

R (Huda Ammori) v Secretary of State for the Home Department
[2026] EWHC 292 (Admin)

(Divisional Court: Dame Victoria Sharp DBE, President of the King's Bench Division, Mr Justice Swift, and Mrs Justice Steyn DBE)

References in square brackets are to numbered paragraphs of the judgment

PRESS SUMMARY

Introduction

1. In this application for judicial review, the claimant, one of the co-founders of Palestine Action, challenges the decision of the Home Secretary to proscribe Palestine Action under section 3 of the Terrorism Act 2000 (the 2000 Act). [4]
2. By section 3(3) and (4) of the 2000 Act, if the Home Secretary believes an organisation is concerned in terrorism, she has a power to proscribe. “Concerned in terrorism” is defined in section 3(5) of the 2000 Act: “For the purposes of subsection (4) an organisation is concerned in terrorism if it – (a) commits or participates in acts of terrorism, (b) prepares for terrorism, (c) promotes or encourages terrorism, or (d) is otherwise concerned in terrorism.”
3. “Terrorism” is defined in section 1 of the 2000 Act as the “use or threat of action” when the use or threat is “designed to influence the government … or to intimidate the public or a section of the public” and “is made for the purpose of advancing a political, religious, racial or ideological cause”. “By section 1(2) of the 2000 Act action must involve either “serious violence against a person” or “serious damage to property”.
4. The evidence and advice the Home Secretary received before making her decision to proscribe is summarised at [31] to [46].
5. On 30 June 2025, the Home Secretary laid the relevant Order (the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2025)). The Order was approved by both Houses of Parliament and came into force on 5 July 2025. [2] to [3]
6. There are four grounds of challenge:
 - (i) That the Home Secretary acted unlawfully by failing to give Palestine Action the opportunity to make representations that it should not be proscribed before deciding to lay the Order before Parliament (ground 8);
 - (ii) That the Home Secretary failed to have regard to relevant considerations when deciding to seek an order proscribing Palestine Action (ground 5);
 - (iii) that the decision to seek the Order proscribing Palestine Action was made by the Home Secretary in breach of her own policy on when she would exercise her discretion to seek an order proscribing an organisation (ground 6); and

- (iv) That the decision to proscribe was contrary to the Human Rights Act 1998 (the HRA) because it amounted to an unjustified interference with the rights protected by the European Convention on Human Rights (the Convention) under article 10 to freedom of expression and under article 11 to freedom of association and peaceful assembly (ground 2).

7. The Divisional Court has today handed down its judgment, and allowed the claim on two of the four grounds of challenge. The court has rejected the claim under grounds 8 and 5 for the reasons given at [47] to [67] and [68] to [71].

Decision: Ground 6

- 8. The Home Secretary has a long-standing policy in respect of the exercise of the power to proscribe. [37]
- 9. The present statement of that policy says that “Under the Terrorism Act 2000, the Home Secretary may proscribe an organisation if they believe it is concerned in terrorism, and it is proportionate to do...”. [37] In considering whether to exercise this discretion, the policy states that the Home Secretary will take into account other factors including the nature and scale of the organisation’s activities, and the specific threat that it poses to the UK. [37]
- 10. The Home Secretary reached an unchallenged conclusion that Palestine Action was an organisation concerned in terrorism. [92]
- 11. However, in deciding to proscribe Palestine Action the Home Secretary relied on the fact that proscription would be advantageous because it would mean that the offences at sections 11 to 13 of the 2000 Act could be used against any person supporting Palestine Action, and the statutory consequences of proscription would provide further powers to disrupt Palestine Action. [89] The court concludes that the purpose of the policy was to limit the Home Secretary’s power to proscribe. This additional factor was not consistent with the purpose of the policy. Any “other factor” had to explain the particular need to proscribe an organisation above and beyond the necessary belief that the organisation is concerned in terrorism. [91]

Decision: Ground 2

- 12. The HRA does not protect violent or non-peaceful protest. [108] The court rejects the claimant’s submission that Palestine Action’s objective was to undertake acts of civil disobedience. The means and methods that Palestine Action advocates are inconsistent with the hallmarks of civil disobedience. The court concludes that Palestine Action is an organisation that promotes its political cause through criminality and the encouragement of criminality. [21] to [30]
- 13. However that does not provide the Home Secretary with the answer to the claimant’s claim. The interference with Convention rights that needs to be justified does not comprise the prohibitions so far as they affect Palestine Action’s ability to persist in its campaign of undertaking and encouraging damage to property. Rather what needs to be justified is the restriction on actions comprising peaceful protest consistent with Convention rights, under the Palestine Action banner. [109] to [115]
- 14. The court considered that the proscription of Palestine Action did not mean that those wishing to support the Palestinian cause or protest against companies such as Elbit Systems

UK Ltd could not do so. The court also attached little weight to the circumstances of people who have been explicit in their support of Palestine Action since its proscription and have consequently been arrested. [118]

15. The court instead measured the interference with the Convention rights by reference to the restrictions imposed by criminal offences consequent on proscription, and also by the extent to which people would exercise self-restraint in conducting lawful activities. The court's overall conclusion was that, even discounting Palestine Action's non-peaceful activities, proscription did result in a very significant interference with the right to freedom of speech and the right to freedom of assembly. [116] to [124]
16. Since the Home Secretary's policy had not been properly applied, it follows that the interference with the right of freedom of speech and freedom of association did not meet the requirement under section 6 of the HRA that any interference with Convention rights must be prescribed by law. [125]
17. When considering whether the interference was proportionate, the court attached real weight to the fact that Palestine Action has undertaken activities amounting to terrorism as defined by section 1(1) of the 2000 Act, and the court noted that the claimant had not sought to argue that this assessment was mistaken. [135] to [137] The court also recognised it had to give weight to the opinion formed by the Home Secretary who has both political and practical responsibility to ensure public safety.
18. Overall, however the court considered that the proscription of Palestine Action was disproportionate. A very small number of Palestine Action's activities amounted to acts of terrorism within the definition of section 1 of the 2000 Act. For these, and for Palestine Action's other criminal activities, the general criminal law remains available. The nature and scale of Palestine Action's activities falling within the definition of terrorism had not yet reached the level, scale and persistence to warrant proscription. [138] to [140]
19. The court rejects the Home Secretary's invitation to refuse relief under Section 31(2A) of the Senior Courts Act 1981 in relation to Ground 6 (i.e. it cannot be said that the same decision would have been reached had the irrelevant matter been disregarded). The strength of the case for proscription may need to be considered further by the Home Secretary. [146] to [149]
20. The court considered but rejected the claimant's further submission under article 14 to the effect that the decision to proscribe Palestine Action had been discriminatory and that the proscription of Palestine Action was a difference in treatment on grounds of race or national origin. [143] to [145]
21. The court has directed the parties to provide written submissions by 20 February 2026 on the terms of the order that should be made in the light of this judgment. [150] **Palestine Action remains proscribed until further order of the court because the court has yet to hear argument on whether there should be a stay of any order setting aside the proscription Order pending the possibility of an appeal.**
22. **The proscription Order remains in force until further order of the court. It therefore remains an offence:**

- a. to belong to or profess to belong to Palestine Action, subject to a defence established by the defendant proving that the organisation was not proscribed on the last (or only) occasion on which he became a member or began to profess to be a member and that he has not taken part in the activities of the organisation at any time while it was proscribed (section 11 of the 2000 Act);
- b. to invite support for Palestine Action (if the support is not restricted to the provision of money or other property within the meaning of s.15) (section 12(1) of the 2000 Act);
- c. to express an opinion or belief that is supportive of Palestine Action, reckless as to whether a person to whom the expression is directed will be encouraged to support it (section 12(1A) of the 2000 Act);
- d. to arrange, manage or assist in arranging or managing a meeting which one knows is to support Palestine Action, to further the activities of Palestine Action or to be addressed by a person who belongs or professes to belong to Palestine Action (section 12(2) of the 2000 Act);
- e. to address a meeting with the purpose of encouraging support for Palestine Action or furthering its activities (section 12(3) of the 2000 Act).

NOTE: This summary is provided to assist in understanding the court's decision. It does not form part of the reasons for the decision. The full judgment of the court is the only authoritative document. Judgments are public documents and are available at: <https://www.judiciary.uk/judgments/>