

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM GUY R FINNIE

THE HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

Crime is by definition the breaking of the law. The criminal offence originates in the criminal's deliberate intention. The criminal offence does not originate in the inferences drawn by others regarding the action upon which the indictment is based. Inferences so drawn would provide opportunity for prejudice, hostility deriving from contrary perspectives, or ill will, to the effecting of injustice, and the restricting of free speech. A new offence of stirring up hatred, by its very wording (i.e. stirring up hatred) is rendered unjust if prosecution is allowed to proceed upon inferences where no hatred whatever was within the intent. I oppose it. The right of the defendant to be tried principally upon his intention, and not upon inferences drawn by others, must surely take precedence above every other consideration.

Guy R Finnie
13 July 2020