

**RELEASE OF INFORMATION IN RESPONSE TO FOI REQUEST IN  
RESPECT OF GEERT WILDERS**

**For Disclosure**

- A** Home Office Press Lines (A1 – A2)
- B** UKBA IDI Guidance (B1 – B2)
- C** Press Lines Used (C1 – C3)
- D** Factual Information From Submission of 23 January (D1 – D2)

**Exempt Under the FOI Act**

All names of UKBA staff and other government officials have been redacted from documents for disclosure under Section 40 (2) of the FOI Act.

## **A – Home Office Press Lines (A1 – A2)**

### **Lines to take if Geert Wilders is refused entry to the UK**

#### **Top lines**

- We share the concerns expressed by the Dutch court that Mr Wilders' statements about Muslims and their beliefs constitute incitement to hatred and discrimination.
- We share the regret of the Dutch Government that Mr Wilders released the film 'Fitna'. We also deplore Mr Wilders' reported acts and statements that appear deliberately intended to cause offence under the guise of freedom of speech.
- Freedom of speech is a fundamental right, but one that must be used responsibly and not as a cover for causing offence and division.

#### **Why have you refused Geert Wilders' entry into the UK?**

- Mr Wilders is an EEA national and an EEA national may be refused admission to the UK on grounds of public policy or public security. We consider that Mr Wilders currently presents a threat to the UK on those grounds.

#### **This is a disgraceful abuse of freedom of expression?**

- We support freedom of expression, but believe it needs to be exercised responsibly, as has been stated by the Dutch court and the Dutch Government. We fully appreciate the sensitivities around the portrayal of any religious figure or text.

#### **You would not act in the same way for a Muslim attack on Christianity?**

- We would act consistently, having taken all the factors in each case into account. Our policy on unacceptable behaviours is directed at all those who seek to stir up tension, regardless of their origins or beliefs.

#### **Statement from Dutch Prime Minister Jan Peter Balkenende on 27 March 2008:**

"On behalf of the Dutch government, I would like to respond to the online film by Mr Wilders.

The film shows images of violent acts and holds Islam and the Koran responsible for them. The government condemns such acts and those who commit them.

The film equates Islam with violence. We reject this interpretation. The vast majority of Muslims reject extremism and violence. In fact, the victims are often also Muslims.

We therefore regret that Mr Wilders has released this film. We believe it serves no purpose other than to cause offence. But feeling offended must never be used as an excuse for aggression and threats. The government is heartened by the initial restrained reactions of Dutch Muslim organisations.

## A2

Muslims, Christians and people of other convictions can easily live together in peace. The problem is not religion, but misuse of religion to sow hatred and intolerance. That is why we are calling for respect for everyone's deepest convictions.

We are aware of the concerns and the sentiments about this film in the international Muslim community. We have recently spoken with many people at home and abroad to promote mutual understanding. We will continue to follow this course.

The Dutch government stands for a society in which freedom and respect go hand in hand. Such a society demands dedication and commitment. We oppose extremism. Anyone who breaks the law is dealt with firmly. Let us solve problems by working together. Let us reach out to others and build confidence and trust. Let us conquer prejudice. We shall surely succeed.”

[http://www.government.nl/News/Press\\_releases\\_and\\_news\\_items/2008/March/Governments\\_reaction\\_to\\_Wilders\\_film](http://www.government.nl/News/Press_releases_and_news_items/2008/March/Governments_reaction_to_Wilders_film)

### **Statement from UN Secretary-General Ban Ki-moon on 28 March 2008**

“There is no justification for hate speech or incitement to violence. The right of free expression is not at stake here’

I acknowledge the efforts of the Dutch Government to stop the broadcast of this film and appeal for calm to those understandably offended by it. Freedom must always be accompanied by social responsibility.

We must also recognize that the real fault line is not between Muslim and Western societies, as some would have us believe, but between small minorities of extremists, on different sides, with a vested interest in stirring hostility and conflict.”

<http://www.un.org/apps/news/story.asp?NewsID=26128&Cr=islam&Cr1=alliance>

**B - UKBA IDI Guidance (B1 – B2)**

*“[From Chapter 7 of UKBA IDIs]*

**7. Refusal of admission on grounds of public policy, public health and public security**

A person is not entitled to be admitted or reside under the EEA Regulations if their exclusion is justified on grounds of public policy, public health or public security.

**7.1. Public Policy & Public Security**

Decisions taken on grounds of public policy and public security must take account of the following set out in regulation 21 of the EEA Regulations:

- Decisions shall comply with the principle of proportionality (see paragraph 7.2) and shall be based exclusively on the personal conduct of the individual concerned.
- Previous criminal convictions shall not in themselves constitute grounds for taking such measures.
- **The personal conduct of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.**
- Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention shall not be accepted

**The phrase ‘genuine, present and sufficiently serious threat’ is concerned with an existing or perceived threat by an individual to members of the public in a Member State. Whether or not such a threat exists is a matter for judgement in the individual circumstances of each case. However, the following points should be taken into account:**

- **The phrase ‘fundamental interests of society’ is assumed to mean the values and moral set up of society and takes account of those who wish to overturn society, such as neo-Nazis and Islamic fundamentalists, and those who commit serious or persistent crimes.**
- Previous criminal convictions for particularly serious crimes (e.g. rape, murder, class A drug smuggling) which mean the person is considered to represent a genuine, *present* and sufficiently serious threat to one the fundamental interests of society may justify a public policy or public security decision.
- In order to determine which crimes *may* fall within the scope of grounds of public policy, reference can be made to The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004. However do not assume that a crime listed in this Order automatically warrants a public policy or public security decision.
- If it is likely that a person convicted of a crime will reoffend this may justify a public policy or public security decision but refusal simply to repunish a person for a previous conviction for which sentence has been completed is not appropriate
- Persons charged with *minor* Customs or other criminal offences should not be refused admission on this basis alone.
- Facilitation of illegal entry *may* in itself be sufficient grounds to refuse admission to EEA nationals, particularly if the person is involved in persistent or large scale facilitation.
- *National* security can fall under public policy or public security.

## B2

- Public security does not necessarily equate with national security. Public security may also be a matter of personal security within society. Certain medical conditions (for example drug addiction or profound mental disturbance) may mean the person poses a threat to public policy or public security. These conditions might provide reasons for exclusion on public policy or public security grounds but not on public health grounds.”

**C - Press Lines Used (C1 – C3)**

**GEERT WILDERS IS REFUSED ENTRY TO THE UK – LINES TO TAKE**

**Statement**

- The Government opposes extremism in all its forms. It will stop those who want to spread extremism, hatred and violent messages in our communities from coming to our country and that was the driving force behind tighter rules on exclusions for unacceptable behaviour that the Home Secretary announced on 28 October 2008.

**If Wilders makes his exclusion public**

**Has the Home Secretary refused Geert Wilders entry into the UK?**

- We do not comment on individual cases.

**For Guidance:**

- Yes. Under European Union law, a member state of the European Economic Area (EEA) may refuse entry to a national of another EEA state if they constitute a threat to public policy, public security or public health.

**Further background:**

*Dutch prosecution*

- A Dutch court recently ordered that Mr Wilders should be prosecuted for making statements about Muslims and their beliefs which the Dutch court argued may constitute incitement to hatred and discrimination.

*Previous visits by Wilders*

- We are aware that Mr Wilders has previously visited the UK. But we cannot comment on an individual case now.

*Possible HoL showing of Fitna*

- We endorse the original condemnation of the film 'Fitna' by the Dutch Government, and feel that it serves no constructive purpose. The British Government has absolutely no connection with any screening of this film that may take place in the House of Lords or anywhere else in the UK. It is a matter for the House of Lords or any other venue as to whether they choose to show it. We do not support any screening.
- Freedom of speech is a fundamental right, but one that must be used responsibly and not as a cover for causing offence and division. We fully appreciate the sensitivities around the portrayal of any religious figure or text.

*Unacceptable behaviour*

- We act consistently in making decisions to refuse anyone entry, having taken all the factors in each case into account. Our policy on unacceptable behaviours is directed at all those who seek to stir up tension, regardless of their origins or beliefs.

**Statement from Dutch Prime Minister Jan Peter Balkenende on 27 March 2008:**

“On behalf of the Dutch government, I would like to respond to the online film by Mr Wilders.

The film shows images of violent acts and holds Islam and the Koran responsible for them. The government condemns such acts and those who commit them.

The film equates Islam with violence. We reject this interpretation. The vast majority of Muslims reject extremism and violence. In fact, the victims are often also Muslims.

We therefore regret that Mr Wilders has released this film. We believe it serves no purpose other than to cause offence. But feeling offended must never be used as an excuse for aggression and threats. The government is heartened by the initial restrained reactions of Dutch Muslim organisations.

Muslims, Christians and people of other convictions can easily live together in peace. The problem is not religion, but misuse of religion to sow hatred and intolerance. That is why we are calling for respect for everyone's deepest convictions.

We are aware of the concerns and the sentiments about this film in the international Muslim community. We have recently spoken with many people at home and abroad to promote mutual understanding. We will continue to follow this course.

The Dutch government stands for a society in which freedom and respect go hand in hand. Such a society demands dedication and commitment. We oppose extremism. Anyone who breaks the law is dealt with firmly. Let us solve problems by working together. Let us reach out to others and build confidence and trust. Let us conquer prejudice. We shall surely succeed.”

[http://www.government.nl/News/Press\\_releases\\_and\\_news\\_items/2008/March/Government\\_s\\_reaction\\_to\\_Wilders\\_film](http://www.government.nl/News/Press_releases_and_news_items/2008/March/Government_s_reaction_to_Wilders_film)

**Statement from UN Secretary-General Ban Ki-moon on 28 March 2008**

“There is no justification for hate speech or incitement to violence. The right of free expression is not at stake here’

I acknowledge the efforts of the Dutch Government to stop the broadcast of this film and appeal for calm to those understandably offended by it. Freedom must always be accompanied by social responsibility.

We must also recognize that the real fault line is not between Muslim and Western societies, as some would have us believe, but between small minorities of extremists, on different sides, with a vested interest in stirring hostility and conflict.”

C3

<http://www.un.org/apps/news/story.asp?NewsID=26128&Cr=islam&Cr1=alliance>

D1

**D - Factual Information From Submission of 23 January (D1 – D2)**

From: HO Official

23 January 2009

**Home Secretary**

**VISIT TO THE UK BY GEERT WILDERS, DUTCH RIGHT WING MP**

**Summary/Consideration**

*Background*

4. Wilders is the high-profile, outspoken leader of the right wing Freedom Party (PVV) in the Netherlands. He is planning an international tour to show his short film, *Fitna*, and to give speeches as a means of forging “*alliances for freedom and against Islamisation*”. He has been invited by Lord Pearson of Rannoch (UKIP Peer) to show his film in a private meeting at the House of Lords on 28 or 29 January, and it is possible he may make some speeches either then or elsewhere while in the UK. In the meantime, on 21 January 2009, a Dutch court ordered that he face charges of incitement to racial hatred as a result of his anti-Islamic rhetoric, including an alleged statement in which he has likened the Koran to Adolf Hitler's *Mein Kampf* (please see **Annex A** for the text of a BBC report).

5. *Fitna*, a 17-minute film, shows a selection of quotes from the Qur'an interspersed with media clips and newspaper clippings showing or describing acts of violence and/or hatred by Muslims (please see **Annex B** for more details and **Annex C** for Wikipedia's synopsis of the film, which FCO advise is generally accurate). Wilders' film purports to serve as a warning to the West that Islam intends to conquer the world, destroy freedoms and democratic systems and that as such it must be “*defeated*”.

6. The film was released on the internet in March 2008 after Wilders was denied permission to premiere it in the Dutch parliament. Initial media coverage and commentary about the film sparked widespread international condemnation, including from the Dutch government and the United Nations.

D2

Home Office Official