

UK Court of Appeal confirms Palestine Action ban in landmark attack on democratic rights

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Britain's Court of Appeal ruled Monday that the Labour government's proscription of Palestine Action as a terrorist organisation under the Terrorism Act 2000 was "justified and proportionate", marking a dangerous escalation in the suppression of democratic rights.

Five of the most senior judges in England and Wales—led by Lady Chief Justice Baroness Sue Carr and including Master of the Rolls Sir Geoffrey Vos, Lord Justice Edis, Lord Justice Lewis, and Lady Justice Whipple—overturned a February High Court ruling that found the ban unlawful and disproportionate.

The judgment has immediate consequences for more than 700 people already charged under the Terrorism Act and for the around 3,400 arrested since the ban took effect in July 2025. The majority were detained for holding placards reading "I oppose genocide. I support Palestine Action"—an act that, under section 13 of the Terrorism Act, carries a potential sentence of six months in prison.

Within hours of the Court of Appeal ruling, the Metropolitan Police announced it had arrested a further 117 people outside London's Royal Courts of Justice for "supporting a proscribed organisation". Many simply held up a placard reading "Saving lives is not terrorism. I support Palestine Action."

Palestine Action co-founder Huda Ammori, who brought the original judicial review challenge, described the latest ruling as "one of the most extreme attacks on free speech and the right to protest in modern British history." She added, "We will seek permission to appeal to the Supreme Court and, if need be, take this to the European Court of Human Rights".

Labour's then Home Secretary Yvette Cooper announced the ban on June 23, 2025, shortly after three Palestine Action activists broke into RAF Brize Norton and spray-painted two military aircraft. A pro-war Parliament rushed to back Cooper, passing the draconian measure by 385 votes to 26. The order came into force on July 5, 2025, making it a

criminal offence to be a member of or express support for Palestine Action—the former "crime" punishable by up to 14 years' imprisonment.

The real criminal is the Labour government, complicit in the genocide of the Palestinians through arms supplies to Israel and hundreds of RAF surveillance operations over Gaza on behalf of the fascistic Tel Aviv regime. It has banned a group whose principal target was Elbit Systems, a key supplier to the Israeli Defense Forces.

The February 2026 High Court ruling quashing the proscription was careful to accept the state's basic framework, claiming that some Palestine Action activities "amounted to acts of terrorism" under the 2000 Act. The objection of the three judges was narrow, ruling that the "nature and scale" of those activities had "not yet reached the level, scale and persistence" to justify proscription.

Both the High Court and the Court of Appeal rejected Ammori's submission that Palestine Action was a "non-violent 'direct action protest group' which follows in the footsteps of the suffragettes, and the campaigns against apartheid and the Iraq war."

The Court of Appeal went further, repeating almost word for word Cooper's own reasoning for the ban by stating that the group's "campaign was intended to close down the operations of companies pursuing lawful businesses, and has involved direct criminal action against businesses and institutions, including key national infrastructure and defence firms that provide services and supplies to support Ukraine, the North Atlantic Treaty Organisation (NATO), the 'Five Eyes' allies and the UK defence enterprise."

Going beyond simply reversing the earlier decision, the Court of Appeal laid down in its ruling a doctrine of extreme judicial deference to the Home Secretary on matters claimed to be "terrorism" or a question of "national security". This severely restricts the scope for any future legal challenge. According to the Court of Appeal, "The purpose of the Proscription Policy was not to limit or constrain the

discretion of the Home Secretary.” The High Court had adopted “an excessively analytical approach to the interpretation of the Proscription Policy.”

Paragraph 115 states that “the assessment of future risk in the context of national security is pre-eminently a question of specialist evaluation and judgment for the executive.” The ruling therefore concludes, abdicating judicial scrutiny, that “the Home Secretary is thus better placed than the court to adjudicate the balance of the various rights and interests engaged in the context of national security,” and must accordingly be granted “a wide margin of appreciation in making her judgment about whether the objectives of the Proscription Decision are sufficiently important to justify the limitation of fundamental rights.”

The arguments of international civil society organisations and the weight of emerging international legal consensus were dismissed.

Amnesty International and Liberty had argued that considerations of deference to the executive should carry little weight precisely because of the “very limited” scrutiny the proposed measure had received in Parliament. The House of Commons, led by Labour’s sizable majority, voted to proscribe after a single day’s debate staged in the immediate aftermath of the Brize Norton incident. The judges declared the point irrelevant.

The United Nations Special Rapporteur for the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Ben Saul, intervened to argue that the proscription was disproportionate, exposing the legal travesty being wrought by the UK government and its courts.

Saul noted that property damage is not classified as terrorism in other European states; that less intrusive means exist where protests are predominantly peaceful; that proscription is not tailored to the actual harms in question; that it triggers criminal liability for what would otherwise be entirely lawful protest; that it generates a severe “chilling effect” on peaceful protesters; that international instruments specifically protect the form of protest chosen by Palestine Action’s supporters; and that direct action protest movements are not typically treated as terrorist organisations anywhere else in Europe.

The court contemptuously dismissed these arguments.

Amnesty described the ruling as “a grave misuse of counter-terrorism powers with serious consequences for human rights.” Defend Our Juries warned that the courts had been “instrumentalised to suppress opposition to genocide.”

Defend Our Juries representative Tim Crossland said, in opposition to the rulings claim that Elbit was carrying out lawful business, that the judges “know full well that what Elbit Systems does is supply drones to the Israeli Defence

Force, which in violation of international law, which in carrying out a genocide, which is the crime of crimes, are used to kill civilians, are used to slaughter children, and these judges know that is not lawful.”

The ruling came just three days after four Palestine Action activists were sentenced as terrorists for a 2024 break-in at an Elbit Systems factory in Filton, South Gloucestershire. With more than 700 individuals already facing charges under the Terrorism Act—their cases suspended pending the appeal—the floodgates have now opened for a wave of prosecutions against people whose only offence was to peacefully identify with opposition to genocide.

This is the spearhead for worse. The fact that the ruling made specific reference to the war in Ukraine, NATO and the Five Eyes surveillance alliance makes clear the motivations behind the crackdown. As military tensions mount across the globe, the British ruling class is preparing its state for war—against its enemies abroad and the working class at home.

The language that is used to describe peaceful direct action protest against a genocide is chilling. The Court of Appeal endorses the Home Secretary’s power to weigh the “operational benefits” of proscribing an organisation against the action’s infringements of democratic rights. The “key benefit” being “to prevent it from funding terrorism and to degrade its covert infrastructure characterised by secret cells.”

Defending democratic rights means organising the working class to win the ferocious confrontation which the ruling class is preparing. It was popular struggles which won every social and democratic right now threatened with destruction. The fight against the war, genocide and dictatorship requires the building of a mass socialist movement in Britain and internationally.



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