High Court grants permission for legal challenge to Palestine Action ban, with intelligence evidence heard in closed session

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The High Court ruled last week that Palestine Action (PA) co-founder Huda Ammori can challenge the lawfulness of Home Secretary Yvette Cooper's order banning Palestine Action as a terrorist organisation. The judicial review hearing will take place in November.

Cooper's proscription of PA came into effect July 5, approved in a right-wing stampede by both houses of parliament. It is the first time in Britain that a non-violent civil disobedience group has been listed as a terrorist organisation. Membership of PA, or support for it, is now a crime under the Terrorism Act (2000), punishable by up to 14 years' imprisonment.

In June, before the ban was announced, UN legal experts and lawyers' groups across six continents wrote to the Starmer Labour government, warning that police investigations of PA members under counter-terrorism laws and growing repression of dissent were "warning signs of erosion of the rule of law and democracy in the United Kingdom".

Mr Justice Chamberlain ruled Wednesday it was "reasonably arguable" that: 1) The banning order against PA is a disproportionate interference with Articles 10 and 11 of the European Convention on Human Rights (ECHR) [rights to freedom of expression and peaceful assembly]; and 2) The Home Secretary should have consulted PA before making the decision to proscribe and, by failing to do so, acted in breach of natural justice and/or contrary to Article 6 of the ECHR [right to a fair hearing].

A further four grounds for judicial review were rejected by Judge Chamberlain.

He rejected Ammori's claim (Ground 1) that the home secretary's ban was made for "improper purposes", finding there was nothing to suggest it was motivated by an extraneous purpose, such as to quell dissenting political views. His ruling dismissed overwhelming evidence by the claimant showing collusion between the British government and Israeli state officials.

Judge Chamberlain rejected Ammori's (Ground 3) arguments that Palestine Action did not seek through its actions to place pressure on the UK government (a key factor in defining a group as terrorist is that its violent methods aim to influence government policy), and he rejected her claim that there was "no sufficient nexus" between the "terrorism" identified and the organisation.

He concluded the issue was not "reasonably arguable". But documents obtained by *Declassified UK* through Freedom of Information (FOI) requests and submitted in evidence showed MI5's Joint Terrorism Analysis Centre (JTAC) describing PA as "highly unlikely" to endorse violence, while the government's own Proscription Review Board (PRG) advised in March 2025 that "there was no known precedent of an organisation being proscribed… mainly due to its use or threat of action involving serious damage to property".

Judge Chamberlain also rejected Ammori's (Ground 4) claim that the home secretary had failed to consider the impact of a terrorist ban on PA's membership, including vulnerable categories such as young people and the elderly, and its broader implications for other protest groups and trade unions.

He rejected Ground 5, that the home secretary acted unlawfully in considering legally irrelevant factors to justify her banning order. These included 1) whether PA's actions were morally or politically justifiable, 2) lost revenue arising from PA's actions, and 3) the views of pro-Israel lobby groups. He concluded that none of these points disclosed a reasonably arguable error of law.

Judge Chamberlain rejected Ground 7 alleging a breach of the public sector equality duty in Section 149 of the Equality Act 2010, due to the banning order's discriminatory impact on members of the Palestinian community.

He ruled that two remaining grounds—challenging the proportionality of the home secretary's banning a non-violent group (Ground 6) and the home secretary's failure to take into account that PA was acting to prevent genocide and other serious violations of international law (Ground 5)—will form part of arguments at a judicial review relating to the claimant's Article 10 and 11 rights and that "nothing would be added" by accepting these as separate grounds.

"Hyperbole"

On July 4, Judge Chamberlain had dismissed Ammori's claim for interim relief, i.e., for a stay of PA's proscription pending the outcome of a potential judicial review. The judge had dismissed as "hyperbole" and "overstated" the warnings by Ammori's lawyers, Raza Husain KC and Blinne Ní Ghrálaigh KC, that PA's proscription would lead to "grossly disproportionate interference with the rights to freedom of expression and assembly" not just for its own members but for huge swathes of the British public.

Hundreds of activists have since been arrested under the Terrorism Act for expressing support for Palestine Action. Moreover, as predicted by UN legal experts and human rights organisations, the effect has been to criminalise broader speech and assembly opposing Israel's genocide in Gaza.

At the July 21 hearing seeking permission for judicial review, Ghrálaigh told the court the situation was "even worse" than they had predicted.

Journalist Mohamed Elmaazi (whose summary of proceedings was published by Craig Murray) relates Ghrálaigh telling the court that members of the public "with flags, badges, t-shirts, and posters that support Palestine, oppose genocide and/or satirise the Government's

position on the humanitarian catastrophe in Gaza" had been subjected to "heavy" policing and "other enforcement… None of those had any relationship with Palestine Action".

Ghrálaigh cited verbatim an exchange between protestor Laura Murton and Canterbury police officers on July 14:

> Officer: "What's your intention here today?"
> Murton: "My intention is to wave this flag and keep Palestine in the public consciousness right now."
> Officer: "So, do you support any prescribed group?"
> Murton: "I do not, I do not support any proscribed group. I support a free Palestine and the end of genocide."
> Officer: "Can I get your details?"
> Murton: "Am I required to give them to you?"
> Officer: "Well, you may be committing an offence at the moment. So, I just need to make sure that you're legit."
> Murton: "What offence?"
> Officer: "Well, as you're aware, it's now become an offence to obviously support a proscribed group like Palestine Action"
> Murton: "Yeah, but I don't, I am not, I don't have anything on which says that."
> Officer 2: "I appreciate that. But the way you're behaving at the moment would lead me to believe that you maybe- Giving me suspicion or grounds to believe you could be.
> Murton: "What suspicion? That I've got a sign that says 'Free Gaza'. Holding a Palestinian flag and I have a sign that says 'Israel is committing genocide'?"

Similar instances continue to occur across the UK. Judge Chamberlain countered that police officers were "overstepping" because they "didn't understand the law". Ghrálaigh replied, "My Lord may say that the officer doesn't understand the law," but "Canterbury Constabulary has not issued an apology. The Secretary of State hasn't said that this is a misapplication of the law… There is no indication that they are getting this wrong because no one has said they are getting this wrong."

Sir James Eadie KC for the government argued that granting judicial review would "subvert the will of parliament" by circumventing existing statutory routes to challenging proscription through an appeal either to the home secretary or to the Proscribed Organisations Appeal Commission (POAC) created under the Terrorism Act.

But Judge Chamberlain ruled the Terrorism Act had not excluded judicial review as a route to appeal. He agreed with the claimant that appealing to POAC would take too long—it would be "very unlikely" to even be listed until midway through 2026, resulting in detrimental impacts on freedom of expression and freedom to protest.

He emphasised that a third avenue of challenge was already being pursued through the criminal law—namely by members of the public protesting in support of Palestine Action and then challenging terrorism charges against them through the courts. His July 30 ruling stated: "If the legality of the proscription order can properly be raised by way of defence to criminal proceedings, that would open up the spectre of different and possibly conflicting decisions on that issue in Magistrates' Courts across England and Wales or before different judges or juries in the Crown Court. That would be a recipe for chaos."

He concluded: "If the proscription order is determined to be lawful, there would be a real benefit in making that clear to the general public as soon as possible, so as to prevent the criminal courts from becoming clogged up with unmeritorious defences."

Closed proceedings

Huda Ammori v Secretary of State for the Home Department gives fresh proof of the vicious class character of British justice. Ahead of the permissions hearing, Judge Chamberlain presided at a closed session of the High Court on July 16, where the government submitted secret intelligence about PA. Lawyers for Ammori were barred from attending. Ammori was "represented" by a Special Counsel, who is unable to inform either Ammori or her lawyers about the evidence submitted against her claim.

Following the closed session, Judge Chamberlain made a declaration under Section 6 of the Justice and Security Act (2013) permitting the home secretary to "withhold sensitive material" at the permissions hearing that was held five days later.

Doubtless, the British government has submitted fabricated intelligence that PA is backed by "foreign actors". On June 23, as Cooper announced her intent to ban PA, Rupert Murdoch's *Times* reported that "Iran could be funding Palestine Action, Home Office officials claimed". Similar reports followed in the *Daily Mail*, *Spectator* and *Telegraph*.

Eadie KC, arguing for the government, made clear in his own submissions that the Terrorism Act (introduced by the Blair Labour government in 2000) affords primacy to the secretary of state in ensuring the "effectiveness" of the proscription regime on national security grounds. Meanwhile, the Justice and Security Act allows for the withholding of national security intelligence/information in open court.

The appeal to "national security" thereby sets up a judicial-political Catch-22.

"Far Left subculture"

Ammori's legal team has submitted documents to the High Court obtained by *Declassified UK*, showing that JTAC and the PRG had confirmed a decision to proscribe PA in March 2025, despite just 3 out of 385 of its protests resulting in "serious property damage" (including a protest at Elbit's weapons factory in Filton, near Bristol). But a banning order was postponed for political reasons. After Israel's sudden ending of its bogus ceasefire, coinciding with Ramadan, Foreign Office officials warned the time was not right, and that proscription risked being "received poorly both domestically and abroad".

Declassified UK's John McEvoy concluded that the incident at RAF Brize Norton was "therefore the trigger but not the cause of the proscription order, which had been approved months prior."

Significantly, a separate Community Impact Assessment produced by the Research, Information and Communications Unit (a government agency providing strategic communications for the Home Office) and the National Police Chiefs' Council, warned that banning PA "could be seen as the partial realisation of Lord Walney's efforts, which dissenting actors could argue were coloured by pro-Israel bias".

Lord Walney (former Labour MP John Mann) issued a report in May 2024, *Protecting our Democracy from Coercion*, describing PA as being "largely a part of the Far Left subculture in the UK" that has "too often featured both violence and antisemitic incitement". His report identified PA co-founder Richard Barnard and rap artist Lowkey (an early backer of PA) with support for terrorism. Walney alleged "the British Far Left and Islamists make common cause" depicting them as part of a "deeply entrenched" ecosystem "founded in an understanding of 'imperialism 'and 'the state' as common enemies".

Walney's report, based on the crude frame-up methods of a police state,

argued, “the Government should keep under review the question of whether Palestine Action meets the criteria for proscription as a terrorist entity”.

Pointing to the high bar for proscription under the Terrorism Act, Walney advised the creation of a new legal mechanism to deal with actions “designed to interfere with the rights of others or impede the proper functioning of democratic institutions or business, whether it is of a persistent or continuing nature, and whether it was undertaken to advance a political or ideological cause. Sanctions attached to this restriction would include restricting the group’s right to assembly and its ability to fundraise.”

A judicial review of the government’s order to ban PA will be held over three days, sometime after November 10. Judge Chamberlain rejected a renewed appeal by Ammori’s lawyers for interim relief, which means that PA remains listed as a terrorist organisation. Craig Murray’s eyewitness account of High Court proceedings on July 4, when interim relief was first denied—including at an extraordinary late-night Court of Appeal session—is essential reading.