



Neutral Citation Number: [2025] EWHC 2043 (KB)

Case No: KB-2023-003636

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 5 August 2025

Before :

MR JUSTICE JOHNSON

Between :

Mohammed Hegab

Claimant

- and -

(1) The Spectator (1828) Limited

(2) Douglas Murray

Defendants

Mark Henderson and Clare Wisson (instructed by Saracens Solicitors) for the Claimant
Greg Callus and Hector Penny (instructed by RPC) for the First Defendant
William Bennett KC (instructed by Patron Law Ltd) for the Second Defendant

Hearing dates: 14 – 17 July 2025
Further written submissions: 30 July 2025

Approved Judgment

This judgment was handed down by release to The National Archives
on 5 August 2025 at 10.30am

A time limited reporting restriction order is in place to prohibit the reporting of the identity of the man that is referred to in this judgment as CVB. While that restriction is in place, no matter may be reported which might tend to reveal CVB's identity. A breach of the reporting restriction order may amount to a contempt of court, punishable by imprisonment.

Mr Justice Johnson:

1. The claimant seeks damages in libel and under the Data Protection Act 2018 in respect of an article written by the second defendant and published by the first defendant. The article (see paragraph 33 below) said the claimant was a street agitator who, in the context of disturbances “between local Muslims and Hindus”, whipped up his followers and made disparaging comments about Hindus.
2. An important part of the second defendant’s basis for what he wrote is a video of a speech given by the claimant in Leicester to a large group of (largely masked) men. In the course of that speech he said, “if they believe in reincarnation... what a humiliation and pathetic thing for them to be reincarnated into some pathetic weak cowardly people like that. I’d rather be an animal. I’d rather be reincarnated as a grasshopper...” (see paragraph 31 below). The claimant says it is clear from the context that he was not talking about Hindus, but the Hindutva. He says that the article fundamentally distorted what he said, that it is thereby untrue, that it is defamatory of him, and that despite him repeatedly pointing that out it has not been withdrawn. There is a dispute between the parties as to the meaning of the article, including whether it identifies the claimant, but, if it does, it is common ground that the article is defamatory of the claimant at common law. The defendants accept that the claimant used the word “Hindutva” and not “Hindus”, but they maintain that the meaning conveyed by the article is substantially true. They deny that the claimant has suffered serious harm.

The factual background

3. There is extensive documentary evidence as to the general background, largely drawn from contemporaneous social media posts. The hearing bundle extends to 3,000 pages. There are approximately 45 hours of videos of events that are said to be relevant. There is considerable common ground about the basic facts.

The Hindutva

4. The claimant defines Hindutva as “an extremist far-right ethno-nationalist political ideology” which is “exclusionary and hostile to Muslims” and also Sikhs and Christians. It promotes conspiracy theories, including that Muslim men conspire to convert Hindu women to Islam by luring them into marriage. The claimant refers to those who adhere to this ideology as “the Hindutva”. The defendants did not dispute the existence of such an ideology, or that “the Hindutva” could be used to refer to those that subscribe to it. There is, however, a stark dispute between the parties as to the role, if any, of the Hindutva in the disturbances that took place in Leicester in the summer of 2022, and also whether, in his speech, the claimant was really referring to the Hindutva, as opposed to Hindu men irrespective of their political views.

Golders Green: Saturday 22 May 2021

5. On 22 May 2021, the claimant went to Golders Green with Ali Dawah and two camera operators. Mr Dawah subsequently uploaded a video to his YouTube channel, entitled “Muslims confront radical Israelis”. The video shows the claimant and Mr Dawah standing on a pavement. There are Jewish children a short distance away. The claimant and Mr Dawah are standing next to a van. On the side of the van is a large

video screen which displays a series of images (approximately six) in a loop. Some of the pictures appear to show dead children in Gaza. One apparently shows Jewish prisoners in a second world war German concentration camp with the words “Did we not learn from the Holocaust?”. The claimant and Mr Dawah seek to engage passersby in conversation about Israel. Within a short period of time, police officers arrive. A passerby, walking with children, says “you can’t ask me any questions”. Mr Dawah follows the group, asking them questions about whether they support Israel. Other passersby cross the road, apparently to avoid the claimant and Mr Dawah. The claimant and Mr Dawah say they only wish to engage in discussion and criticise their disinclination to engage. The claimant asks, “do you condemn the killing of children” and then, when there is no response, says “the silence is deafening”. One man appears to say, “they are killing themselves” and (later) “ Hamas hides behind the children”. The claimant makes much of the former remark and treats it as if the man had said “the children are killing themselves” and as if that had been intended to be taken literally.

6. The video also shows a quite separate event during which the claimant and Mr Dawah engage a Jewish man in apparently good-natured conversation at Speakers’ Corner.

BBC: 23 May 2021

7. On the following day, 23 May 2021, Mr Dawah uploaded a video entitled “Muslims challenge BBC Studios”. It shows Mr Dawah and the claimant outside a BBC building in central London. Mr Dawah says “we are going to go to a van that we have rented, and we are going to see images...” They then go to what appears to be the same van as that shown in the video from the Golders Green event. Some of the imagery is different, but some (including the Holocaust image) appears to be the same as the images shown at Golders Green. A man (who is known to the claimant) controls the images on the screen at the direction of Mr Dawah and the claimant.

The rally for Israel: Sunday 23 May 2021

8. On 23 May 2021, an event (“the rally for Israel”) took place in Kensington High Street, in the vicinity of the Israeli Embassy. There was also a “counter protest”, and a considerable police presence. A video of the event shows eggs and bottles were thrown. There was a young man (who is not taking part in any violence) standing still with a dog, what looks like a golden labrador, between his legs. No other dogs are apparent in the video footage. The claimant appears to walk towards them. Then, a large number of the counter protesters walk in that direction, and the man and his dog walk away from them and out of the footage.
9. The claimant approached a police officer and said, loudly:

“When those Zionists came in with their dogs, that was an act of provocation. And the fact that the dogs themselves were able to attack [The police officer then clarifies that the claimant did not come into contact with the dog]... I’m making it very clear so that everyone understands, if those dogs come close to us again we will see it as an act of aggression and we will kill those dogs, we will put them down.”

10. A little later, the claimant took hold of a megaphone and gave a speech to a group of men, many of whom were wearing masks and hoods. He denounced “this terrible apartheid state of Israel”. He said:

“The truth of the matter is we are with the brothers and sisters of Palestine, and we will get our vengeance in this dunya or the akhira. We will get our vengeance, and believe you me we believe in a god that is just, and we will get our justice either in this world or in the hereafter.

...

And the difference between us and them is this... They think that life begins; for us, we believe that death begins. We believe that life begins at death. We don’t care about death. We love death.”

11. After the claimant had apparently left the area, one of the counter protesters said “we’ll find some Jews there. We want the Zionists. We want their blood.”

Seminar on Hinduism at the Sapience Institute: April 2022

12. The claimant set up the Sapience Institute. He describes it as an academic institute with a focus on Islamic theology. On 26 April 2022 he uploaded a video of a seminar at the Sapience Institute concerning Hinduism which he chaired.

Leicester: May – September 2022

13. There is extensive evidence about the troubles in Leicester in the summer of 2022. It is clear that there were two opposing groups. One group is consistently described as a group of Muslim men. The other (and subject to the question of the Hindutva) is generally described as a group of Hindu men. I adopt that language, without intending any disrespect, and whilst recognising that there is some evidence that the former group also contained Sikh men, that there is a contested issue about the composition of the second group, that the composition of each group was not static, and that, anyway, it is impossible to know whether every member of a group shown on a video clip shares the same religious faith.
14. In May 2022, a group of Hindu men attacked a young Muslim man on a street in Leicester.
15. On 18 August 2022, the claimant made a video in which he spoke about extreme right wing animosity towards Islam. He mentioned the Hindutva. He said that Muslim gangster communities would deal with those who desecrated sacred Muslim symbols, and that whilst he was not “condoning” this, it was “a reality”.
16. On 28 August 2022, India won a cricket match against Pakistan. Fans of India in Leicester celebrated the victory. There was violent disorder, and eight people were arrested. There were allegations on social media that there had been chants, in Hindi, of “death to Pakistan” and “death to Muslims”.
17. On 29 August 2022, CVB tweeted:

“Someone in Leicester must know who these Hindutva cowards are. They attacked a few people and were chanting against Pakistan on the Melton Road. We all know that they were really chanting against Muslims. These scum need to be caught and justice needs to be served! #Leicester #Hindutva.”

18. On 1 September 2022, Leicester Police said that there was no evidence that there had been chanting of “death to Muslims”.
19. There are reports that in early September 2022 eggs were thrown at the homes of Hindu families in Leicester.
20. On 4 September 2022, Pakistan beat India in another cricket match. There was further disorder in Leicester involving gangs of masked men.
21. On 5 September 2022, a young Muslim man was attacked in Leicester by a large group of Hindu men. There was extensive social media discussion of the incident. CVB was critical of the (lack of) police response.
22. On 9 September 2022, CVB tweeted about an alleged assault of a “Muslim lad” by “2 Hindu guys”, saying “he managed to beat them both up & escape. STAY ALERT.” In reply, someone said, “Stop spreading lies and rumours!” and asked the police to “stop this guy from spreading unnecessary rumours without quoting sources and valid information he will inflame tensions.” In reply, Leicestershire Police said, “we urge people to only share information they know to be true and avoid speculation.”
23. On 11 September 2022, a video was published of an Imam interviewing his nephew who is a traffic warden and who said he was attacked by Hindus in a car when he tried to give them a parking ticket. This was widely shared. On 30 September 2022, the police said that the report was false.
24. A further story that emerged at about the same time was that three Hindu men had kidnapped a Muslim girl. There was extensive social media reporting of the story. It was also covered in the local newspaper and a national newspaper. CVB tweeted:

“CONFIRMED: An incident took place this morning not far from a college in #Leicester. A Muslim teenager was approached by 3 men, but she ran away into the school. The college & the police are aware of it and the family have been given an incident number by @LeicsPolice.

...

I met the family and the girl this evening. The girl is very shaken, but she is ok alhamdulillah. They’ve reported the incident to the police. Hopefully we’ll get to the bottom of this and the people behind it are caught.”

25. The police subsequently stated that the reporting was entirely false and that no offence had been committed. They warned about the consequences of sharing information on social media.

26. By 16 September 2022, groups of Muslims and Hindus were arranging to congregate in Leicester. A narrative promulgated by a Muslim group was “We going to Land in Lesta Show these RSS Hindutva extremist not to mess with our Muslim and Sikh – women, children and elderly. Bring peace back to the area!...” A Hindu group was also organising a march “to protect our family and worship places. Together we can bring peace.”
27. On the evening of 17 September 2022, large groups of Muslim and Hindu men had to be kept apart by police cordons. Glass bottles were thrown by both sides. There was serious violence. Some police officers sustained significant injuries.
28. At 1.59am on 18 September 2022, CVB tweeted:

“These Hindutva thugs marched through the streets of Leicester with weapons including knives. They had 6 police officers trying to control 200+ of them at one point. What a shambles considering tensions been so high. Why weren’t they searched? They stabbed a lot of Muslims tonight.”

The claimant’s actions on 18 September 2022

29. The claimant travelled to Leicester on 18 September 2022, arriving at about lunchtime. A video shows the claimant with Mr Dawah. The claimant asks Mr Dawah if CVB could be brought so he could tell them what was going on. He then made his way to a group of Muslim men, many wearing hoods and masks, who were facing a line of police and shouting, with chants and responses. Somebody (possibly either Mr Dawah or the claimant) says “I will tell them to stop causing trouble” and (repeatedly) shouts “brothers, move back”. The claimant has his back to the police, and is facing the Muslim men, and is apparently seeking to usher them back. Mr Dawah says, “if they come to us, then basically we will fight them, but right now they are not here; we need to be clever.” Somebody says, “you guys are from London, why are you lot calling the shots here.” The claimant gives a speech in which he said that they were seeing violence “from the Hindutva in this country” which was inspired by a fascist ideology which “had its inspirations from the same place as Adolf Hitler had his inspirations.” He said that there was a battle going on, involving “violent vegetarians”. Later, Mr Dawah is filmed talking to a man who complains about corruption within politics and the police (who he said were sponsored by a Hindu charity) such that “of course the brothers are going to take up arms”.
30. The claimant posted an image of himself on Instagram, walking down the street with a group of masked men behind him, with the caption “Muslim patrol in Leicester.”
31. The claimant made a speech to a large group of men, the vast majority wearing hoods and/or baseball caps and/or masks and/or balaclavas. One man was wearing a white skull face mask. The claimant said:

“Who has seen the Hindutva today?”

[Man responds: “They are cowards”].

That's my question, because when I was online on Twitter or on social media, I'm seeing them getting brave. Seeing these people here getting brave. How comes today it was like pin drop silence? How come today didn't see them. How comes today when it's not one person or two people walking the street, yeah, when it's one or two Muslims walking in the street, when it's a vulnerable adult, when it's someone running home yeah, how comes now, yeah, how comes you're not here now?

[Man responds: "tell you why, tell you why, because they fear us when they're near us"]

Hold on, brother, let me tell you why it is, yeah, because deep down, yeah, they know we got the truth, bruv. Deep down. Let me tell you something, let me tell you something, all due respect, actually no due respect, yeah if they believe in reincarnation, yeah, what a humiliation and pathetic thing for them to be reincarnated into some pathetic weak cowardly people like that. I'd rather be an animal; I'd rather be reincarnated as a grasshopper bruv. That's the truth. So how comes now in Leicester, yeah, the Hindutva are coming out, yeah, and you're trying to act like gangsters. You're trying to act like gangsters. Come on man, you're not about that life. Don't ever, I'm saying this, I'm saying this directly to all the so-called Hindutva wannabe gangsters. Don't ever come out like that again, do you understand?

[Man responds: "no chance"]

Are they gonna come out like that again?

[Man responds: "never"]

Are they gonna come out like that again? Because if they do come out, are we gonna be here? Yes or no?

[Man responds: "yes"]

[Man shouts "Takbir". The crowd respond "Allahu Akbar". This is then repeated twice]."

32. On 19 September 2022, the claimant uploaded a video of this speech to his YouTube channel. It bore the title "Muslim response to Fascist Hindutva Thugs in Leicester."

The article

33. The article was published in three forms: in print, on a website and on an app. All three versions are substantially the same. The website version was first published on 21 September 2022. The print version was published on 24 September 2022. The headline is "Leicester and the downside with diversity". The website and app versions have a large photograph showing two police vans, a police car and a large number of

hooded men, with the caption “unrest in Leicester.” The article opens with the observation “...if you import the world’s people you import the world’s problems.” It then describes one of the “downsides” as the disturbances which had taken place in Leicester which, it was said, “initially broke out between local Muslims and Hindus in the last days of August.” The following was said about the claimant:

“Hindu and Muslim groups across social media started to call for their men to come out on the streets – which they did. The Hindus chanted ‘Jai Shree Ram’ (‘Praise Lord Ram’) and some were filmed carrying weapons. Muslims retaliated in kind and in one video were seen setting light to a Hindu flag. This inflamed tensions further and became a political scandal in the Indian media.

Soon charming people like Mohammed Hijab, who rotates between presenting himself as a reasoned interlocutor and a street agitator, arrived on the scene. Hijab made a slight name for himself last year by whipping up a mob on the streets of London. At one anti-Israel protest addressed by Hijab in inflammatory terms, a masked man was filmed chanting “We’ll find some Jews. We want their blood”, though Hijab says he had left the protest by that time and later tried to calm things down. Of course, the police did nothing much about the crowd itself, for the belief of the British police these days is that as long as a mob can be dispersed at some point, it counts as a great victory for the force.

This week Hijab cropped up in Leicester to whip up his followers. Among other things he told them that Hindus are ridiculous people, not least because of their belief in reincarnation. Hijab claimed that the Hindus must live in fear because they have been reincarnated as such “pathetic, weak cowardly people.” “I’d rather be an animal,” he went on.

Soon both sides were accusing the other of attacking their places of worship. Crowds of hundreds faced off in the streets with a thin line of police officers between them. Some in the mobs came armed with knives and other weapons....”

34. On 21 September 2022, the second defendant posted a tweet with a link to the website version of the article. On 22 September 2022, the claimant posted tweets in reply in which he challenged the second defendant to show where he had said the words that had been attributed to him. On the same day he sent an email to the first defendant’s editor demanding that he retract statements in the article that he had said “we found some Jews we want some blood” and “Hindus are ridiculous.” On 23 September 2022, Fraser Nelson, the first defendant’s editor, pointed out that the article did not claim that the claimant had said “we found some Jews we want some blood” and that, instead, the article reported the claimant’s account that he had left the protest by the time that had been said by another man. Mr Nelson also said that the basis for the contention that the claimant had told his followers that Hindus were ridiculous was the video he had posted on his YouTube channel. The claimant responded with two

emails asking when he had used the word “Hindu” and when he had said that Hindus were weak and pathetic. There was no further response.

Organisations disassociate from the claimant

35. The claimant seeks special damages for losses resulting from the decisions of three organisations to disassociate themselves from him because of the article: One Ummah (whose Chief Executive Officer is Riszwan Rehman), Nature’s Blends (whose director is Yusuf Wasway) and SALAM. The claimant said that he lost (1) a deal worth £3,500 per month for him to be a Brand Ambassador for One Ummah, (2) an advertising contract with Nature’s Blends worth £1,500 per month and 25% commission, and (3) an engagement in a Ramadan fundraising campaign with SALAM worth £30,000. He relies on emails from each organisation sent between 17 and 24 November 2022.
36. On 17 November 2022, Mr Rehman emailed the claimant and said that One Ummah had decided to rescind its offer “due to recent UK press coverage of your alleged indiscretions in Leicester and your supposed “antisemitic stances”.” Reference was made to the first defendant. Mr Rehman confirmed that the amount that had been offered was £3,500 per month.
37. On 23 November 2022, Mr Wasway emailed the claimant and said that Nature’s Blends could not renew its contract with the claimant because of current coverage in the press (and reference was made to the first defendant). Mr Wasway confirmed that the renewed contract rates would have been “1,500 pounds per month plus commission of 25 per cent.”
38. On 24 November 2022 at 11.21pm, Amir Ahmed, from SALAM, emailed the claimant and said “I spoke to brother Amir and other guys in the shura, and they said you couldn’t be in the Ramadan fundraising campaign because of the Leicester news coverage, especially the stuff put out by... the racist Murray from The Spectator... I told brother Amir... that you were worth the 30 grand investment... but he said he wouldn’t want to privately finance something that could potentially backfire.”

The causes of the street violence

39. There is (irrespective of this litigation) a strongly contested issue as to the causes of the disturbances in Leicester. Everyone agrees that for many years Leicester had large Hindu and Muslim communities who enjoyed harmonious relations. One narrative, adopted by the claimant, is that in more recent years many people who subscribe to the Hindutva ideology have emigrated from India and settled in Leicester, and that they have destroyed those harmonious relationships by engaging in a sustained campaign of anti-Muslim anti-social behaviour, intimidation and violence. The claimant has adduced evidence to support his narrative. Ironically, the claimant’s narrative is arguably consistent with the general theme of the defendants’ article (“if you import the world’s people you import the world’s problems”). A directly opposing narrative is that the problems were caused by the animosity towards Hindus of extreme Islamists. An altogether different explanation is that the problems were largely caused by social media agitators (such as, on one side, CVB and the claimant) who whipped up sectarian animosity. This narrative is explored in two reports: “Hindu-Muslim civil unrest in Leicester, ‘Hindutva’ and the creation of a false

narrative” by Charlotte Littlewood, published by the Henry Jackson Society, and “Cyber Social Swarming Precedes Real World Riots in Leicester: How Social Media became a Weapon for Violence” by Prasiddha Sudhakar, Alex Goldenberg and others, published by Rutgers University Center for Community Protection and Resilience.

40. In the supplementary written closing submissions for the claimant, those reports are criticised. It is not necessary to resolve those criticisms. That is because I agree with a further submission that is advanced on behalf of the claimant that it would not be right to treat “the Leicester unrest” as a single event with an assumed unitary cause. It comprised a series of events which may have had different causes or a different mix of contributing causes.
41. Notwithstanding the evidence produced by the claimant (I acknowledge that there are many references to “the Hindutva” in contemporaneous reports), it is not necessary, or possible, in this litigation to resolve questions as to the (possibly complex) causes of the violence. That requires an altogether different form of enquiry. For the same reasons, it is not necessary to determine whether, or the extent to which, the Hindutva played a role in the unrest. The focus of this case is whether the truth defence is made out. That does not depend on the precise causes of the violence, but on whether the defamatory imputation conveyed by the article is substantially true.

The claimant’s evidence

42. The claimant is highly educated. He has degrees in Islamic studies, politics, history and theology. He is completing a doctorate in philosophy of religion. He has undergone 11 years of Islamic training; he has memorised the Quran. He is fluent in classical Arabic and in Egyptian Dialectical. He has published widely. He has multiple successful social media channels, most prominently YouTube on which he has hundreds of thousands of followers, and his material has been viewed tens of millions of times. He has monetised his output to secure an income. He is an accomplished public speaker and debater. He is tall and has an imposing physical presence.
43. As a witness he was combative and constantly argumentative. He sought, at every turn, to debate with counsel, responding to questions with (rhetorical) questions of his own, arguing his case rather than giving straightforward responses, and denigrating the character of the second defendant to whom he bears palpable personal animosity. I am satisfied that he lied on significant issues, with the consequence that his evidence, overall, is worthless. Specifically, I am satisfied that he lied in respect of the event at Golders Green, the counter-protest at the rally for Israel, the seminar on Hinduism at the Sapience Institute, his repudiation of vigilantism, his evidence as to the involvement of the Hindutva, his evidence about his choice of language in his speech, and his evidence in support of his claim for financial losses. I address each in turn.
44. Golders Green: The video shows that the claimant was using the van as a prop. When this was put to him, he denied it: “how could I use it? It’s not mine... it’s not my van; it’s nothing to do with me... I didn’t even know where that van came from.” Later he said (in respect of the images displayed on the van) “I don’t know anything about what is going on the van.” The denial that he was using the van as a prop, and his assertion that the van had nothing to do with him, was untrue. The claimant was

indeed using the van as a prop to provoke passersby and to elicit a reaction. That is all demonstrated beyond argument from the video evidence.

45. The claimant also said that he was not, at the time, aware of the Holocaust image. Again, that is not credible. He was standing in front of the van for a substantial period of time both at Golders Green and at the BBC, and this was one of a relatively small number of images that were shown in a loop. Although, for most of the time, he was not looking directly at the van, he was clearly aware of it, and he was referring to the imagery that was displayed on it. At one point he is directly looking at the van when the Holocaust image is (albeit momentarily) shown. Given that (contrary to his denial) he was using the van as a prop, it is an irresistible inference that he was aware of the images that were being displayed.
46. A video of a subsequent interview in December 2021 shows that by that point the claimant was certainly aware of the Holocaust image and the fact that it had been displayed on the van at the Golders Green event. The claimant accepts as much. However, in his Reply, served in May 2024, the claimant pleaded: “[t]he Claimant is unaware of whether there was at any time a display of “images of the Holocaust” on the van”. This is untrue. By the time that averment was made in the Reply the claimant was, on any view, aware of the Holocaust image. The claimant strenuously maintained that the Reply was accurate because of (what he said were) the words “at the time”, showing that the averment related to his state of knowledge at the time of the Golders Green event: “You need to be able to distinguish between a hindsight perspective or a retrospective perspective and “at the time””. That is not tenable. The sentence in the Reply is unarguably making an assertion as to the claimant’s state of knowledge at the time of the Reply (not at the time of the Golders Green event). That assertion, on the claimant’s own evidence, is untrue.
47. Moreover, the claimant’s evidence that he attended in good faith to engage in a debate with “Zionists” is not credible. His conduct was grossly offensive and disingenuous. It was designed to cause an adverse reaction and to elicit material for his social media channels. The people who he engaged in conversation appeared (from the clothing they were wearing on what was the Sabbath) to be Jewish, but the claimant was in no position to know their political views or their attitude towards the conduct of Israel’s military activities in Gaza. He sought to portray their disinclination to speak to him discredibly. It was nothing of the sort. It was an entirely understandable reaction from individuals who were going about their daily business (in some cases with their children) and who, contrary to the apparent attitude of the claimant, were under no obligation to engage with him.
48. The rally for Israel: The claimant denied that he was aware of the throwing of eggs and bottles. That denial is not credible. It is plainly visible, and audible, on the video footage, and the claimant was in the immediate vicinity. In his witness statement, the claimant says a protestor brought a dog close to him so that he felt threatened. That is not consistent with what he said to the police officer about “dogs” (plural). The claimant said in his oral evidence that the dog that is shown in the video was jumping on him and that it was going to bite him. That, again, is not credible (making every allowance for the fact that the video does not show everything). The dog in the video is held between the legs of a man who is standing still. The claimant’s oral evidence on this point is inconsistent with both his witness statement and what he said to the police officer. The claimant had no basis for his inflammatory threats to kill dogs, or

to suggest that dogs had been brought to the event as a provocation by Zionists. The only apparent purpose of the claimant doing so was to raise the temperature in what was a volatile confrontation where violence had already erupted. He then further raised the temperature by speaking about “vengeance” and life beginning at death. He denies that he was encouraging violence and claims that the suggestion that he was doing so amounts to “a failure to understand the English language” and that his speech “clearly has eschatological and theological implications.” Despite his protestations, the claimant was not genuinely seeking to explore matters of theology and eschatology with the group of masked men that he was addressing. The video is plain. He was deliberately acting irresponsibly, raising the temperature of a volatile and potentially dangerous situation with provocative and inflammatory language.

49. The defendants rely on a further short passage in the video where the claimant appears to demonstrate throwing a punch or a martial arts move. The precise context of this, and the accompanying audio, are not entirely clear. There is no discernible actual violence at the time. I do not attach any significance to this part of the video, and do not hold it against the claimant.
50. Sapience Institute: The claimant’s key point in this case is that his speech concerned the Hindutva, not Hindus, and that nothing he said demonstrates an intention to ridicule Hinduism or Hindus. Any evidence of the claimant ridiculing a central tenet of Hinduism would be damaging to his case. The claimant maintains that at the Sapience Institute event he was discussing Hinduism to seek to learn more about the faith as a “humble learner.” It is uncomfortable to watch parts of this video. Those engaging with the claimant appear to be doing so earnestly and openly, to assist him to understand tenets of Hinduism. For his part, there are times when the claimant barely seeks to hide his contempt for what they are saying. He openly smirks. He asks questions that might be expected of an immature schoolchild in a religious studies lesson, but which are completely inconsistent with a serious discussion in a post-graduate academic theological seminar: [on a Hindu deity] “is she the one with blue skin?”, “is she the one with 4 arms?”, “what does [an] animal have to do to get promotion?”, “what would you choose to be, a bear or a gorilla... I would rather be a bear because if a bear and a gorilla had a fight, the bear would win”. I reject the claimant’s account that these were genuine enquiries.
51. Vigilantism: The claimant maintains that he was not advocating anything that was remotely akin to vigilantism. He says that, under the law, anyone is entitled to use reasonable and proportionate force to defend themselves from attack. He is obviously right about that. He says that not enough people take personal responsibility for others, and that if someone sees an elderly or otherwise vulnerable person being attacked it is their moral duty to intervene. There is nothing wrong in saying that. However, these reasonable observations have nothing to do with the claimant’s activities in Leicester. Neither he, nor anyone shown in the video, was at immediate risk of attack. At one point he was leading a group through the streets which he described as a “Muslim patrol”. His peroration “are we going to be here, yes or no”, was a demand for a commitment to come out in numbers as a deterrent. He denies that this fits within the definition of vigilantism and says that he was providing a lawful outlet that was likely to avoid violence in circumstances where the police were inactive, and they could identify the culprits and bring them to the police. His denial of vigilantism is self-defeating. It is untenable.

52. Hindutva: The claimant's case is that the Hindutva were responsible for the disturbances in Leicester, and that he was calling that out in his speech. Irrespective of the correct analysis of the underlying causes of the disturbances (which it is not necessary to address), there is a separate question as to the basis for the claimant's attribution of responsibility to the Hindutva.
53. The claimant's account as to his basis for attributing responsibility to the Hindutva does not withstand scrutiny. He had not been in Leicester in the days and weeks leading up to his speech. He had no first-hand knowledge of the events and was not in a position to make a direct first-hand informed assessment. He had, however, seen some material that was posted online. One online video shows a number of masked men who can be heard to chant "Jai Shree Ram." Text that has been added to the footage says that the men were marching past a Muslim neighbourhood and that large-scale disorder had erupted. When he was shown this video in evidence, the claimant said "this was one of the most circulated videos before I went up there, which to me was decisive and the definitive interpretation for it is that this is nothing to do with... Hindu people as a whole and in fact this is violent behaviour that is linked to political ideology." In other words, this video was an important component of the basis for the claimant's beliefs about the involvement of the Hindutva.
54. A difficulty with that account is that this video was only posted online two days after the claimant's speech. It cannot therefore have informed his knowledge of events at the time he gave his speech. When that was pointed out, the claimant said he did not know if this was the "exact video" that he had seen, but that he had seen material with the same elements. The claimant relied on the chants of "Jai Shree Ram" but he did not have any convincing reason for asserting that this was necessarily an indicator of the Hindutva as opposed to Hindus who do not subscribe to the Hindutva ideology. The claimant, in his oral evidence, said he had seen Hindutva flags when he was in Leicester. This was not in his witness statement. In any event, he did not profess any detailed knowledge of Hindu vexillology, and he was in no position reliably to attach particular significance to individual flags. When taken to a tweet by CVB posted in September 2023, the claimant did not know about the flag depicted in the tweet which CVB said was associated with the Hindutva (but which the organiser of the Krishna Janmashtami celebrations at which the flag was flown said was a flag of spiritual importance that was kept in temples and was not considered to be a political flag).
55. It is clear that the claimant followed CVB's social media posts, and CVB asserted that there was Hindutva involvement. But CVB's tweets elicited responses from the police which warned that unsourced assertions should not be taken at face value. The claimant has had sufficient academic training to know about the dangers of placing any great weight on CVB's contested tweets. In any event, CVB also referred to groups of Hindu men (rather than simply the Hindutva). Much of the more general contemporaneous reporting also indicates that the problems arose between groups of Muslim and Hindu men.
56. Even the claimant, in his evidence, stopped short of contending that all of those who were on the streets in opposition to the Muslim men were the Hindutva. The fact is that the claimant was in no position to make a reliable assessment of the political or ideological views of each of the individual men who were involved in the disturbances. He may have believed (based on the incomplete and partial information he was accessing) that some of those involved in the disturbances were sympathetic to

what he describes as the Hindutva ideology, but I do not accept that he genuinely believed that those involved could reasonably be described, en bloc, as “the Hindutva”. He denounced the opposing faction of Hindu men as “the Hindutva” for his own rhetorical and propaganda purposes, just as he described the Jewish people he encountered in Golders Green as “Zionists” without any objective basis, and to suit his own narrative.

57. Speech: In respect of his speech, the claimant laid great emphasis on his phrase “if they believe in reincarnation”. He strenuously maintained that this was a genuine use of a conditional clause which demonstrated that he was referring to the Hindutva, not Hindus. His reasoning was this. All Hindus believe in reincarnation. It would therefore be redundant to ask if a group of Hindu men believed in reincarnation. Thus, the use of the word “if” shows he was not referencing Hindus. Instead, he was talking about the Hindutva. He maintained that not all those who subscribe to the Hindutva ideology are Hindus. It therefore made sense, in that context, to use the conditional clause, because there are some Hindutva who are not Hindus and who may not believe in reincarnation. The claimant made great play of the fact that he gave this explanation in an interview before litigation was initiated, thereby proving that it was not an ex post facto rationalisation to gain a litigation advantage.
58. The claimant’s explanation is nonsensical. When asked to name anyone in the world who subscribed to the Hindutva ideology but who was not Hindu he was able to give only one name: Benjamin Netanyahu. Later, despite spending some considerable time thinking about it, he came up with two further (equally incongruous) names: Tommy Robinson and the second defendant. The reality is that those who subscribe to the Hindutva ideology are overwhelmingly Hindu. There were no Hindutva, or at least no significant numbers of Hindutva, in Leicester who were not Hindus. The phrase “if they believe in reincarnation” was not a genuine conditional clause that sought to distinguish Hindu Hindutva from non-Hindu Hindutva. It was a rhetorical device intended to inflame sectarian tensions by inviting ridicule of a central tenet of Hinduism.
59. Even on its own terms, the claimant’s rationalisation does not work. That is because, on his analysis, he did not choose to ridicule the Hindutva generally as a group. He chose only to ridicule those Hindutva who were Hindus. So he was, thereby, ridiculing Hindus as opposed to non-Hindus.
60. The claimant’s evidence was that when he said “we got the truth” he meant that justice was on the side of those he was talking to, as opposed to the Hindutva. I do not accept this explanation. The words “we got the truth”, followed immediately by the ridiculing of a central tenet of Hinduism, convey (and I am satisfied were intended to convey) that Islam was superior to Hinduism. It was a further aspect of the claimant’s inflammatory rhetoric that intentionally aggravated the febrile atmosphere.
61. Financial losses: The messages which the claimant relied on to show the withdrawal of funding arrangements have the appearance of being contrived for the purpose of these proceedings. In two instances, they are addressed as “Dear Mr Hegab”, when the correspondents were well known to the claimant and addressed him, in other contemporaneous contexts, in altogether more natural and less formal terms. They each attribute their decision to disassociate from him to the article. They each provided the material that would be necessary to support a claim for financial losses

occasioned by publication of the article (when one might not generally expect such detail to be provided in a communication that withdraws from nascent discussions). They arrived from the three separate organisations at roughly the same time, which was several weeks after the article, but very shortly before a letter of claim was sent. The claimant recognised the implausibility that this was all a coincidence. His explanation (which, in isolation, may have been plausible) was that the decision makers for the three organisations knew one another and were likely to have consulted with each other, and that is why the decisions were made at about the same time.

62. The supporting evidence was unsatisfactory. There was no disclosure of contracts, receipts, accounts or payments. Statements from Mr Wasway (of Nature's Blends) and Mr Rehman (of One Ummah) and Mr Hussain (of SALAM) were served. Each statement apparently supported the claim of disassociation from the claimant as a result of the article. Up until the pre-trial review it was anticipated that these witnesses would give evidence. At the pre-trial review it was said that the court's permission would be sought for Mr Wasway to give his evidence remotely, and from outside the court's jurisdiction. Some days later, it was suggested that the court's permission would be sought for Mr Rehman to give his evidence remotely, and from outside the court's jurisdiction. The first defendant then served further disclosure which related to Mr Wasway's evidence. The following day, the claimant served a hearsay notice in respect of Mr Wasway's evidence, under section 2 of the Civil Evidence Act 1995 and rule 33.2 of the Civil Procedure Rules. It was said that he would not be called as a witness because of a pre-existing mental health condition. No medical evidence was provided. I acceded to a contested application made by the first defendant for a witness summons, so that it could call Mr Wasway to be cross-examined on his statement pursuant to CPR 33.4.
63. In cross-examination, Mr Wasway accepted that he has been convicted, on his plea, of offences of dishonesty (causing staged road traffic accidents to secure compensation on a false basis), albeit he maintains his innocence. He was sentenced to 27 weeks' imprisonment. An ex-colleague from Nature's Blends was also convicted. Mr Wasway (who did not apparently appreciate the significance of the point), made it clear that Nature's Blends decided to disassociate from the claimant of its own accord, without consulting any other organisation. He thereby flatly contradicted the claimant's explanation for what the claimant recognised was, otherwise, an implausible coincidence.
64. I also acceded to an application from the claimant for Mr Rehman to give evidence by video link from outside the jurisdiction. Mr Rehman was served with a witness summons, and it was intimated that he would attend court in person and would be the first witness to be called. In the event, in apparent breach of the witness summons, he did not attend court. It was said that this was due to a medical emergency. No evidence was provided to support that assertion. It was also said that he had been in the jurisdiction for the first day of the trial, but was now outside the jurisdiction, in Egypt. A hearsay notice was served in respect of Mr Rehman's evidence. I do not consider any sufficient explanation has been given for his failure to attend court in response to the witness summons. Further, it is difficult to credit Mr Rehman's evidence that the article caused One Ummah to disassociate from the claimant. There are messages between Mr Rehman and the claimant, well after the publication of the

article, in which they are obviously on good terms, and Mr Rehman praises the claimant and discusses a contract. Further, there is evidence that the claimant did assist One Ummah with fundraising promotional videos in March – June 2024 and January – June 2025. It was shortly after the disclosure of these videos that it was said that Mr Rehman would no longer give evidence in person. For these reasons, I do not place any weight on his evidence. It is not necessary to address numerous further points raised by the first defendant as to Mr Rehman’s credit as a witness.

65. As to SALAM, no evidence was called from Amir Ahmed (who wrote the email of 24 November 2022), or from “brother Amir and other guys in the shura” (who apparently made the underlying decision). Nor was evidence given by Mr Dawah who was a close associate of the claimant, and who appears to have been involved with SALAM throughout, and who was identified as a witness on quantum/losses in the claimant’s directions questionnaire. Instead, evidence was given by Zeshan Hussain who is SALAM’s operations manager. He started working for SALAM in January 2025. He was not, therefore, in post at the time of the decision to disassociate from the claimant and is not able to give direct evidence about that. Although he purported to give evidence about it, he did not provide any underlying documents to support what he said, and he did not identify the sources of his information.
66. Mr Hussain said that his view of the claimant was damaged “somewhat” as a result of reading the article. I do not accept that evidence. He had known the claimant for a long period of time, and they had studied together. As soon as he started working at SALAM he suggested that the claimant be awarded a contract. He says that this fell through, and SALAM disassociated itself from the claimant, because of concerns about the claimant arising from the article. The claimant has not disclosed the letter disassociating SALAM from the claimant. Moreover, there is no clear reason why this should have arisen more than 2 years after the article was published. There was other reporting about the claimant which is more likely to have been the source of any concern, if, indeed, there was any concern. In any event, this is no part of the claimant’s pleaded case, and his supplementary written closing submissions confirmed that he does not advance a case of serious harm based on a failure to secure a contract in 2025.
67. “Exculpatory” evidence: I recognise that the parts of the videos of the claimant in central London and Golders Green and Leicester that are the focus of this trial are a tiny fraction of the claimant’s overall social media output, and even that, in turn, no doubt fails fully to represent the claimant as a person. I have also taken into account what might be regarded as a form of exculpatory evidence. There are many instances where the claimant refers to his Jewish or Hindu friends. There are instances where he directly advocates against violence or criminality. There are instances where, on one view, he is assisting the police. He advances an argument, from an Islamic perspective, in favour of the possibility of reincarnation. I have taken all of this type of material into account when assessing the claimant’s conduct in London and Leicester. The defendants do not invite conclusions that the claimant is an antisemite or that he is otherwise racist. What matters is his actual conduct in London and Leicester in May 2021 and September 2022. Conclusions about that conduct are inevitable, based primarily on the video evidence, irrespective of the more general exculpatory material.

The evidence of the claimant's witnesses

68. The claimant's other witnesses were Mohammed Kolia, Ismail Shafi and Shabir Hafegee.
69. Mr Kolia is director of the United Kingdom Indian Muslim Council, which strives for the empowerment of Indian Muslims residing in the United Kingdom, and also in India. Mr Kolia provides evidence of a survey he conducted about the unrest in Leicester in 2022. His evidence shows that some people believed that some of the unrest was inspired or influenced by the Hindutva. That is hardly surprising in the light of what the claimant and CVB and others were saying. I do not, however, consider that Mr Kolia's evidence assists on any of the key issues in the case. For the reasons I have already given, it is not necessary to make findings about the causes of the unrest. Anyway, Mr Kolia's survey, which was not conducted on any scientific basis, is not a safe platform on which to make such findings.
70. Mr Shafi is a civil servant who has lived in Leicester since childhood. He gives evidence as to his opinion of the underlying causes of the disturbances in Leicester in 2022. He says that there had been an increase in migrants from the Daman and Dui, Gujarat region of India, and that led to an increase of extremist ideologies such as the Hindutva. He says that during the disturbances on 17 September 2022 there were around 200 – 300 men who chanted "Jai Shree Ram" and that this chant is associated with Hindutva extremists in India. He said that these were Hindu men; he did not appear to recognise the claimant's concept of "non-Hindu Hindutva". Mr Shafi did not see the claimant's speech but says that in his experience this would have been understood as a reference to the Hindutva extremists who had behaved as he described and that the community in Leicester "would not have understood this to be a general reference to our Hindu colleagues, friends and neighbours."
71. I do not doubt Mr Shafi's genuineness as a witness, but his evidence is not capable of bearing significant weight. He purports to provide an opinion as to the view that would have been taken of the claimant's speech by others. The claimant, who gave the speech, was able to give his own direct evidence on this issue. The speech was recorded, and the court can form its own view. It is necessary to make an objective assessment of what the claimant did and said, based on the direct evidence of what he did and said. The testimony of one witness who was not there as to what he thinks others would have understood the claimant to have meant is of little real value.
72. Mr Hafegee provided a statement that was similar in content to that provided by Mr Shafi. He was summonsed to give evidence on the first day of the trial. He failed to attend. The following day, the claimant served a hearsay notice in respect of his evidence. It was said that he could not attend court due to his physical health. No medical evidence was provided. I do not consider that any weight can properly be placed on his evidence.

Legal framework

73. I was unable to detect any significant issue of law between the parties. The general principles that apply to this case are clear and are not in dispute.

Tort of defamation

74. The tort of defamation involves a publication that conveys a defamatory imputation concerning the claimant, which causes or is likely to cause serious harm to the claimant's reputation. It is a defence to show that the imputation is substantially true.

Responsibility

75. Anyone who takes part in the publication of a statement may be responsible for the publication and is therefore potentially liable in defamation. In the case of a magazine article, that includes both the author and the publisher.

Meaning

76. The court must determine the single meaning that is conveyed by the publication to the hypothetical reasonable reader, and whether that meaning expresses a fact or opinion. The applicable principles are set out in *Koutsogiannis v Random House* [2019] EWHC 48 (QB); [2020] 4 WLR 25 *per* Nicklin J at [11] – [17].
77. The court must also determine whether the publication refers to the claimant. The same principles apply, that is whether the hypothetical reasonable reader would identify the claimant from the publication, save that for this purpose the reader is assumed to be acquainted with the claimant: *Dyson Technology Ltd v Channel Four Television Corporation* [2023] EWCA Civ 884; [2023] 4 WLR 67 *per* Warby LJ at [37].

Serious harm

78. Section 1(1) of the Defamation Act 2013 states:

“A statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant.”

79. This requires an enquiry into the facts of the impact of the publication to determine whether there has been some historic harm which actually occurred as a result of the publication, or whether, as a matter of fact, it is likely to cause actual harm in the future. It is thus not sufficient to establish that the words of the publication were liable to cause harm: *Lachaux v Independent Print Ltd* [2019] UKSC 27; [2020] AC 612 *per* Lord Sumption at [12] and [14] – [15].

Truth

80. Section 2(1) of the 2013 Act states:

“It is a defence to an action for defamation for the defendant to show that the imputation conveyed by the statement complained of is substantially true.”

Submissions

81. Mark Henderson, for the claimant, submits that both parties are responsible for all publications of the article, which bears the following meaning:

“The Claimant incited religious/racial hatred against the Hindu community, stirring up a Muslim mob in a UK city to violently target Hindus by attacking, disparaging, and dehumanising Hindus qua Hindus, including by ridiculing Hindus for their belief in reincarnation and describing them as pathetic, weak and cowardly in comparison to whom he would rather be an animal.”

He says that the evidence shows that the publication has caused serious harm to the claimant’s reputation, and that the defendants have not proved that it is substantially true. He argues that it is obviously untrue, as can be seen by a comparison of the article with the words spoken by the claimant which referred to the Hindutva and made no reference to Hindus. It follows that the article is inaccurate, so if the claimant fails in his libel claim on the basis of reference or serious harm, he must nonetheless succeed in his data protection claim.

82. Greg Callus, for the first defendant, and William Bennett KC, for the second defendant, submit that the article bears the following meaning:

“Mohammed Hijab is a street agitator who last year whipped up a mob with inflammatory language at an anti-Israel protest and then cropped up during recent disturbances between Hindus and Muslims in Leicester to whip up his followers including by ridiculing Hindus for their belief in re-incarnation and describing Hindus as pathetic, weak and cowardly in comparison to whom he would rather be an animal.”

83. They do not accept that the article sufficiently identifies the claimant, pointing to the different spelling of the name and the absence of a pleaded case on a reference innuendo. They say that the claimant’s evidence in respect of harm is not credible and should be rejected, so the claim in libel must fail. The second defendant (but not the first defendant) accepts that there was a mistake in the article insofar as it attributes to the claimant a reference to “Hindus” whereas he actually said “the Hindutva”. Irrespective of that possible mistake, both defendants say that the defamatory imputation conveyed by the article is, on the evidence, substantially true. Accordingly, they say that both the libel and data protection claims must be dismissed. The first defendant also says that the claim falls to be struck out for want of proper disclosure.

Responsibility for publication

84. The second defendant is the author of the article, which he intended for publication. The first defendant published the article in print and on its website. It is therefore common ground that both defendants are responsible for the print and website publications (and republications) of the article.

85. The particulars of claim also rely on publication of the article by the second defendant on his website. The second defendant is not employed by the first defendant and the claimant does not allege that the first defendant is vicariously liable for the conduct of the second defendant. It follows that the first defendant is not responsible for any publication of the article by the second defendant in respect of which the first defendant took no part. Conversely, to the extent to which the second defendant provided links to the first defendant's website publication of the article, both defendants are responsible for the publications that took place when users clicked on those links.
86. The claimant has not sued on the app version of the article, so it is unnecessary to consider that version further.

Meaning and reference

87. I read the article, before reading the other documents in the case, in advance of the pre-trial review. I recorded the meaning that I considered was conveyed by it. I have reviewed that meaning in the light of the parties' proposed meanings, and their respective submissions. There are a number of common elements. The final passage of both parties' proposed meanings is the same. It derives directly from the words of the article. I am content to adopt it.
88. There are aspects of the claimant's meaning that I do not consider are conveyed by the article. First, the suggestion that the claimant incited racial/religious hatred and stirred up a mob to violently target Hindus goes a little (albeit not far) beyond the meaning conveyed by the article. Second, the article does not state that the claimant "dehumanised" Hindus. The reference to "animal" is part of the ridiculing of reincarnation. It does not, in itself, dehumanise Hindus. Nor does anything else in the article convey that this is what the claimant did. Third, although I understand what is meant by "Hindus qua Hindus", and I accept that the article does attribute to the claimant language that disparages a central tenet of Hinduism, that is sufficiently captured by the agreed final part of the meaning. The "Hindus qua Hindus" provides an additional technical gloss which owes more to the dispute on truth than it does to the meaning conveyed by the article. On the other hand, whilst the court cannot ultimately find the defendants liable in respect of a defamatory imputation that is not alleged by the claimant, the claimant's proposed meaning does not capture an important aspect of the meaning conveyed by the article: that the claimant was a street agitator who had whipped up a mob in London and had addressed an anti-Israel protest with inflammatory language. I appreciate that the claimant does not advance a distinct complaint about this part of the article, but it is artificial to divorce what was said about the claimant's activities in Leicester from its immediate context.
89. The defendants' meaning seems to me fairly to reflect some of the meaning conveyed by the article, but it does not go quite far enough. Although I do not accept that the article quite conveys the meaning that the claimant stirred up a Muslim mob to violently target Hindus, it does go further than simply suggesting that the claimant ridiculed reincarnation. The early part of the article (talking about the disturbances between Muslims and Hindus), the section that refers to the claimant (whipping up a mob, ridiculing reincarnation), and the section that immediately follows ("Soon both sides were accusing the other of attacking their places of worship. Crowds of hundreds faced off...") all form part of a linked and coherent narrative. What is

missing from the defendants' meaning is a recognition of that, and in particular recognition of the alleged consequences of the claimant's actions as conveyed by the article. I do not consider that the article suggests that the claimant directly and solely caused the events that followed, but it does suggest that his speech was inflammatory and that it exacerbated existing tensions between opposing groups that had already spilled over into public disorder. That is at the core of the defamatory imputation that is conveyed by the article. I do not consider that the article conveyed a distinct meaning as to whether those tensions were based on race or religion. I agree with a submission advanced by Mr Henderson that there is no bright line between disparagement of Hindus as an ethnic group or as a religious group or as an ethnoreligious group. The key point is that the article conveys that the claimant was a street agitator who was whipping up ill-feeling by one community towards another, in circumstances where tensions were already frayed and had spilled over into public disorder.

90. The article clearly refers to the claimant. It does so by reference to his name. Although it uses a different transliteration from his legal name, it is a version of his name that is used by the claimant in his voluminous social media output. The reference to him would be apparent to anybody acquainted with him.
91. I find that the article conveys the following meaning:

“The claimant is a street agitator who has whipped up a mob on London's streets, addressed an anti-Israel protest in inflammatory terms, and exacerbated frayed tensions (which had already spilled over into public disorder) between Muslim and Hindu communities in Leicester by whipping up his Muslim followers including by ridiculing Hindus for their belief in re-incarnation and describing Hindus as pathetic, weak and cowardly in comparison to whom he would rather be an animal.”
92. This is a statement of fact which is defamatory of the claimant at common law.
93. It is unnecessary to address Mr Callus' submission that there are contexts in which it is not defamatory to accuse someone of ridiculing reincarnation. Here, as Mr Henderson correctly points out, the allegations levelled at the claimant are very far from doctrinal religious disputes or a sketch in a comedy club. The allegation is not simply that the claimant ridiculed Hindus, but that he did this as a device to whip up his Muslim followers and thereby exacerbate existing frayed tensions (which had already spilled over into public disorder) between two communities. That plainly is defamatory at common law.
94. I do not consider that it is necessary to resolve arguments as to whether the defamatory meaning amounts to one, or more than one, imputation, or whether it is necessary separately to identify a defamatory sting, or stings, or a common sting, associated with each imputation. The meaning is as set out above. Whether that meaning is properly analysed as containing one or more than one imputation, or sting, the issue under section 2 of the 2013 Act is whether the imputation(s) are substantially true.

Serious harm

95. I accept Mr Henderson's submission that, in the abstract, the natural probability is that the imputation conveyed by the article, published as it was in a well-known, reputable, widely read publication, is seriously damaging to reputation such that it is likely that it would cause serious reputational harm. That is the more so in the light of the claimant's profile as an academic and a public speaker and commentator on politics, religion and society within the British Asian community. It is, however, necessary for the claimant to prove that the article has in fact caused serious reputational harm or that it is likely to do so in the future.
96. The claimant has not discharged that burden.
97. First, the evidence shows that he has many more social media followers than the Spectator has subscribers, and his material is viewed many more times than the Spectator article was read. That discrepancy is likely to be even more marked in the case of those who are acquainted with the claimant. The material that is published by the claimant, including in particular the video of his speech in Leicester, is at least as reputationally damaging to him as the article. The video shows him, far more vividly than is conveyed by the words of the article, directly whipping up a large group of masked men and ridiculing a central tenet of Hinduism, in the febrile context of ongoing disturbances between large groups of young men. Against that background, it cannot be inferred that the article caused, or would be likely to cause, additional serious reputational harm.
98. Second, this is not a case where it is necessary to work on the basis that it is inherently difficult to provide evidence of reputational damage. The claimant is very well known on social media, and he has a huge number of followers. If the article did cause him serious reputational harm it is likely that would be reflected in a significant reduction in the number of his followers and/or a significant reduction in his income from his social media publications. The claimant advanced such a case, but it was unsupported by reliable evidence, and it is a confected case.
99. Third, no reliance can be placed on the claimant's evidence. Accordingly, to the extent that he gives evidence that his reputation has been damaged, unsupported by other credible material, that takes his case no further.
100. Fourth, there is some evidence that the claimant positively revelled in any form of publicity. He said in evidence that (up to a point) controversy increased the number of people who viewed his material and hence the value that could be realised from that content. When he was described as an "instigator in chief", he had t-shirts printed, emblazoned with "instigator in chief", which he sold via an Amazon outlet.
101. Fifth, there is no other credible evidence of damage to the claimant's reputation occasioned by the article.
102. Sixth, it is now almost three years since the article was published. In the absence of any credible evidence that the claimant has sustained serious reputational harm in that period, it is not likely that the article will, in the future, cause such harm.

103. Seventh, the claimant relies on what he says is a death-threat. That is contained in an Instagram message which is undated. Nothing in the Instagram message references the article. It may have been written in response to the claimant's video of his speech, or something else. There is no evidence that the article caused the death-threat to be made.
104. It follows that the claim in defamation must be dismissed.

Truth

105. It is, accordingly, not necessary to address the truth defence, but I do so, briefly, for completeness.
106. The resolution of the truth defence, in the context of the present case, requires an objective assessment of what the claimant was doing and what he said. This is not quite the same exercise as is involved in the determination of the meaning of the article. It is not necessary to have recourse to the hypothetical reasonable listener to his speech, or to divine a single meaning of the speech. What is required is to determine, objectively, what it is the claimant did and, in the light of that, to decide whether the defamatory imputation conveyed by the article is substantially true.
107. The description of the claimant as a "street agitator who has whipped up a mob on London's streets" and as someone who "addressed an anti-Israel protest in inflammatory terms" is an accurate description of what the claimant is seen to do at the rally for Israel.
108. The claimant's fundamental complaint is that it was completely wrong for the second defendant to say that the claimant had ridiculed Hindus. It is true that he did not use the word Hindus. However, it is common ground that he was talking about the opposing group of men who were involved in the disturbances. Once the claimant's concept of non-Hindu Hindutva is rejected as an unreal construct, everyone who was present (including the claimant) understood that group to be largely, if not overwhelmingly, composed of Hindu men. It was them that he was ridiculing. He did so not by picking on a feature that defines the Hindutva but instead by picking on an aspect of Hinduism (reincarnation), after first asserting the superiority of Islam ("we got the truth"). He, in terms, described them (that is, the Hindu men) as "pathetic, weak and cowardly" such that he would "rather be an animal." That speech, to a large group of excitable and engaged masked young men, exacerbated the tensions that had spilled over into serious public disorder the previous day.
109. Even if it were necessary to determine what the claimant subjectively intended to do (and it is not), the truth defence would be established. The claimant knew exactly what he was doing. He chose his words deliberately. He did so in a way that left him room to put forward "innocent" explanations, but those explanations do not withstand scrutiny.
110. It follows that even if the claimant had succeeded in showing that he had suffered serious reputational harm as a result of the article, the claim would fall to be dismissed because the defendants have established that the defamatory imputation conveyed by the article is substantially true.

Data Protection claim

111. Mr Henderson agreed that if the defendants successfully establish that the article's defamatory imputation is substantially true, then the data protection claim cannot be sustained. That is because if the defamatory imputation is substantially true, there is no material inaccuracy in the article that can found such a claim. Accordingly, the data protection claim is dismissed.

Strike out

112. The claim must be dismissed on the merits. It is not therefore necessary to address Mr Callus' alternative argument that the claim should be struck out. I prefer not to do so. It is therefore unnecessary to address a submission advanced by Mr Henderson that a separate hearing is required to determine the strike out application.

Outcome

113. The defendants are each responsible for the article, which conveys the following meaning:

“The claimant is a street agitator who has whipped up a mob on London's streets, addressed an anti-Israel protest in inflammatory terms, and exacerbated frayed tensions (which had already spilled over into public disorder) between Muslim and Hindu communities in Leicester by whipping up his Muslim followers including by ridiculing Hindus for their belief in re-incarnation and describing Hindus as pathetic, weak and cowardly in comparison to whom he would rather be an animal.”

That meaning is a statement of fact which is defamatory of the claimant at common law. The publication has not caused, and is not now likely to cause, serious harm to the claimant's reputation. In any event, it is substantially true, and it is not materially inaccurate. The claims are, accordingly, dismissed.