[NL] Ayaan Hirsi Ali Can Make Submission Part II

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On 15 March 2005 the Rechtbank `s Gravenhage (District Court of the Hague) concluded in summary judgment that there is no reason to prevent Ayaan Hirsi Ali from making another documentary like Submission Part I.

Hirsi Ali is a member of the Tweede Kamer (the Dutch Lower House) who fights against the oppression and abuse of women, in particular Islamic women. She wrote two books on this theme and made a film entitled “Submission Part I” in cooperation with Theo van Gogh, who was murdered in November 2004. Hirsi Ali claims that the oppression and abuse of women result from Islamic thinking and its role as a guide through everyday life. Also, she states that horrifying practices, resulting from the Islamic cult of virginity, are a result of the view, commonly spread among Muslims, that the Koran and Hadith prescribe rules that cannot be subject to interpretation or debate.

In interlocutory proceedings four Islamic plaintiffs claimed that Hirsi Ali should be prevented from publicly making expressions grievous to Islamic believers, such as “the prophet Mohammed is a paedophile” and “Islamic marriage equals approved rape”. In particular, the plaintiffs claimed that Hirsi Ali should be prevented from making a second part of the film “Submission Part I” or a similar film, for the film suggests that there is a direct relation between the Islamic religion and abuse of women.

The judge stated that only in exceptional cases is it necessary to limit freedom of expression as stated in Article 10 of the European Convention on Human Rights (ECHR). Hirsi Ali's criticism on wrongs, that she has mostly experienced herself or in her environment, should be viewed in their context. Hirsi Ali chooses in her fight against the oppression and abuse of women a method that provokes a debate on the reform of Islam. The judge considered that she used the term paedophile at the most a couple of times and has therefore not exceeded the limits of what is allowed. It is possible though that multiple use of these or similar words would exceed the limits of proportionality and subsidiarity. The judge concluded that Hirsi Ali has not acted illegitimately against the plaintiffs and that there is no reason to prevent her from making another film like Submission Part I.

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