

Senior judge rules police acted unlawfully in raiding home of British independent journalist Asa Winstanley

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The ruling this month by the most senior judge at London’s Central Criminal Court (the Old Bailey) that the police raid on British journalist Asa Winstanley’s London home on October 17, 2024 was unlawful is a blow against the Starmer government’s efforts to criminalise opposition to Israel’s genocide in Gaza.

Police informed Winstanley by letter during the raid that they were investigating “possible offences” under Sections 1 and 2 of the Terrorism Act 2006.

Around 10 police officers were involved in the dawn raid. They seized seven items—computers, phones and other devices—from the journalist. At no point in these events and to this day was Winstanley arrested or charged with any crime relating to the police investigation.

Winstanley, associate editor at *The Electronic Intifada* (EI) has also written for *Declassified UK*, *Middle East Monitor*, *Middle East Eye*, *The National*, and *Jacobin*. He has a record of opposition to Israel’s genocide and has exposed Tel Aviv’s role in the removal of Jeremy Corbyn as Labour leader, carried out by slandering him and his supporters as “antisemites”. This is documented in Winstanley’s book: *Weaponising Anti-Semitism: How the Israel Lobby Brought Down Jeremy Corbyn*.

A May 27 *EI* article reported, “The recorder of London, Mark Lucraft, London’s highest circuit judge, on 13 May ruled that a search warrant used by London’s Metropolitan Police to seize seven items from Winstanley’s home was unlawfully issued.”

EI cited a statement from Winstanley who confirmed that day that all seven seized items were handed back to him on Tuesday, May 27.

Lucraft wrote in the ruling, “I am very troubled by the way in which the search warrant was drafted, approved and granted where items were to be seized from a journalist.”

The ruling cited the observation by Winstanley’s barrister Jude Bunting KC that “the Court would be hard-pressed to find a more obviously unlawful order than the one made in

this case.”

Lucraft’s ruling warned, “Any warrant seeking material in the hands of a journalist requires extremely careful handling.”

The senior judge denied the police’s request for a “production order”—a tool which is available to police under clauses of two Acts of Parliament to require journalists to disclose documents in limited cases (Proceeds of Crime Act 2002 and Police and Criminal Evidence Act 1984).

Instead of applying for a production order, which must be approved by a judge, prior to raiding Winstanley’s home police arrived with what are now proven to be unlawful warrants.

As Winstanley notes in his own article on the ruling, the police did not apply for a production order before raiding his home because “the standard required to do so means that they would have needed to show some grounds to suspect criminality and justify that before a judge. Something they were clearly unable to do.

“My lawyers successfully argued that my seized devices ‘would include items subject to legal professional privilege by virtue of his involvement in the Undercover Policing Inquiry, or excluded material, or special procedure material by virtue of his profession as a journalist.’

“My legal team—led by my solicitor Tayab Ali (a Bindmans partner) and backed by the National Union of Journalists—successfully blocked the police from searching my devices and gaining access to my contacts, files and other protected journalistic material.

“The day after the raid Tayab wrote to the police demanding they halt any search of the devices. Police agreed to this on the 19th of October [2024]. As a result, police say the contents of my devices have not been accessed by them.”

Winstanley said that the “unlawful warrants had authorised seizure of my devices plus any material that ‘demonstrates a mindset conducive with the support of [the] proscribed group Hamas.’”

Police were unable to prove this thought crime even though, as Winstanley notes, “their ‘Counter Terrorism Internet Referral Unit’,” sent his lawyers two detailed reports, covering the period October 2023 and February 2024, “containing no less than 80 pages of screenshots of tweets alongside commentary from the police.”

The second of these reports, writes Winstanley, “was produced after the unit was “contacted by a UK-based counter extremism think tank who expressed concern about a number of posts by Twitter User @AsaWinstanley.”

Winstanley concludes, “This ‘think tank’ is not named in the report, but it’s highly likely that the police only consulted groups with a pro-Israel bias.”

The aim, clearly, was to silence a prominent exposé—with a large social media following—of the criminal operations of the Israeli state, including their central role in the removal of the twice elected leader of the Labour Party, who was Leader of the Opposition in the UK Parliament.

Winstanley points out that he was targeted because “I have spent the last 15 years reporting in detail on many pro-Israel organisations in the UK—including the Community Security Trust, which has close ties to both Israeli intelligence agencies and to the British police.”

Such was the desperation in ruling circles to silence a leading opponent of the genocide—with huge demonstrations in London against the slaughter of Gaza facing increased repression at the time—that as Winstanley reveals, “Even the police themselves, in November correspondence with my lawyers, conceded that the warrants they used to search my home were unlawful.”

Winstanley points out, “In essence, the police were asking the court to retrospectively legitimise their unlawful raid”—which the most senior judge at London’s Central Criminal Court refused.

Winstanley wrote, “I call on the police to drop their ongoing investigation into my tweets and to apologise for the unlawful raid on my home and seizure of my devices. They should provide compensation for the harm caused to me and my family, as well as for any detriment to my journalistic contacts and sources.”

The ruling of the raid on Winstanley as unlawful raises the question of whether the police have also acted illegally in their detaining, arresting and charging of other prominent opponents of war and genocide under draconian counter-terrorism legislation.

Winstanley is one of a number of independent journalists and dozens of other opponents of Israel’s genocide who were raided by police in the space of a few months, as the Starmer government—which came to power in July last year—doubled down on its backing for the war criminals in Tel Aviv. These include Richard Medhurst, the first journalist

arrested under Section 12 of the Terrorism Act (2000) on August 15, 2024. Medhurst had his phone and recording devices seized by police. He was instructed by police to give up passwords for his devices, which he—as did Winstanley—refused to do.

As Medhurst noted in a May 2 posting on X, “So I was arrested on August 15, and just the day before, Richard Barnard of Palestine Action was charged, on August 14. And on August 6, ten of their activists were arrested. Sarah Wilkinson was raided on August 29. Asa Winstanley was raided in mid-October. Tony Greenstein was charged in November. Another eight from Palestine Action were arrested that month and Natalie Strecker arrested as well. So there’s a very clear calculated timeline of arrests, very clear crackdown against prominent critics of Israel’s genocide in Gaza.”

Mass arrests were made at the January 18 national demonstration in London, including of several leaders of the UK coalition against the Gaza genocide who have organised dozens of marches in the capital.

The Old Bailey ruling in favour of Winstanley was followed just eight days later by an intensification of the persecution of the pro-Palestinian Kneecap rap group by the Starmer government. On May 21, the Metropolitan Police announced that Kneecap member Liam Óg Ó hAinídh (Liam O’Hanna) had been charged under the Terrorism Act. Kneecap’s opposition to the Gaza genocide and refusal to back down in their opposition to the genocidal “final solution” Israel is pledged to completing has won widespread support from young people and artists internationally.



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