



R (Ammori) v Secretary of State for the Home Department

Press Summary: For release at 2pm, 30 July 2025

This summary is provided by the Court for the assistance of those reporting the Court's judgment, which was handed down this afternoon (neutral citation [2025] EWHC 2013 (Admin)). It does not form part of that judgment. References in square brackets are to numbered paragraphs of the judgment of the Court.

Introduction and summary

- 1 The claimant is one of the founders of Palestine Action (“PA”). She has brought judicial review proceedings challenging the Home Secretary’s decision to make an order adding PA to the list of proscribed organisations in Schedule 2 to the Terrorism Act 2000.
- 2 Mr Justice Chamberlain today handed down a judgment holding that two of the claimant’s grounds are reasonably arguable. He therefore granted permission to apply for judicial review on those grounds. Permission was refused in relation to the other grounds.
- 3 The court determined as a preliminary issue that an application for deproscription, and if unsuccessful an appeal to the Proscribed Organisations Appeal Commission, was not a suitable alternative remedy.
- 4 This means that the claim will go forward to a substantive hearing in the autumn.

Procedural background

- 5 The Home Secretary announced on Monday 23 June 2025 that she would lay a draft order proscribing PA. The present claim, challenging that decision, was sent to the court on the evening of Friday 27 June. The order was laid in draft on Monday 30 June and approved by affirmative resolutions of the House of Commons (on 2 July) and House of Lords (on 3 July). The order was made on 4 July.
- 6 On the same day, 4 July, there was a hearing of the claimant’s application for interim relief suspending the effect of the proscription order while the judicial review proceedings were ongoing.
- 7 Mr Justice Chamberlain refused that application, holding that the balance of public interests was against the grant of interim relief. Later that evening, the Court of Appeal heard and refused an application for permission to appeal.
- 8 The proscription order came into force at midnight on 5 July.

- 9 After a CLOSED hearing on 16 July, at which PA's interests were represented by a Special Advocate, Mr Justice Chamberlain made a declaration under s. 6 of the Justice and Security Act 2013 ("the 2013 Act") and gave the Home Secretary permission to withhold sensitive material for the purposes of permission only.
- 10 This means that part of the proceedings may be heard in CLOSED (i.e. in the absence of the claimant and her legal team). During the CLOSED parts of the proceedings, the claimant's interests are represented by a Special Advocate.
- 11 The permission hearing took place on 21 July. Most of that hearing was in OPEN. Part of it was in CLOSED. Oral submissions for the claimant were made by Raza Husain KC and Blinne Ní Ghrálaigh KC in OPEN and Tim Buley KC in CLOSED. Oral submissions for the Home Secretary were made by Sir James Eadie KC.

Evidence

- 12 The Home Secretary filed evidence attaching the documents which she considered before deciding to make the proscription order. Some of these were in OPEN (shown to the claimant and her legal team) and some in CLOSED (shown only to the Special Advocates).
- 13 The claimant also filed evidence both at the time when the claim was first lodged and afterwards. The later evidence includes examples of cases where individuals have been subjected to police action for expressing various kinds of support for the Palestinian cause. There is also evidence about the deteriorating humanitarian situation in Gaza.
- 14 That situation was described on 21 July 2025 in a joint statement by the Secretary of State for Foreign, Commonwealth and Development Affairs, together with the Foreign Ministers of 27 other countries, as follows: "The suffering of civilians in Gaza has reached new depths...".

Preliminary issue

- 15 The Home Secretary submitted that the claimant could apply to the Home Secretary for PA to be deproscribed. If this was refused, she could appeal to the POAC. This, she submitted, was a suitable alternative remedy. Accordingly, permission to apply for judicial review should be refused.
- 16 The claimant submitted that this was not a suitable alternative remedy for various reasons. In particular, an application for deproscription and an appeal to POAC would take too long to determine. In the meantime, the proscription order was interfering with the rights of the claimant and others to freedom of expression and freedom to protest.
- 17 Mr Justice Chamberlain decided this point as a preliminary issue. He decided that an application for deproscription coupled with an appeal to POAC was not a suitable alternative remedy bearing in mind five factors.
 - (a) First, timing. A substantive judicial review hearing could be listed in the autumn of 2025. If, on the other hand, it is necessary to apply for deproscription, it is very unlikely that an appeal before POAC would be listed before the middle of 2026.

- (b) Secondly, impact on freedom of expression and freedom to protest. While the proscription order is in force, the order will have an impact on the claimant's and others' freedom of expression and freedom to protest on an issue of considerable importance.
 - (c) Thirdly, impact on criminal cases. Many people are now subject to criminal proceedings for offences in relation to PA since it was proscribed. Those individuals are likely to be able to raise the alleged unlawfulness of the proscription order as a defence. If the issue is not determined speedily in judicial review proceedings, there is a danger that it would have to be determined by Magistrates' Courts or in the Crown Court. This would give rise to the risk of conflicting decisions. It would not be acceptable to adjourn these cases pending an appeal to POAC because, under the statutory scheme, success in POAC would not affect criminal convictions in respect of conduct prior to any refusal to deproscribe.
 - (d) Fourthly, forum and procedure. While Parliament created a special procedure for applications for deproscription, it did not stipulate that decisions to proscribe could only be challenged by this procedure. Although POAC has a special procedure, the High Court can also now hear CLOSED evidence in a regime similar (though not identical) to POAC's. POAC is designated as the appropriate tribunal for certain human rights claims, but not those arising from the initial decision to proscribe.
 - (e) Fifthly, allowing judicial review here would not render the deproscription/POAC route a dead letter. The typical application for deproscription will be made on the basis that, whatever the position when the initial proscription order was made, the organisation has ceased to be concerned in terrorism. These challenges will still go to POAC.
- 18 Mr Justice Chamberlain considered a previous judgment of the High Court by Mr Justice Richards in 2003: *Kurdistan Workers' Party v Home Secretary* [2002] EWHC 644 (Admin). He declined to follow that case. This was because the enactment of the Justice and Security Act 2013 meant that a significant part of Mr Justice Richards's reasoning was no longer apposite and also because his conclusion was in certain respects clearly wrong.

The claimant's grounds of challenge

Ground 2

- 19 Ground 2 is that the proscription order amounts to a disproportionate interference with the claimant's and others' rights to freedom of expression and freedom to protest.
- 20 Having read the evidence, both OPEN and CLOSED, and heard the oral submissions of Ms Blinne Ní Ghrálaigh KC, Tim Buley KC and Sir James Eadie KC, Mr Justice Chamberlain held that this ground was reasonably arguable.

Ground 1

- 21 Ground 1 is that the the proscription order was made for an improper purpose.
- 22 Mr Justice Chamberlain held that there was nothing to suggest that the Home Secretary had acted for an extraneous purpose, such as to quell political views with which she

disagrees. She could not be said to have acted for an improper purpose simply because (on the claimant's case) she exercised the power to proscribe an organisation which does not advocate violence against persons, but does engage in other conduct which satisfies the statutory definition of terrorism.

23 Ground 1 was therefore not reasonably arguable.

Ground 3

24 Ground 3 has two limbs. The primary one is that the Home Secretary erred in law in concluding that PA committed acts designed to influence the UK Government. The alternative argument under Ground 3 is that there was no sufficient nexus between the terrorism identified and the organisation.

25 Mr Justice Chamberlain held that neither of these was reasonably arguable.

Ground 4

26 Ground 4 is that the Home Secretary failed to gather sufficient information on (i) the scope and nature of PA's activities, (ii) the impact of proscription on particular individuals associated with PA, including vulnerable categories such as young persons and elderly supporters and (iii) the broader implications for other direct action and protest groups, such as environmentalists and trade unionists.

27 Mr Justice Chamberlain held that this ground of challenge was not reasonably arguable, given the decision documents now disclosed.

Ground 5

28 This ground has two aspects. First, it was said that the Home Secretary acted unlawfully in taking into account irrelevant considerations, namely, (i) whether PA's methods were morally or politically justifiable, (ii) the lost revenue arising from PA's direct action; and (iii) the views of pro-Israel lobby groups.

29 Mr Justice Chamberlain held that none of these points discloses a reasonably arguable error of law.

30 Secondly, it was said that the Home Secretary failed properly to address the fact that PA seek to prevent conduct which many regard as amounting to genocide and/or other serious violations of international law, the impact on free speech, the impact of proscription on direct action or the availability of civil injunctions or other less onerous ways of dealing with direct action.

31 Mr Justice Chamberlain held that all these matters would have to be considered as part of the court's own assessment whether the proscription order was a proportionate restriction on the Article 10 and 11 rights of the claimant and others. That being so, no useful purpose would be served by a substantive hearing on this ground as well.

Ground 6

- 32 Ground 6 is that the Home Secretary failed to apply her policy because “no adequate proportionality assessment was undertaken”, given that only three of PA’s 385 actions would meet the statutory definition of terrorism.
- 33 Mr Justice Chamberlain held that the answer to this ground is the same as given under Ground 5. In circumstances where the court will have to conduct its own assessment of the proportionality of the proscription order, there is nothing to be gained by adding this ground.

Ground 7

- 34 Ground 7 alleges a breach of the public sector equality duty in s. 149 of the Equality Act 2010.
- 35 The Home Secretary has now disclosed the relevant decision documents. Mr Justice Chamberlain held that these show that this point is not reasonably arguable.

Ground 8

- 36 Ground 8 is that the Home Secretary should have consulted PA before making the proscription order and, by failing to do so, acted in breach of natural justice and/or contrary to Article 6 ECHR.
- 37 Mr Justice Chamberlain held that it was reasonably arguable that a duty to consult arose and reasonably arguable that there was no compelling reason why consultation could not have been undertaken here.
- 38 Ground 8 was therefore reasonably arguable.

Conclusion

- 39 For these reasons, Mr Justice Chamberlain decided to grant permission to apply for judicial review on grounds 2 and 8, but refused it on the other grounds.

Ends