



Judiciary of
England and Wales

[2024] EWCA Crim 1597

ABJ
-and-
BDN
v
Rex

**SUMMARY OF THE OUTCOME OF THE DECISION OF THE COURT OF APPEAL,
CRIMINAL DIVISION, ON 24 DECEMBER 2024 (The Lady Chief Justice, Edis LJ and
Murray J)**

Note –Reporting Restriction - Unless and until any further order is made, only the judgment, and those particulars identified in section 37(9) of the Criminal Procedure and Investigation Act 1996, may be reported until the conclusion of both sets of proceedings in the Crown Court.

1. These were two appeals (the court granting leave to appeal) concerning the ingredients of the offence under s. 12(1A) of the Terrorism Act 2000, including whether the offence is compatible with the right to free speech enshrined in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Both appellants are the subject of prosecutions under s. 12(1A), allegedly having expressed a belief or opinion supportive of a proscribed organisation, Harakat al-Muqawama al-Islamiyya (Hamas), and being reckless as to whether a person to whom the expression was directed would be encouraged to support Hamas.
2. The court concluded i) that knowledge that the organisation in question was proscribed was not a necessary ingredient of the offence in s. 12(1A); and ii) that the ingredients of the s. 12(1A) offence themselves satisfied the requirement of proportionality.
3. The Article 10 challenges failed. The judges below were right. The trials against the appellants can proceed and the juries do not need to be directed as to proportionality.

Important note for the press and the public: this summary is provided to assist in understanding the Court of Appeal's decision. It does not form part of the reasons for the decision: [2024] EWCA Crim 1597. The full written judgment will be the only authoritative document. The judgment will be a public document and available online at Judgments Archive - Courts and Tribunals/Judiciary: <https://caselaw.nationalarchives.gov.uk/>