

Judge hears arguments on legality of British prosecution of Kneecap's Mo Chara

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20 August 2025

Liam Óg Ó hAinle (stage name Mo Chara), of the rap trio Kneecap, appeared in Westminster Magistrates Court for the second time today, on charges under the Terrorism Act.

The British government is seeking to prosecute him for picking up a Hezbollah flag thrown on stage during a performance at the O2 Forum in Kentish Town on November 21, 2024. This is the pretext for a blatant attempt to intimidate a powerful voice against Israel's genocide of the Palestinian people, supported by the UK and all the imperialist governments.

Today's hearing was for Chief Magistrate Paul Goldspring to hear arguments as to whether the prosecution brought the charges in time, within six months from the date of the alleged offence. He will give his decision on September 26.

This long wait, over a month, points to how deeply problematic this case has become for Keir Starmer's Labour government. Amid outrage over Labour's arrest of hundreds of peaceful protesters as terrorists, it now faces the possibility of an embarrassing collapse of the prosecution of Ó hAinle.

Prosecutors accept that he was sent a letter laying charges against him twice: once on May 21, within the time limit, and once on May 22, outside of it. The second was sent, according to the prosecution's own explanation, because the first had not gone ahead with the consent of the Director of Public Prosecutions (DPP) and the Attorney General (AG).

Believing it had until the May 22 to lay charges, it was this letter the prosecution initially relied upon as marking the start of proceedings. Realising its mistake, it switched to the May 21 letter, meaning lawyer for the government Michael Bisgrove had to prove today that there was no legal problem with the delay in receiving consent from the DPP and AG.

Its attempt to do so was savaged by the defence team's Brenda Campbell KC, who labelled the prosecution argument "egregious", "mendacious", as inviting the judge to "read chaos into the legislation" and potentially "abusive" of her client's rights.

For Bisgrove to succeed, she explained, the judge would have to accept that exactly the same language ("proceedings... instituted") means different things in the statutes relied upon to bring the case: the Terrorism Act (2000), the Criminal Justice Act (2003) and the Prosecution of Offences Act (1985).

Moreover, he would have to accept the use of Section 25 of the Prosecution of Offences Act as a loophole for the failure to secure consent before bringing charges, when it clearly only relates to arrest, remand or bail prior to DPP/AG consent. It was, said Campbell, "remarkable" that Bisgrove did not read to the judge the full text of the provision upon which so much of his case relied.

This was part of a broader pattern in the prosecution's argument of using a tendential reading of relevant caselaw, and misapplying irrelevant caselaw, to establish a general principle out of a series of exceptional cases or "strictly limited" points of law.

Most damningly, Campbell argued, the prosecution's own conduct—the rush to secure consent by what it believed to be the deadline of midnight on May 22—clearly indicates it was aware of the problems with its case from the beginning. The arguments now advanced in court were, Campbell summarised, a "last ditch attempt to bend the language of statute and case law to accommodate their failures" and a "manipulation of proceedings".

An evidently flustered Bisgrove began his short response by saying it was fortunate he had a thick skin.

Whatever Goldspring decides, what has been revealed

in court already makes clear the culture of authoritarianism and crisis which prevails in the Labour government and the upper levels of the British state.

The police were reportedly informed of the events at Kentish Town on April 22. At the eleventh hour, someone somewhere, either in the police or in some section of the Crown Prosecution Service—no evidence has been produced by the prosecution on this score—was given the nod to proceed with charges. This happened in such a rush that the required procedures were not followed until a day later.

Clearly there was both a worry that the case was too weak and an opposed feeling that the opportunity should not be missed. Amid growing popular outrage over the Gaza genocide, this was a chance—or so they thought—to drag a major voice of opposition through the mud of terror proceedings.

Kneecap pointed to these issues ahead of the hearing, posting a message to their X account which indicted “the British government’s carnival of distraction” from the genocide in Gaza.

Since Liam’s last appearance on June 18, Israel had “murdered another 9,000 Palestinians, mainly children and women.

“Over 1,000 murdered whilst queuing for aid, starved due to their siege... Young children gunned down by snipers as they scramble for a bag of flour. Whole families, from babies to grandparents, murdered as they huddled in makeshift tents.

“The IOF have since moved through Gaza turning what’s left of homes, schools and hospitals to literal dust. Evil beyond any fucking words.”

They added, “As the British state arms and supports these war crimes they’ll have Mo Chara in court in London tomorrow to try to label him a terrorist...”

Noting that “British courts have long charged people from the North of Ireland for ‘terrorism’ for crimes never committed,” they concluded, “We will fight them. We will win.”

The band continue to draw widespread support for their principled and defiant stand. Several hundred attended a protest outside the court, despite police attempts to restrain and dissuade the rally. Less than 24 hours before it was due to start, the Metropolitan Police announced it had imposed Public Order Act conditions restricting demonstrators to a tiny area of pavement.

Kneecap responded, “In our view this police action is

designed to try and portray support for Kneecap as somehow troublesome. It is a calculated political decision the night before Mo Chara’s court appearance.

“There is no basis for this, our last hearing was entirely peaceful and a loving show of solidarity with the most disruptive attendees the right wing media.

“We know all of our supporters will be, but please go out of your way to be compliant with all instructions issued, no matter how pitiful.”

Despite a heavy presence, police were not successful in mounting any provocations. Ó hAnnaidh told the crowd after the hearing, “This is a distraction from the real story. Unfortunately, this story will end up in the media today, while Israel is committing genocide at the same time. So, everybody, continue to speak out on Palestine. Free Palestine.”



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