

Showdown in Birmingham

by Tim Burton (Catstrangler101) (April, 10 2014)



I took a last mouthful of cappuccino and glanced out of the window of the restaurant over the road from the Birmingham Magistrates' Court. A small group of demonstrators had already arrived on the Court steps and were busy setting up placards and handing out leaflets to curious passers-by. It was time to go.

It was Tuesday 08 April, and the time was just after 09:00. I was scheduled to appear in Court 13 of the Court later that morning to answer a charge of Racially Aggravated Harassment – a charge which had been brought by the Crown Prosecution Service following my interview with West Midlands Police some four months earlier. A gentleman by the name of Fiyaz Mughal had complained that I was harassing him on Twitter by referring to him as a “Mendacious Grievance-Mongering Taqiyya-Artist” and a “Lying Muslim Scumbag” – words which I had indeed used in relation to the gentleman in question – and he had seen a chance to exact revenge by using the forces of law and order to do his dirty work for him.

A link to the case from Liberty GB is included [The Last Samurai](#).

My defence lawyer started by taking me through the use of Twitter as a social medium and my use of it with respect to my tweets. I explained that because of the nature of Islam as a totalitarian political ideology rather than a religion, I saw it as my duty to raise awareness of the threat of Islam towards non-Muslims and that Twitter was a useful tool in that regard. I talked about *taqiyya* and how Fiyaz Mughal was using dissimulation when he avoided explaining how Muslims use it today to deceive non-Muslims about the true nature of Islam. I explained that in my view Islam posed a threat to our civilisation and that our political elites were ignoring a very real long-term danger in favour of short-term advantages. Then it was the turn of the Crown Prosecution lawyer.

Well, I have to say that the Crown prosecution lawyer tried his best. He was like a dog with a bone that he wouldn't let go. “I put it to you, Mr. Burton, that your tweets were nothing more than a racist diatribe!” “I put it to you, sir, that they were not. Islam is not a race and Muslims are not a racial group.” “I put it to you, Mr. Burton, that your tweets were intended purely to threaten and harass Mr Mughal!” “I put it to you, sir, that they were not. My tweets were intended to scold, to criticise and to castigate Mr. Mughal. I felt very strongly that

someone running an organisation like Tell Mama UK should not be fraudulently misrepresenting his statistics, as alleged by Andrew Gilligan in *The Telegraph*, in order to receive public money." "I put it to you, Mr. Burton, that your tweets were racist in nature!" "I put it to you, sir, that they were not. As I have said, Islam is not a race and Muslims are not a racial group."

I must have repeated that phrase half a dozen times before the prosecution gave up and tried a different tack. "You called Mr Mughal a lying Muslim scumbag. That is not only racist and offensive, but deeply unpleasant!" "The definition of scumbag in the *Cambridge Online Dictionary* is of an unpleasant person whose actions and behaviour are unacceptable. That seems reasonable to me under the circumstances. I did not mean to imply that Mr. Mughal was a scumbag because he was Muslim. However I did mean to imply that there was an association between lying and being Muslim, and that is because of the doctrine of *taqiyya*."

Then the prosecution changed tack again. "Mr. Burton, you could have written a tweet in less offensive language, telling Mr Mughal that you disagreed with some or all of the things on his website, inviting Mr Mughal to have a meeting with you and to discuss differences of opinion face to face. Why didn't you?" I explained that Twitter constrains one's tweets to 140 characters, at which a muffled titter ran around the courtroom. I further explained that I wouldn't expect Mr Mughal to respond to such a message, and that my primary audience was my thousands of Twitter followers, who I wished to invite to join me in condemnation of Fiyaz Mughal and his organisation.

The Crown Prosecution lawyer asked me whether I considered myself to be a journalist, and if so why my language differed so markedly from that of Andrew Gilligan in *The Telegraph*. I said although I might be considered a journalist in some respects, Andrew Gilligan was writing for a different audience and was probably more constrained by laws of libel than I felt myself to be. The Crown Prosecution lawyer laboured this point extensively until the judge stepped in and pointed out that it was accepted that I had used language not normally found in the *Daily Telegraph*, but that it might be considered fair political comment. I think that was where the Crown Prosecution lawyer realised he was starting to lose his grip on events. "But Mr Burton, your tweets taken as a whole were nothing more than gratuitous racial insults!" "No, they had a specific purpose, and anyway, as I have said before, Islam is not a race, nor are Muslims a racial group."

Shortly after that I was released from the witness stand, and Professor Hans Jansen was called. I have to say he made an excellent witness, with his extensive qualifications over many years presented to the Court in detail, and he elaborated on the concept of *taqiyya*,

basically confirming all the points I had made and also making the point that although Fiyaz Mughal might have been well-meaning (!) he was obviously not a student of Sharia Law and was inaccurate in his explanation of *taqiyya* to the court.

The prosecution and the defence were both allowed a final summary of their argument, with my defence lawyer arguing that Article 10 of the Human Rights Act allows for fair comment in the context of free speech, and although the state does have the right to restrict free speech, those limits should be very narrowly drawn. The Crown Prosecution lawyer wasn't going to let go of the "gratuitous racial abuse" angle and again argued the point with the judge.

The judge then began his summing-up. He noted that although some of my language had been unpleasant, and that Fiyaz Mughal might well have found it to be upsetting, that was not the test. The test was whether my comments transcended the boundaries of fair political comment and strayed into the realms of criminality through harassment. Had Mr Burton crept up to his door one night and shouted these things through his letterbox, then it might have been perceived differently, but as it was, the use of the Twitter platform to convey the same messages was not the same thing at all, which was a point which I had elaborated upon in my