

ICSF Statement

25<sup>th</sup> June 2024

## **ICSF Slams UK Supreme Court's Position on Mueen-Uddin's Criminal Conviction**

The International Crimes Strategy Forum (ICSF) voices shock and disappointment following the UK Supreme Court's (UKSC's) recent decision in the case *Mueen-Uddin (appellant) v Secretary of State for the Home Department (Respondent) [2024] UKSC 21* in favour of the appellant. Chowdhury Mueen-Uddin, now a UK citizen, was convicted a decade ago for crimes against humanity by the International Crimes Tribunal of Bangladesh (ICT-BD) for his role in the infamous intelligentsia murders during the Liberation War of Bangladesh in 1971. The decision reached in the course of a mere civil trial in the UK, although have no binding effect on ICT-BD's original finding of Mueen-Uddin's criminal liability, and in no way signifies his exoneration even by the UK court, is based on several unadjudicated issues, unfounded claims, and uncalled for remarks by the UKSC (against the ICT-BD) which it has no authority whatsoever to make. This decision by the UKSC undermines decades-long efforts of Bangladesh and her civil society to end impunity by bringing known perpetrators of mass atrocity crimes to justice, betrays the victims and survivors of these crimes, and raises serious questions about the UK judiciary's commitment to international justice and human rights towards victims of international crimes in faraway lands.

### **UK Judiciary and Government Under Scrutiny**

Knowledge and understanding of ICT-BD's law, rules, and practices governing Mueen-Uddin's criminal trial in Bangladesh—which the UK courts failed to acquire in the course of this current libel case—were crucial to assessing the veracity of the claims put forward by Mueen-Uddin's legal team. ICSF has closely monitored the UK proceedings so far and—based on the organisation's decades of collective legal expertise on ICT-BD's process as a network supporting the victims and survivors of 1971 crimes—found the UK apex court's decision fundamentally misled, misinformed, and manifestly erroneous of law and material facts about Mueen-Uddin's original criminal case in Bangladesh. Shockingly, lawyers from both parties and the judges of all three tiers of UK courts failed to demonstrate even the minimum level of scrutiny which could have ensured identification and rectification of some of these blatant errors which the UK Supreme Court's decision is built on.

In the past, rights groups in the UK have also raised deep concerns regarding the UK's problematic record of sheltering thousands of individuals responsible for international crimes perpetrated around the world. This latest ruling will not only reinforce the perception of the UK being a safe haven for such perpetrators but will also put in jeopardy the country's immigration filtering process concerning individuals accused and convicted of international crimes in foreign lands.

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ICSF is concerned that this verdict sets a worrying precedent of "conviction laundering," with the United Kingdom becoming a lucrative jurisdiction for forum shopping convicts from foreign jurisdictions seeking to clear their names by using "some" UK judges' ignorance (of both foreign laws and accepted practices of international criminal law), supremacist attitudes (towards foreign courts), and prejudices (against foreign stakeholders). All three of these traits were witnessed in the course of this strike-out proceeding.

As a signatory to the Genocide Convention, and host of other international human rights treaties, such a decision signals the UK's lack of commitment towards preventing and prosecuting mass atrocity crimes and upholding victims' rights.

Furthermore, the UK Supreme Court's greatest shortcomings in this case was its inability or unwillingness to strike a balance between the human rights of Mueen-Uddin and his victims and survivors, particularly, their right to justice. The latter was ignored.

In the public interest, ICSF looks forward to disseminating soon its detailed analysis of the case elaborating the said failures and errors overlooked by the UK courts, as well as the ones made by the Supreme Court itself.

## **Bangladesh Government's Role Questioned**

The lack of engagement from the Bangladesh Government in this matter has been conspicuous from the start which ICSF found very surprising. As a member of the Commonwealth, opportunities for diplomatic engagement, including extradition efforts, have not been adequately pursued. The handling of Interpol's Red Notice on Mueen-Uddin also appears to have been deficient, with no action whatsoever taken since 2019 when the UK case first emerged.

Such silence and inaction from Bangladesh authorities have been disheartening for those affected by the 1971 genocide. Whereas, the Bangladesh government had a responsibility to support the victims of the 1971 genocide and to uphold its justice process as the ICT-BD judgments signify conclusive judicial determination of historical facts.

Therefore, ICSF calls on the Government of Bangladesh to investigate its series of failures in the matter and make the findings public, assess the short and long-term implications of these failures, implement mitigating steps, and prevent repetitions of such failures.

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## **Other Concerns Stemming from the Verdict**

The verdict by the UKSC is concerning, because it sets a precedent of undermining findings of international crimes by foreign tribunals of sovereign nations. In addition to denying closure to victims of mass atrocity crimes, such verdicts also enable convicted individuals to relitigate their established criminal liabilities in the guise of libel trials as a strategy to muzzle public discourse using law to intimidate researchers and writers.

## **Conclusion**

In closing, ICSF reiterates its unwavering stance of not forgetting and not ceasing its pursuit of justice for those who suffered during one of history's darkest chapters. This UK verdict may be a setback, but it will not deter the fight for accountability. ICSF stands committed to advocating for accountability and ensuring that such injustices are never erased from collective memory or glossed over retrospectively by misconceived legal proceedings as evidenced in the recent decision of the United Kingdom's Supreme Court.

## **About ICSF**

International Crimes Strategy Forum (ICSF) is an independent global network of experts, justice advocates, and organisations committed to ending impunity for international crimes, ensuring justice for the victims of these crimes, and upholding the rule of law and human rights. The activities of ICSF are focused on the recognition, assessment, prediction, prevention, and eradication of international crimes, such as genocide, crimes against humanity, war crimes, and terrorism – through documentation, campaign, advocacy, research, and education.