



JUDICIARY OF
ENGLAND AND WALES

28th October 2016

PRESS SUMMARY

Shakeel Begg v. British Broadcasting Corporation [2016] EWHC 2688 (QB)

([§...] denotes paragraph numbers in the Judgment)

Mr Justice Haddon-Cave

THE CLAIM

The Claimant, Shakeel Begg, the Chief Imam at Lewisham Islamic Centre (“LIC”), claimed damages against the BBC for libel in respect of a broadcast of the “*Sunday Politics*” current affairs programme on 3rd November 2013 on BBC1 [§1]. Mr Begg complained about words spoken by the presenter, Andrew Neil, including: “...*The East London Mosque... it’s also the venue for a number of extremist speakers and speakers who espouse extremist positions. This year Shakeel Begg, he spoke there and hailed jihad as “the greatest of deeds”. ...*”. [§3]

THE DEFENCE

The BBC’s defence to the libel action was one of justification: *i.e.* that the words complained of were substantially true [§6]. The BBC relied on a series of previous speeches and utterances by Mr Begg between 2006 and 2011 in which the BBC submitted Mr Begg espoused extremist Islamic views and praised *jihad*. The burden of proof rests on the party claiming justification, *i.e.* the BBC.

Mr Begg denied being an extremist speaker and said he had always been against extremism [§8]. He relied upon, and produced evidence of, his substantial inter-faith and Lewisham community work, including numerous testimonials supporting him, and other speeches he had given [§§24-38].

THE ISSUES

The Court had to decide three issues [§9]: (1) What do the words complained of mean? (2) Are they substantially true in those meanings? (3) If not, what remedies ought to be granted?

THE LAW

There was no dispute as to the correct English legal principles applicable in this area of libel law which are well settled by authority. [§§39-66]

THE JUDGMENT

(1) What do the words complained of mean?

The Court held that the words complained of meant [§74]: (1) Mr Begg is an extremist Islamic speaker who espouses extremist Islamic positions. (2) Mr Begg had recently promoted and encouraged religious violence by telling Muslims that violence in support of Islam would constitute a man's greatest deed.

(2) Are they substantially true in those meanings?

Defence of justification

In support of its defence of justification, the BBC relied principally upon nine matters (listed at [§75] and which are considered in detail further below):

- (1) A speech given by Mr Begg at Kingston University in late October 2006;
- (2) A document posted by Mr Begg on the Internet on 19th and 20th February 2009;
- (3) A speech given by Mr Begg to an LIC “*Deviant Groups*” seminar on 29th May 2009;
- (4) A speech given by Mr Begg at a rally outside the US Embassy on 28th March 2010;
- (5) A speech given by Mr Begg at an annual dinner for CAGE on 21st August 2010;
- (6) A speech given by Mr Begg at a dinner hosted by HHugs on 9th March 2011;
- (7) A speech given by Mr Begg at a rally outside HMP Belmarsh on 7th August 2011;
- (8) Invitations issued to extremist speakers by LIC between 2010-2014;
- (9) A press statement issued by LIC on 26th January 2016.

Materials on Islam

Mr Begg's speeches covered a wide range of Islamic themes and issues, and included numerous citations from Islamic scholars and from the *Qur'an*. [§76]. In order properly to analyse these speeches, it is necessary, to have a basic understanding of Islam, its terminology and its tropes. [§77]. It is also important to have an understanding of the historical context of the *Qur'an* (the Revelation) and the *Sunna* (the practice of the Prophet Muhammad) and the contemporaneous circumstances in which the Revelations were made to Muhammad (in particular, the need for Muhammad and his followers to defend themselves against physical persecution at the time). [§§87-93]. The Court heard detailed evidence from experts on Islam and read extensive materials, including the entire *Qur'an* and the monograph “*Milestones*” by the 20th Century ideologue, Sayyid Qutb. [§§10-12].

Islam is a religion of peace

It is common ground that Islam is a religion of peace. The *Qur'an* is a book of peace. The words *Islam*, *Muslim* and *Salaam* all share the same Arabic triconsonantal root, *s-l-m*, which denotes “*peace*”. [§§94-5]. Islam forbids extremism, including extremism in religion. [§§98-100]. Islam forbids terrorism. [§§129-131].

Jihad

The Arabic word *jihad* or *jihād* (جهاد) means literally “*struggling*” or “*striving*”. It has a wide variety of religious meanings in Islam including ‘spiritual struggle’. Unfortunately, the word *jihad* has now become synonymous in everyday language with ‘armed *jihad*’ or ‘holy war’. [§§101-106].

Qital

However, the correct Arabic word for ‘armed *jihad*’ is, in fact, *qital*. The concept of *qital* became relevant when Muhammad reassured his followers that they were permitted to act in self-defence when attacked by their persecutors. The *Qur’an* and the *Sunna* lay down strict codes for *qital*: attacks on civilians are never permitted (*Qur’an*, 2:190-194). [§§107-109]. Islamist extremists ignore the *Qur’anic* conditions for *qital* in order to justify terrorist attacks against civilians (such as “9/11” and “7/7”). [§§110-111].

Islamic extremism and Salafism

Most Islamist extremists claim to be *Salafi* Muslims but take scriptural literalism to an extreme extent and ‘cherry-pick’ verses of the *Qur’an* shorn of historical and contextural reasoning in order to justify their extremist views (e.g. *Jihadi Salafis*) [§§114-115]. Extremist Islamic positions can be contrasted to moderate or ‘mainstream’ Islamic doctrinal positions applied in such a way as to be suitable for contemporary Britain [§§116-117].

Ten extremist Islamic positions

The Court highlighted ten examples of classic extremist Islamic positions [§§118-128], viz.: (1) an extremist Manichean ‘Us’ versus ‘Them’ worldview which divides the world into ‘good’ Muslims versus ‘bad’ Muslims or *kafir* (unbelievers); (2) giving *jihad* an exclusively violent meaning (*qital*); (3) ignoring the *Qur’anic* conditions for declaring *qital*; (4) ignoring the *Qur’anic* conditions for conducting *qital*; (5) encouraging Muslims to believe it was their individual religious duty to go off and fight ‘in the name of Allah’; (6) any interpretation of *Shar’ia* (religious law) which requires Muslims to break the ‘law of the land’; (7) the classification of all non-Muslims as unbelievers (*kuffar*); (8) the *Salafist* Islamism doctrine that the precepts of the Muslim faith negate and supercede all natural ties, of family, kinship and nationhood; (9) the citing with approval the *fatwa* (legal opinions) of Islamic scholars who espouse extremist views (e.g. the *Salafi-Wahabi* scholar, Sheikh Abdul Aziz bin Baz), or praising notorious violent, extremist, Islamic ideologues (e.g. Sayyid Qutb and Abdullah Azzam); and (10) any teaching which, expressly or impliedly, encourages Muslims to engage in violence or terrorism ‘in the name of Allah’.

ANALYSIS OF MR BEGG’S SPEECHES

The Court analysed each of Mr Begg’s speeches and other matter relied upon by the BBC in considerable detail. The texts of the speeches are quote extensively in the Judgment. Mr Begg’s audiences on each occasion included engaged young Muslims interested in learning more about Islam.

(1) KINGSTON UNIVERSITY SPEECH (2006)

First, the BBC relied upon a speech given by Mr Begg in late October 2006 at a meeting organised by the Kingston University Islamic Society. The speech came to light because of a recording obtained by a “*Sunday Times*” journalist and an article published in “*The Sunday Times*” on 12th November 2006 entitled “*Islamists infiltrate four universities*”. [§§134-158].

The Court found that Mr Begg espoused extremist Islamic positions and promoted or encouraged religious violence in this speech, in particular by exhorting his audience to travel to engage in armed *jihad* (*qital*) in Palestine. Mr Begg said: “*You want to make jihad? Very good. Don’t shout and scream and fight with your Muslim brother who is doing something*”

else for the deen [belief of Islam]. Take some money and go to Palestine and fight, fight the terrorists, fight the Zionists in Palestine if you want to do this.” [§158]

(2) ADVICE TO TAWFIQUE CHOWDHURY (2009)

Second, the BBC relied upon a document authored by Mr Begg entitled “*Advice to Sheikh Tawfique from Imam Shakeel Begg*” posted on the Internet in February 2009. [§§159-190]

The Court found that Mr Begg espoused extremist Islamic positions in this document. Mr Begg accused a moderate scholar, Sheikh Tawfique Chowdhury, of “*signing a deal with the devil*” and betraying “*his covenant with Allah*” for giving a sensible and (many would say) praiseworthy speech to counter-terrorism officers in Cardiff about how to use moderate Islamic scholars to prevent extremism and terrorism. Mr Begg characterised the UK counter-terrorism authorities as “*...the devil...*”, “*...brutal, cunning and oppressive...*” and “*...the enemies of Islam...*”. He further displayed a deep antagonism to the UK counter-terrorism authorities and an implacable objection to any Muslim co-operating with them, whom he accused of being ‘collaborators’ and breaking their covenant with *Allah*. His speech would act as strong active discouragement to any Muslim thinking of co-operating with the UK counter-terrorism authorities. [§188].

(3) DEVIANT GROUPS SPEECH (2009)

Third, the BBC relied upon a speech given by Mr Begg on 31st May 2009 at Lewisham Islamic Centre as part of a series of seminars on “*Deviant Groups*” within the Muslim community. [§§191-254].

The Court found that Mr Begg espoused extremist Islamic positions and promoted or encouraged religious violence in this speech. This speech was, in effect, all about encouraging aggressive, armed *jihad* on behalf of Islam. Mr Begg encouraged his audience to rise from their seats and take up arms to wage aggressive *jihad* against the enemies of Islam, including the Jews in Palestine, and thereby they would thereby get closer to Allah. First, Mr Begg endorsed the extremist *fatwa* (legal opinions) of the *Salafi-Wahabi* scholar, Sheikh Abdul Aziz bin Baz, who said that is a religious duty (*wajib*) “*to be hostile to*” (or “*to hate*”) non-Islamic states, and this included “*...destroying the disbelievers and hypocrites...*” and “*fighting the Jews in an Islamic Jihad...*”. Second, Mr Begg cited with approval the *fatwa* of Sheikh bin Baz that “*Jihad in the path of Allah is one of the best methods of getting closer to Allah... and one of the greatest acts of obedience*”. Third, Mr Begg reduced the religious meaning of *jihad* to the single meaning of *qital*, and told his audience that “*fighting is prescribed upon you*”, *i.e.* fighting is a personal religious duty, and this not mean simply defensive fighting. Fourth, Mr Begg told the audience that “*those who fight have a higher status [with Allah] than those who do not fight*”, *i.e.* Allah “*prefers Mihahideen (Fighters) to Sitters*”. [§250].

(4) AAFIA SIDDIQUI SPEECH (2010)

Fourth, the BBC relied upon a speech given by Mr Begg at a rally outside the American Embassy on 28th March 2010 organised by the “*Justice for Aafia Coalition*”. Aafia Siddiqui was a Pakistani national who was convicted in the US in 2010 of the attempted murder of a US Army Captain and sentenced to 86 years imprisonment.) [§§255-267].

The Court found that Mr Begg espoused extremist Islamic positions in this speech. Mr Begg accused the American Government of “*tyranny*”, “*oppression*” and “*terror*” against the Muslim people. The speech is redolent of an extreme Manichean 'Us' versus 'Them' worldview (*i.e.* ‘good’ Muslims versus ‘bad’ Muslims or *kafir* (unbelievers)). Mr Begg branded those who collaborate with the Americans as religiously violating Allah’s principles and being infidels (*kuffar*) themselves. Mr Begg (through the supposed mouth of Malcolm X) accused the American Government of being: “*The greatest oppressor on earth. The greatest tyrant on earth. The greatest bootlegger on earth. The greatest kidnapper on earth. The greatest criminal on earth and the greatest rapist on earth... [and] the greatest terrorist on earth.*” [§267].

(5) CAGE PRISONERS SPEECH (2010)

Fifth, the BBC relied upon a speech given by Mr Begg on 21st August 2010 at the third annual dinner of CAGE (formerly known as ‘Cage Prisoners’). CAGE supports people whom it regards as victims of the ‘War on Terror’. Speakers at the dinner included a former inmate of Guantanamo Bay who was also a CAGE director. [§§268-310].

The Court found that Mr Begg espoused extremist Islamic positions and promoted or encouraged religious violence in this speech. Mr Begg again used *jihad* exclusively in the sense of “*fighting physically the enemies of Islam*”, *i.e.* *qital*. Mr Begg praised fellow Muslims who had migrated (made *hijra*) to other lands in order physically to fight the enemies of Islam (made *jihad*, *i.e.* *qital*). Mr Begg suggested that there was a moral and theological equivalency between the “*good deeds*” and “*legacy*” of the earliest prophets such as Noah, Abraham, Moses, Jesus and Muhammed, and the “*legacy of good deeds [sic]*” of four notorious 20th century Islamic extremists and violent ideologues: Hassan al-Banna (the founder of the Muslim Brotherhood), Abdul ‘Ala Maududi (the founder of *Jamaat e-Islami*), Sayyid Qutb (the author of “*Milestones*” which became the ideological blueprint for Al-Qaeda and ‘ISIS’) and ‘Abdullah Azzam (who declared the Afghan *jihad*, mentored Osama bin Laden and is celebrated as the “*Godfather of global jihad*”). Mr Begg suggested that the CAGE prisoners were the ‘inheritors’ of their “*legacy of good deeds*”. Mr Begg also praised the virtues and “*good deeds*” of *jihadis* who have travelled to conflict zones such as Iraq, Afghanistan, Yemen or Somalia, and engaged in armed *jihad* in the name of Islam. [§308].

(6) HHUGS SPEECH (2011)

Sixth, the BBC relied on a speech given by Mr Begg on 19th March 2011 at the annual dinner for Hhugs (‘Helping Households Under Great Stress’), a charity which, according to its website, was “*established to provide practical support and advice to households devastated by the arrest of a family member under UK anti-terror legislation*”. In the event, however, the BBC did not invite the Court to place any particular weight on this speech. [§§311-318].

(7) BELMARSH PRISON SPEECH (2011)

Seventh, the BBC relied upon a speech given by Mr Begg at a rally outside Her Majesty’s Prison Belmarsh in August 2011. HMP Belmarsh is a ‘Category A’ prison, which houses some of the most high profile prisoners found guilty of Islamist terrorist-related offences, including Abu Hamza and the “21/7” attempted bombers. [§§319-334]

The Court found that Mr Begg espoused extremist Islamic positions and promoted or encouraged religious violence in this speech. In substance, in this speech, Mr Begg

expressed unqualified support for the Belmarsh Muslim prisoners and their deeds, *i.e.* their crimes. The technique which Mr Begg used to signal his unqualified solidarity and praise for the Belmarsh Muslim prisoners and their deeds was not particularly subtle: he praised the Belmarsh Muslim prisoners for “*speaking truth to power*”, using this as a metaphor or fig-leaf for the conducting or encouraging of armed *jihad* (*qital*). He drew direct parallels with the notorious violent 20th century Islamic ideologues Abdullah Azzam and Sayyid Qutb “*speaking the truth in front of tyrants and oppressive rulers*”. He also employed the same technique as before, of giving credence to the deeds of Abdullah Azzam and Sayyid Qutb by bracketing them with the early prophets, *e.g.* Abraham who “*faced off Nimrod*”, Jesus who “[*spoke*] *the truth against the Romans*” and Moses who “[*spoke*] *the truth in front of a tyrant ruler, the people of Pharaoh*”. By these transparent means, Mr Begg signalled to the audience his unqualified approval of, and praise for, the Belmarsh Muslim prisoners and what they had been imprisoned for. It is no coincidence that Abdullah Azzam and Sayyid Qutb laid the ideological and doctrinal excuses for the very crimes for which some of the Belmarsh Muslim prisoners have been convicted, *i.e.*, terrorist attacks against civilians. It is in this violent sense that his peroration or exhortation to the audience in this speech is to be understood: “*...the greatest form of Jihad is to speak the truth in front of a tyrant, oppressive ruler.*” [§332].

This speech was particularly sinister because Mr Begg was not only expressing his sympathy and solidarity with the Belmarsh Muslim prisoners’ for their plight, but also approval of their crimes. [§333].

(8) INVITATIONS ISSUED TO ‘EXTREMIST’ SPEAKERS BY LIC

Eighth, the BBC relied upon a series of invitations issued by the Lewisham Islamic Mosque to various extremist Islamic speakers (including Bilal Phillips, Abdullah Hakim Quick, Murtaza Kahn, Sheikh Haitham Al-Haddad, and Uthman Lateef) between 2010 and 2014. However, the BBC did not pursue the point because it transpired Mr Begg was employed at another Islamic Centre during much of this period. [§§335-336]

(9) PRESS STATEMENTS ISSUED BY LIC

Ninth, the BBC relied upon an ‘open letter’ published by the Lewisham Islamic Centre on 26th January 2016 in response to a letter from the then Secretary of State for Communities and Local Government, the Rt Hon. Eric Pickles MP, and the Parliamentary Under-Secretary of State, Lord Tariq Ahmad to many mosques and Muslim leaders following the terrorist atrocities in Paris. The Secretary of State’s letter sought to enlist the help of the Muslim leaders to fight extremism. [§§337-341].

The LIC’s letter, in which Mr Begg admitted having a hand, was a manifest overreaction to a perfectly sensible and unobjectionable letter from the Secretary of State. Whilst is not it itself evidence of extremism, the LIC’s letter nevertheless re-enforced the picture of Mr Begg as someone who expresses intemperate views. The LIC’s letter said it was “*insulting*” to single out Muslims who were already so heavily hostile and vilified following the attacks in Paris, criticised the “*demonization*” of the Muslim community, and said “*we refute in the strongest possible terms*” this attempt “*to lay the blame for extremism and terrorism at our door*”. [§§339-341].

GENERAL COMMENTS

The Court made a number of general comments.

First, it had been necessary for the Court to conduct a detailed syntactical and theological analysis of each of Mr Begg's speeches; but this should not obscure the fact Mr Begg's core extremist messages would have been quite clear to the audiences at the time on each occasion. [§343].

Second, sometimes Mr Begg's language in the speeches was explicit; sometimes he used a variety of rhetorical, historical and metaphorical devices to get his extremist message across. These enhanced his essential messages. [§§344-349].

Third, there was a striking contrast between Mr Begg's positive case - and his apparently (benign) reputation in the local community on the one hand - and these (extremist) speeches and postings on the Internet on the other. Mr Begg produced cogent evidence as to his considerable inter-faith, community and youth work over the years and that he was a respected and trusted figure in the Lewisham Muslim and wider community and produced many testimonials from local faith leaders to that effect. The Court concluded that that Mr Begg was something of a '*Jekyll and Hyde*' character: he presented one face to the local and inter-faith community and another to particular Muslim and other receptive audiences. Thus, on the occasions when it has suited him - and he was speaking to predominantly Muslim audiences and/or audiences who might be receptive or sympathetic to his message - he shed the cloak of respectability and revealed the horns of extremism. His reputation for respectability is likely to have made his (extremist) messages all the more compelling and seductive to his audiences. For this reason, therefore, his words would have been all the more effective and dangerous. [§§350-357].

Fourth, the BBC accepted that there were two errors of detail in its broadcast as to the precise location and timing of his speeches. But the Court held that neither of these errors was of significance, and that the substance of its charges against Mr Begg remained true. [§§358-364].

Fifth, many of Mr Begg's speeches were posted on the Lewisham Islamic Centre website (www.lewishamislamiccentre.com) and remain live and accessible on the Internet on a variety of sites (*viz. e.g.* on www.YouTube and sites advertising Islamic material such as www.kallamullah.com). [§§190, 254, 267, 310, 334, 363].

SUMMARY AND CONCLUSIONS

In conclusion, the Court held that the BBC succeeded in its defence of justification and that the words complained of ("WCO") were substantially true, *i.e.*: (1) Mr Begg is an extremist Islamic speaker who espouses extremist Islamic positions. (2) Mr Begg had recently promoted and encouraged religious violence by telling Muslims that violence in support of Islam would constitute a man's greatest deed. [§365-6].

The Court held that Mr Begg's DEVIANT GROUPS SPEECH (2009) was sufficient to make good the BBC's case on justification on its own. It contained clear statements by Mr Begg justifying both limbs of the meaning of the WCO (above). [§367].

The Court held that, taken cumulatively, Mr Begg's speeches and postings, represented an overwhelming case of justification for the BBC. In the KINGSTON UNIVERSITY SPEECH (2006), the ADVICE TO TAWFIQUE CHOWDHURY (2009), the DEVIANT GROUPS SPEECH (2009), the AAFIA SIDDIQUI SPEECH (2010), the CAGE PRISONERS SPEECH (2010), and the BELMARSH PRISON SPEECH (2011), Mr Begg repeatedly espoused a series of extremist Islamic positions (including most of the classic extremist Islamic positions listed in paragraphs 118 -128 above) and promoted and encouraged violence in support of Islam. [§368].

The Court said that if Mr Begg had simply given a single 'one off' speech, there might be pause for thought. However, these half-dozen speeches represented a consistent pattern on the part of Mr Begg of fomenting extremist ideas and ideology before engaged and receptive Muslim audiences. The Court was satisfied that the import of Mr Begg core extremist Islamist messages would have been quite clear to substantial sections of his audiences on each occasion. [§369].

The Court agreed with the BBC's expert, Dr Matthew Wilkinson, that the cumulative effect of these speeches was consistent with an extremist *Salafist Islamist* worldview, with positions articulated on the particular issue of *jihad* that are violently extreme, and these speeches would be regarded by the vast majority of the Muslim community as theologically extreme. They were redolent of *Jihadi Salafism*. [§370].

The Court said that Mr Begg was something of a '*Jekyll and Hyde*' character: he presented a (benign) face to the local Lewisham and inter-faith community and another (extremist) face to receptive Muslim audiences on chosen occasions. [§371].

The Court said that even if it had found the BBC's plea of justification was not fully made out on the evidence (which it had been), it would nevertheless still have found that Mr Begg had been, at best, reckless and irresponsible in his use of language when speaking to predominantly Muslim audiences about the sensitive subject of *jihad* and, accordingly, any damages would, in any event, have been nil or nominal. [§372].

The Court said that, even if it had found the WCO bore the wider meaning contended for by Mr Begg, its conclusions would have been the same. [§373].

The Court said it was all too easy for someone in Mr Begg's position of power and influence as an Imam to plant the seed of Islamic extremism in a young mind, which is then liable to be propagated on the Internet. [§374].

For the reasons given in the Judgment, the Court dismissed the Claimant's claim. [§375].

NOTE: This Summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: www.bailii.org.uk

