

Mueen-Uddin (Appellant) v Secretary of State for the Home Department (Respondent)

Case ID: 2022/0135

Case summary

Issues

In this appeal, the Supreme Court is asked to decide whether the High Court was right to strike out as an abuse of process Mr Mueen-Uddin's claim against the Home Secretary for libel and breach of statutory duty pursuant to the General Data Protection Regulation. The claim concerns allegations published in a Home Office Commission for Countering Extremism report entitled "Challenging Hateful Extremism" ("the Report"). The issues for the Supreme Court are:

1. Is a foreign criminal conviction which a claimant did not have a full opportunity to contest relevant in showing that English proceedings which require determination of the same issues as those before the foreign criminal court are an abuse of process?
2. Are prior press publications of defamatory allegations admissible (and conclusive) evidence of bad reputation?
3. Can potential evidential difficulties which the Home Secretary may have in proving the truth of the allegations made in the Report be a relevant factor supporting a finding of abuse of process?
4. Can a combination of partial aspects of different abuse jurisdictions, none of which necessarily amount to abuse on its own, properly ground a finding of abuse of process?

Facts

Mr Mueen-Uddin was born in East Bengal, which then formed part of Pakistan but is now Bangladesh. In 1971, Bangladesh became independent from Pakistan following a war of independence. Many atrocities were committed, including the abduction and murder of 18 prominent intellectuals. Mr Mueen-Uddin left Bangladesh in December 1971, shortly after he became aware of allegations that he had been a member of the militia said to be responsible for the intellectuals' deaths. He denies having been involved in any violence. Mr Mueen-Uddin arrived in the United Kingdom in 1973 and became a British citizen in 1984. He has held a number of prominent public and charitable positions in British society, and helped to set up the Muslim Council of Great Britain.

In 2013, Mr Mueen-Uddin was tried and convicted in his absence by the Bangladesh International Crimes Tribunal ("ICT") for war crimes, namely the murder of the 18 intellectuals. He was sentenced to death by hanging. The ICT was widely criticised internationally for failing to respect minimum fair trial guarantees and for lacking judicial independence. Mr Mueen-Uddin has always denied the allegations made against him and maintained his innocence. The conviction was reported in the UK media.

In October 2019, the Home Office published the Report in hard copy and online. The Report contained a footnote which referred to Mr Mueen-Uddin's ICT conviction and suggested that he had links with the violence in Bangladesh in 1971. In June 2020, Mr Mueen-Uddin issued proceedings against the Home Secretary. At a preliminary hearing, the High Court determined that the natural and ordinary meaning of the words used in the Report was that Mr Mueen-Uddin "was one of those responsible for war crimes committed during a 1971 War of Independence in South Asia; and has committed crimes against humanity during a 1971 War of Independence in South Asia." The High Court held that these were allegations of fact which were defamatory at common law.

The Home Secretary applied to have Mr Mueen-Uddin's claim struck out on the basis that it was an abuse of the court's process. The High Court agreed to strike out the claim, and its decision was upheld by the Court of Appeal. Mr Mueen-Uddin appeals to the Supreme Court.

Judgment appealed

[\[2022\] EWCA Civ 1073](#)

Parties

Appellant(s)

Chowdhury Mueen-Uddin

Respondent(s)

Secretary of State for the Home Department

Appeal

Justices

Lord Reed, Lord Sales, Lord Hamblen, Lord Burrows, Lord Richards

Hearing start date

1 November 2023

Hearing finish date

2 November 2023

Watch hearing

1 November 2023 [Morning session](#) [Afternoon session](#)

2 November 2023 [Morning session](#)

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Judgment details

Judgment date

20 June 2023

Neutral citation

[2024] UKSC 21

Watch hearing

1 November 2023 [Morning session](#) [Afternoon session](#)

2 November 2023 [Morning session](#)