial source of transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

Exception for hosting

4 (1) A service provider does not commit an offence under section 2A or 3 in respect of information stored in the course of providing so much of an information society service as consists of the storage of information provided by a recipient of the service, if sub-paragraph (2) or (3) is satisfied.

(2) This sub-paragraph is satisfied if the service provider had no actual knowledge when the information was provided that the storage of the information by the service provider constituted an offence under section 2A or 3 (as the case may be).

(3) This sub-paragraph is satisfied if, on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to it.

(4) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

Interpretation

5 In this schedule—

“information society services” has the meaning given in Article 2(a) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce),

“recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible,

“service provider” means a person providing an information society service.

SCHEDULE 2

(introduced by section 18)

MODIFICATIONS OF ENACTMENTS

Public Order Act 1986

1 (1) The Public Order Act 1986 is amended in accordance with this paragraph.

(2) Sections 18 to 21 (stirring up racial hatred) are repealed.

(3) In section 23—

(a) in subsection (1)(a), the words “displayed, published, distributed, or” are repealed,

(b) in subsection (1)(b), the words “distributed, shown, played, or” are repealed,

(c) in subsection (2), the words “display, publication, distribution, showing, playing, or” are repealed.

(4) In section 25(1), for paragraphs (a) and (b), substitute “an offence under section 23”.

(5) In section 29—

(a) the definitions of “distribute”, “dwelling” and “publish” are repealed,

(b) for the definition of “recording” (including the interpretation of “play” and “show”, in relation to a recording), substitute—

““recording” means any record from which visual images or sounds may, by any means, be reproduced;”.

Criminal Law (Consolidation) (Scotland) Act 1995

1A Section 50A (racially-aggravated harassment) of the Criminal Law (Consolidation) (Scotland) Act 1995 is repealed.

Crime and Disorder Act 1998

2 Section 96 (offences racially aggravated) of the Crime and Disorder Act 1998 is repealed.

Criminal Justice (Scotland) Act 2003

3 Section 74 (offences aggravated by religious prejudice) of the Criminal Justice (Scotland) Act 2003 is repealed.

Offences (Aggravation by Prejudice) (Scotland) Act 2009

4 The Offences (Aggravation by Prejudice) (Scotland) Act 2009 is repealed.

Hate Crime and Public Order (Scotland) Bill

[AS AMENDED AT STAGE 3]

An Act of the Scottish Parliament to make provision about the aggravation of offences by prejudice; to make provision about an offence of racially aggravated harassment; to make provision about offences relating to stirring up hatred against a group of persons; to abolish the common law offence of blasphemy; and for connected purposes.

Introduced by: Humza Yousaf

On: 23 April 2020

Bill type: Government Bill

Appendix C – Indian Penal Code 153A

Central Government Act

Section 153A(1) in The Indian Penal Code

(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, 2[or] 2[(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,] shall be punished with imprisonment which may extend to three years, or with fine, or with both. Offence committed in place of worship, etc.—(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

Appendix D – Indian Penal Code 295A

[295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of ²⁷³ [citizens of India], ²⁷⁴ [by words, either spoken or written, or by signs or by visible representations or otherwise], insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 4[three years], or with fine, or with both.]

Appendix E – Danish Law

Denmark has made the funding of mosques by foreign sources of finance illegal:

<https://www.gatestoneinstitute.org/17167/denmark-mosques-foreign-funds>

On March 9, the Danish Parliament **voted** 79 to 7 to approve Act 81, "Proposal for a Law Prohibiting the Receipt of Donations from Certain Natural and Legal Persons." The law, which does not mention Islam or Islamism by name, **states**:

"The purpose of the Act is to prevent natural and legal persons, including foreign state authorities and state-run organizations and companies, from working against or undermining democracy and fundamental freedoms and human rights by making donations.

"The Minister of Immigration and Integration Affairs may ... make a decision on whether natural and legal persons, including foreign state authorities and state-run organizations and companies that oppose or undermine democracy and fundamental freedoms and human rights, be placed on a public ban list...

"Anyone who receives one or more donations that individually or together exceed DKK 10,000 (€1,350; \$1,600) within 12 consecutive calendar months, from a natural or legal person who is included on the public ban list ... is punishable by a fine.

"Anyone who ... has received one or more donations that individually or together exceed DKK 10,000 within 12 consecutive calendar months ... must return the donation to the donor within 14 days from the time when the person in question became or should have become aware of this...."

The legislation was sponsored by the Ministry of Foreign Affairs and Integration and enters into force on March 15, 2021. Foreign Minister Mattias Tesfaye **said**:

"Today there are extreme forces abroad that are trying to turn our Muslim citizens against Denmark and thus divide our society. Several times in recent years, the media have reported on Danish mosques receiving millions from the Middle East, among others. The government will oppose this.

"This bill is an important step towards fighting attempts by Islamic extremists to gain ground in Denmark. With this, we can take a targeted approach to the donations that undermine the values on which Danish society is based.

"The bill will not solve all the problems that extreme Islamists and anti-democratic forces can give rise to. But it is a good step on the road, and it will be a benefit to society every time we can stop an anti-democratic donation in Denmark."

Tesfaye took action after the Danish newspaper *Berlingske* reported in January 2020 that Saudi Arabia had donated 4.9 million Danish kroner (€660,000; \$780,000) to fund the **Taiba Mosque**, located in the "multicultural" Nørrebro district, also known as "little Arabia." The donation was made by means of the Embassy of Saudi Arabia in Denmark.

The Taiba Mosque, one of the **most conservative** in Denmark, has been the base for a number of Islamists **convicted** of terrorism offenses.

The donation, included in the Taiba Mosque's annual report, was the first documented proof that Saudi Arabia was donating money to Danish mosques. *Berlingske* subsequently reported that Saudi Arabia was financing other mosques in Denmark.

Denmark's first purpose-built mosque — the Grand Mosque of Copenhagen, officially known as the Hamad Bin Khalifa Civilization Center — **opened** in June 2014 after **receiving** a donation of 227 million Danish kroner (€30 million; \$36 million) from Hamad bin Khalifa al Thani, the former emir of Qatar.

Critics of the mega-mosque, which has a capacity to host 3,000 worshippers indoors and another 1,500 in an inner courtyard, **said** that the organization behind the facility, the Danish Islamic Council (*Dansk Islamisk Råd, DIR*), was promoting a highly conservative interpretation of Islam.

In September 2013, when the mosque was still under construction, the *Copenhagen Post* reported that the facility was planning to rebroadcast Al-Aqsa TV, a television broadcaster controlled by the Palestinian terrorist group Hamas.

Meanwhile, Turkey has **bankrolled** the construction of 27 mosques in Denmark, including in the cities of Aarhus, Ringsted and Roskilde and in the towns of Fredericia, Hedehusene and Holbæk.

Appendix F – Letter by an Atheist

A letter was printed in the Scottish Courier. It was written by Ian Stewart, Convener, Atheist Scotland. It is not clear that this Ian Stewart exists. Nevertheless the letter has caused quite a stir!

Watching out for religious hatred

Sir, – Atheists see some merit in Justice Secretary Humza Yousaf’s Hate Crime Bill, as it will enable the prosecution of all Scotland’s religions and their Holy Books for spreading hatred.

It is utterly unacceptable that in progressive, social democratic Scotland that squalid, Bronze Age village disputes, as described in the Holy Books, about control of women, goats or water should give Scotland’s “Holy Willies” authority to spout out

vitriol against atheists, agnostics, apostates, sceptics, non-believers, women, trans people and homosexuals.

We fully intend to monitor all Holy Books, sermons in places of worship and the social media accounts of the various religions and report any hatred to Police Scotland for criminal investigation.

Ian Stewart.
Convener,
Atheist Scotland,
Park Avenue,
Dundee.

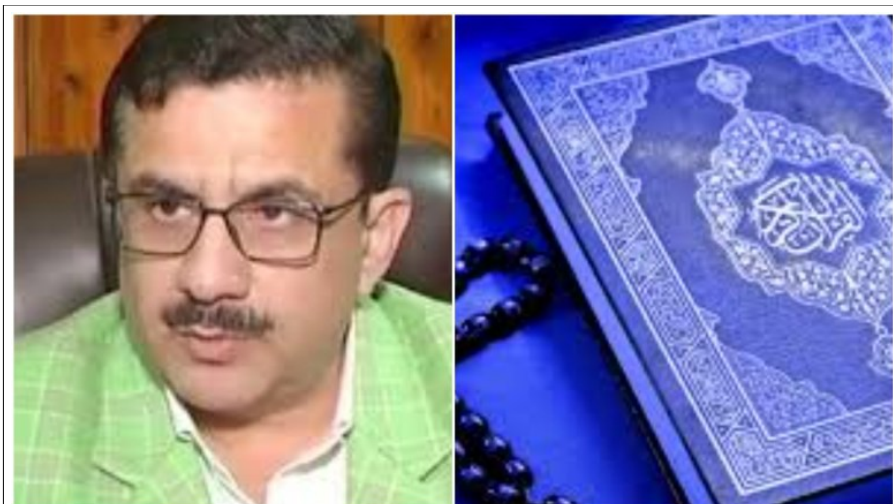
Appendix G – Petition to Remove 26 Verses of the Quran

<https://www.opindia.com/2021/03/waseem-rizvi-files-pil-in-sc-seeking-removal-of-26-verses-of-the-quran/>

This article was published in OpIndia on 12th March 2021:

Ex-Chairman of the Shia Waqf Board files a petition in SC seeking removal of 26 verses of the Quran saying they ‘promote terrorism and jihad’

Syed Waseem Rizvi said that these verses were added to the Quran by the first three Caliphs to aid the expansion of Islam by war



Syed Waseem Rizvi has filed a petition in the Supreme Court seeking that "26 verses of the Quran be removed"

UP Shia Central Waqf Board ex-chairperson, Syed Waseem Rizvi has **filed** a petition in the Supreme Court seeking that "26 verses of the Quran be removed". According to news reports, Rizvi in his petition has stated that

the Quran, the holy book of Muslims, has “some verses that are used to promote terrorism, violence, jihad”.

In the PIL, Rizvi has claimed that these verses were added to the holy book of Muslims later. “These verses were added to the Quran, by the first three Caliphs, to aid the expansion of Islam by war”, the former Chairman of the Shia Waqf Board said according to media reports.

Rizvi **wrote** in the petition that “after Mohammad, the first Caliphs Hazrat Abu Bakr, the second Caliphs Hazrat Umar and the third namely Hazrat Usman released the Quran as a book, based on the oral preachings of Mohammad”. This was passed on from generation to generation.

Rizvi has added in his petition that almost 26 verses that were added to the Quran by these Caliphs promoted violence. According to Rizvi, terrorists use these verses to fuel jihad. He also said that these verses are used to mislead the young Muslims generation, provoking them to become radicals and terrorists resulting in the massacre of millions of innocents.

However, Syed Waseem Rizvi has come under attack from other Muslims for his petition. Criticising Rizvi for this ‘blasphemous act’, Jammu and Kashmir Civil Society Forum chairman Qayoom Wani **said**: “Any kind of blasphemous act about Quran is intolerable to humanity in general and to Muslims in particular and whosoever does the blasphemous act, history is witness, he has seen its harsh result. JKCSF has appealed the Supreme Court of India to outright reject the petition of amendments against Quran to safeguard and respect the sentiments of the Muslims and other Quran lovers who seek guidance from this book of Allah”.

Saying so, Wani demanded life imprisonment for culprit’s like Rizvi, so that “in the future, nobody can dare to speak against Prophet Mohammad and the Quran”, opined Wani.

A report on the petition details, on the LiveLaw.in website:

Former UP Shia Waqf Broad Chairman Moves Supreme Court Seeking Removal Of 26 Verses From The Holy Quran

Akshita Saxena 28 March 2021 9:56 AM

<https://www.livelaw.in/top-stories/syed-wasim-rizvi-holy-quran-supreme-court-26-verses-up-shia-waqf-board-171868>

A Petition has been filed before the Supreme Court [WP(C) No: 401/2021] seeking removal certain verses from the holy Quran that are allegedly negative, promote terrorism and create the menace of Islamic Terrorism in India.

The plea filed by UP Shia Waqf Board chairman, Syed Wasim Rizvi, impugns 26 verses from the Quran which he states are used as "justifications" by Islamist Terrorist Groups for attacks on non-believers/ civilians.

The plea states,

"On account of the versus of Holy Quran, (more particularly described in the Writ Petition), the religion of Islam is drifting away from its basic tenets with a fast pace and nowadays is identified with violent behavior, militancy, fundamentalism, extremism and terrorism."

The petition refers to the following verses:

Verse 9 Surah 5; Verse 9 Surah 28; Verse 4 Surah 101; Verse 9 Surah 123; Verse 4 Surah 56; Verse 9 Surah 23; Verse 9 Surah 37; Verse 5 Surah 57; Verse 33 Surah 61; Verse 21 Surah 98; Verse 32 Surah 22; Verse 48 Surah 20; Verse 8 Surah 69; Verse 66 Surah 9; Verse 41 Surah 27; Verse 41 Surah 28; Verse 9 Surah 111; Verse 9 Surah 58; Verse 8 Surah 65; Verse 5 Surah 51; Verse 9 Surah 29; Verse 5 Surah 14; Verse 4 Surah 89; Verse 9 Surah 14; Verse 3 Surah 151; Verse 2 Surah 191

In his plea, Rizvi states that Islam is based on the concepts of equity, equality, forgiveness and tolerance is drifting away from its basic tenets of equity, equality, tolerance and forgiveness. However, due to extreme interpretations of the above-said verses of the Holy Book, the religion of *Islam is drifting away from its basic tenets with a fast pace and nowadays is identified with militancy, fundamentalism, extremism and terrorism.*

He further alleges that after the demise of Prophet Muhammad, there was dispute regarding the genuineness of some of the heavenly messages of God-the Almighty revealed to Prophet Muhammad and that the *Caliphs made a mistake in compiling the Holy Quran.*

The plea draws the Court's attention towards two types of verses in the Holy Book:

- Messages of Allah which are positive and promote peace, harmony, brotherhood, tolerance and forgiveness (attached as Annexure P-3 to the petition).
- Messages of Allah which are negative and promote violence and hatred (attached as Annexure P-4 to the petition).

"Why such wide differences in the messages of God-the Almighty (Allah) in Holy Quran itself ?" the plea remarks.

It adds,

"the dictates of religion which are not in consonance and overlap with the Law of Land of any nation and any Country passed by the competent elected representatives in the form of parliament/ state legislature and the laws and rules made by the United Nations shall have no strength of Law and are violative of the Law of the land and the same should not prevail over the same."

Rizvi goes on to allege that several Islamic Madrasas are making contribution to Muslim terrorist activities. The plea states,

"There are many Muslim madrasas all over the world where young children are taught Islam and Holy Quran is explained to the Islamic students who are working for terrorist activities, in the Quranic surahs as detailed in the preceding paragraphs. It is like poison in the raw minds of young children in the name of the message of Allah, which leads him to a radical mindset and from his early age when they become young, they hate people of other religions because of their mindset, and many youths get involved with terrorist organizations in some way under this mentality, the wrong messages of Allah Has been filled in the name of Islam."

He insists that as per Article 29 and 30 of the Constitution, religious institutions have freedom to teach with liberty. However, they do not have liberty to teach anything illegal, which violates the Law of the Land or the Indian Constitution.

The plea further states,

"as per the provisions of Article 25 and 26 of Constitution of India, the freedom of conscious and religion as per clause 1 is subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion. Further, any religious custom/ belief has to be in accordance or within the balance of Constitution of India and as the Law is already settled." Reliance is placed on *Shayara Bano v. Union of India & Ors.*

FIR Against Rizvi

An FIR was registered in Bareilly against Waseem Rizvi for allegedly hurting the religious sentiments of Muslims with his petition in the Supreme Court seeking removal of some verses of the Quran which he claimed promoted terrorism.

"The FIR was registered at the Kotwali police station based on complaints by Anjuman Khuddam-e-Rasool secretary Shan Ahmed and an organisation known as Ittehad-e-Millat Council", reports PTI

Chandmal Chopra Case

In 1987 a petition had been filed in Calcutta High Court by Chandraal Chopra, and Setlal Singh against the State of West Bengal, the respondent, calling upon the latter to show cause why a writ of mandamus should not be issued directing the respondent to declare that each copy of the Koran (Quran).

It was alleged that the Quran incited violence, disturbed public tranquillity, promoted, on grounds of religion, feelings of enmity, hatred and ill-will between different religious communities and insulted the religion or religious beliefs of other communities in India.

It was contended that the publication of the Koran containing the aforesaid offending portions was punishable under Section 153A and Section 295A of the Indian Penal Code and as such came within the mischief of Section 95 of the Cr. P. C., 1973. As a public authority the respondent had a duty to invoke the said Section 95 of the Cr. P. C. and to forfeit all copies of the Koran and seize the same wherever found in India.

Dismissing the Petition the Calcutta High Court held;

"We hold that the Courts cannot sit in judgment over the Koran or the contents thereof in any legal proceedings. Such adjudication of the religion itself is not permissible. Similarly the Courts cannot and will not adjudicate on theories of philosophy or of science or scientific principles".

Any attempt to impugn Koran in the manner as has been sought to be done would infringe the right to freedom of religion including the right to profess, practise and propagate religion.

We take note of the fact that the Koran has been accepted as a holy through the ages.

It is read, followed, published and distributed in all civilised countries of the world.

There has been no interference with Koran either in India or in any other country up till now. It is too late in the day for the writ petitioners to contend that publication and propagation of Koran would cause disharmony between communities and religions and the tenets of Koran constitute an insult to other religions or communities".

Appendix H – Petition failed to Remove Verses of the Quran

India: Supreme Court dismisses as ‘frivolous’ petition calling for removal of Qur’an verses that promote hatred and terror

APR 13, 2021 BY ROBERT SPENCER

<https://www.jihadwatch.org/2021/04/india-supreme-court-dismisses-as-frivolous-petition-calling-for-removal-of-quran-verses-that-promote-hatred-and-terror>

If the Supreme Court considered the petition “frivolous” because it is not within the power of any court anywhere to alter the scriptures of any religion, that would be perfectly reasonable. Note, however, that senior BJP leader and spokesperson Syed Shahnawaz Hussain said: “It is my party’s stand that saying absurd things about any religious text, including Quran, is a highly condemnable act.”

What is absurd about saying that the Qur’an contains passages that promote hatred and terror? Here are a few of them:

“Against them make ready your strength to the utmost of your power, including steeds of war, to strike **terror** into the hearts of the enemies of Allah and your enemies...” (8:60)

“When your Lord was revealing to the angels, ‘I am with you; so confirm the believers. I shall **cast terror** into the hearts of the unbelievers; so strike the necks, and strike every finger of them!’” (Qur’an 8:12)

“We will cast **terror** into the hearts of those who disbelieve for what they have associated with Allah of which He had not sent down authority. And their refuge will be the Fire, and wretched is the residence of the wrongdoers.” (Qur’an 3:151)

“And **kill them** wherever you find them, and drive them out from where they drove you out; persecution is worse than slaughter. But fight them not by the Holy Mosque until they should fight you there; then, if they fight you, **kill them** — such is the recompense of unbelievers, but if they give over, surely Allah is all-forgiving, all-compassionate. Fight them until there is no persecution and the religion is Allah’s; then if they give over, there shall be no enmity save for evildoers.” (Qur’an 2:191-193)

“They wish that you should disbelieve as they disbelieve, and then you would be equal; therefore do not take friends from among them, until they emigrate in the way of Allah; then, if they turn their backs, seize them and **kill them** wherever you find them; do not take for yourselves any one of them as friend or helper.” (Qur’an 4:89)

“This is the recompense of those who fight against Allah and His Messenger, and hasten about the earth to do corruption there: **they shall be killed, or crucified, or their hands and feet shall be struck off on opposite sides**; or they shall be exiled from the land. That is a degradation for them in this world; and in the world to come awaits them a mighty chastisement.” (Qur’an 5:33)

“**Fight them**, till there is no persecution and religion is all for Allah; then if they give over, surely Allah sees the things they do.” (Qur’an 8:39)

“Then, when the sacred months are over, **kill the idolaters** wherever you find them, and take them, and confine them, and lie in wait for them at every place of ambush. But if they repent, and perform the prayer, and pay the alms, then let them go their way; Allah is All-forgiving, All-compassionate.” (Qur’an 9:5)

“**Fight those who believe not in Allah** and the Last Day and do not forbid what Allah and His Messenger have forbidden, and do not practice the religion of truth, even if they are of the People of the Book — until they pay the jizya with willing submission and feel themselves subdued.” (Qur’an 9:29)

“Allah has bought from the believers their selves and their possessions against the gift of Paradise; they fight in the way of Allah; **they kill, and are killed**; that is a promise binding upon Allah in the Torah, and the Gospel, and the Koran; and who fulfils his covenant truer than Allah? So rejoice in the bargain you have made with Him; that is the mighty triumph.” (Qur’an 9:111)

“O believers, **fight the unbelievers** who are near to you; and **let them find in you a harshness**; and know that Allah is with the godfearing.” (Qur’an 9:123)

“When you meet the unbelievers, **strike their necks**, then, when you have made wide slaughter among them, tie fast the bonds; then set them free, either by grace or ransom, till the war lays down its loads. So it shall be; and if Allah had willed, He would have avenged Himself upon them; but

that He may try some of you by means of others. And those who are slain in the way of Allah, He will not send their works astray.” (Qur’an 47:4)

“SC Quashes Plea to Scrap 26 Verses From Quran, Slaps Rs 50k Fine,” [The Quint](#), April 12, 2021:

The Supreme Court on Monday, 12 April, slapped a fine of Rs 50,000 [\$667] on former Uttar Pradesh Shia Waqf Board Chairperson Syed Waseem Rizvi seeking removal of certain verses from the holy book of Quran on the ground that they allegedly promote hatred and terror.

Calling the petition “absolutely frivolous,” the apex court asked Rizvi’s counsel if he was actually serious about the matter and keen on pressing the petition, according to IANS.

After hearing the arguments, the court dismissed the petition with a fine of Rs 50,000, to be paid to legal service authorities.

What Rizvi’s Counsel Argued

Rizvi’s counsel argued that teaching in the holy book is not protected under Article 25 or 30 of the Constitution and cited issues with the interpretation of the verses.

The counsel further urged the top court to issue guidelines on the issue, so that students, studying in the madrasas under the government, are not indoctrinated....

Rizvi had moved the Supreme Court on 13 March alleging that the Holy Quran had 26 verses, which promoted Jihad and insurgency among the Muslim youth, and asked for them to be removed.

The petition alleged that “these verses were added at a later stage by the first three Caliphates to aid the expansion of Islam by war.”

The Condemnation of the Petition

The petition led to protests in several cities last month including Lucknow and Hyderabad, with many demanding Rizvi’s arrest.

Shia and Sunni clerics had reacted saying that not a word has been altered in the Holy Quran in 1,400 years.

Shia cleric Maulana Kalbe Jawad in a protest held in Lucknow on 15 March called Rizvi an “enemy of Islam and Quran” and called for a social boycott of him.

Senior BJP leader and spokesperson Syed Shahnawaz Hussain also criticised Rizvi asking him not to “vitalize the atmosphere of the country,” as it “hurts people’s sentiments.”

“It is my party’s stand that saying absurd things about any religious text, including Quran, is a highly condemnable act,” Hussain had told PTI....

An FIR has been lodged against lawyer Amirul Hasan Zaidi, a former district bar association president, after his speech announcing a Rs 11 lakh reward for beheading Rizvi went viral on social media.