



Neutral Citation Number: [2026] EWCA Civ 659

Case No: CA-2026-000583

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE DIVISIONAL COURT**  
**The President of the King's Bench Division, Swift and Steyn JJ**  
**[2026] EWHC 292 (Admin)**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 22/05/2026

**Before :**

**THE LADY CARR OF WALTON-ON-THE-HILL,**  
**THE LADY CHIEF JUSTICE OF ENGLAND AND WALES**

**SIR GEOFFREY VOS**  
**MASTER OF THE ROLLS**

**LORD JUSTICE EDIS**  
**VICE-PRESIDENT OF THE COURT OF APPEAL CRIMINAL DIVISION**

**LORD JUSTICE LEWIS**

**LADY JUSTICE WHIPPLE**

**Between :**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT** **Appellant**

**- and -**

**THE KING**

**(on the application of HUDA AMMORI)** **Respondent**

**- and -**

**(1) UNITED NATIONS SPECIAL RAPPORTEUR ON  
THE PROMOTION AND PROTECTION OF  
HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS WHILE COUNTERING  
TERRORISM**

**(2) AMNESTY INTERNATIONAL UK**

**(3) LIBERTY**

**Interveners**

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**Sir James Eadie KC, David Blundell KC, Ben Watson KC, Naomi Parsons, Stephen Kosmin, and Karl Laird (instructed by the Government Legal Department) for the Appellant**

**Raza Husain KC, Blinne Ní Ghrálaigh KC, Paul Luckhurst, Owen Greenhall, Audrey Cherryl Mogan, Mira Hammad, Rayan Fakhoury, Rosalind Burgin and Grant Kynaston (instructed by Birnberg Peirce Solicitors) for the Respondent**

**Tim Buley KC, Dominic Lewis and Jesse Nicholls (assisted by the Special Advocates' Support Office) Special Advocates for the Respondent**

**Adam Straw KC and Rabah Kherbane (instructed by Hickman & Rose Solicitors) for the First Intervener (written submissions only)**

**Tom Hickman KC, Jessica Jones and Rosalind Comyn (instructed by Deighton Pierce Glynn and Liberty) for the Second and Third Interveners (written submissions only)**

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**JUDGMENT ON REPORTING RESTRICTIONS**

This judgment was handed down remotely at 2pm on Friday 22 May 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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**The full judgment contains reference to a piece of information which may not be reported because of the order of Jeremy Johnson J in the proceedings at Woolwich Crown Court. That order is set out in full at [10] with an amendment described at [11] below. Publication of that version of this judgment may constitute a breach of that order and may therefore amount to a contempt of court.**

**This redacted version was handed down at the same time as the full version. It removes all references to that part of the order of Jeremy Johnson J and to the piece of information which may not be published because of it, and this version is not therefore subject to any reporting restriction.**

## Lord Justice Edis: -

### Result

1. This is the judgment of the court on the application for an order under section 4(2) of the Contempt of Court Act 1981 postponing the reporting of aspects of these proceedings until the conclusion of all criminal trials arising out of the incidents at Bristol and Kent. The full judgment contains references to a matter which may not be published because of an order made by Jeremy Johnson J in the Crown Court at Woolwich. This version may be published now because those references have been omitted from it and replaced with a short explanation in square brackets. The full version may not be published so long as the Woolwich Crown Court prevents publication of those references. Any application in relation to that restriction should be made to the Woolwich Crown Court. This court refuses the application and makes no order postponing publication of report of anything which has taken place in the open part of these proceedings.

### The relevant facts

2. At [34(1)] of the judgment of the Divisional Court, the assessment by JTAC of the three incidents is described in this way:-

“JTAC assessed that Palestine Action had “commit[ted] or participate[d] in acts of terrorism” to the extent of the attacks at Thales, Glasgow on 1 June 2022, at Instro Precision (a subsidiary of Elbit) in Kent on 17 June 2024, and at Elbit in Bristol on 6 August 2024. JTAC noted that those participating in the Bristol attack had “entered the [Elbit] warehouse, using weapons including sledgehammers, axes and whips” and “during the attack two responding police officers and a security guard were assaulted and suffered injuries. One police officer had been assaulted with a sledgehammer and sustained a serious back injury”;

3. The Home Secretary accepted that assessment. At [28] the Divisional Court said:-

“The claimant relies heavily on the fact however that by the time the Home Secretary made her decision to proscribe, only three incidents were assessed to have resulted in “serious damage to property” that amounted to “action” of the type referred to in section 1(1) of the 2000 Act, capable of comprising an act of terrorism. These incidents were the incident in 2022 at the premises of Thales SA in Glasgow; the incident in June 2024 at the premises of Instro Precision in Kent; and the incident in August 2024 at the Elbit premises in Bristol. All three incidents were referred to by the Home Secretary in her statement to Parliament on 23 June.”

4. The Home Secretary also referred in her statement to a fourth incident at Brize Norton. That incident has not, so far as the evidence reveals, been assessed to determine whether it involved an act of terrorism or not. According to the evidence in the case, it appears to have shared many of the characteristics of the first three incidents she mentioned. We know nothing about any criminal proceedings which may have resulted from this attack.
5. Because the Claimant's application for permission for judicial review on this ground in the Administrative Court below (see *R (Ammori) v Home Secretary* [2025] EWHC 2013 (Admin) at [77]-[80]) was refused, there is no longer any challenge made in these proceedings to the Home Secretary's belief that the Thales, Elbit and Instro Precision incidents were acts of terrorism because they involved the use or threat of action which "involves serious damage to property" and is designed to influence a government to advance a political, religious or ideological cause, see section 1 of the Terrorism Act 2000. It is now not in dispute that she was entitled to reach that conclusion.
6. The criminal proceedings arising from the attack at Bristol (known for police purposes as "Operation Recomply") is being dealt with at Woolwich Crown Court by Jeremy Johnson J. 24 defendants are indicted. The trial of the first six ended recently in the conviction of four defendants of criminal damage and one of inflicting grievous bodily harm contrary to section 20 of the Offences Against the Person Act 1861. Two defendants were acquitted. That was a re-trial, following a first trial which started on 17 November 2025 and in which the jury was unable to agree verdicts on all defendants on all counts. The next trial is expected to start on 15 June 2026 and further trials are planned into 2027.
7. The criminal proceedings arising from the attack in Kent (known for police purposes as "Operation Seoul") is being dealt with by Cheema-Grubb J. No application to restrict reporting has been made separately in relation to that case, although the CPS Note of 30 April 2026 from the team of counsel prosecuting the case at Woolwich indicates that identical considerations apply to both cases. We have seen a reporting restriction order made by the judge in that case on 3 July 2025 which is a blanket ban on reporting what, at that stage, will have been a preparatory hearing and other pre-trial hearings. It says:-

"This Order shall in any event be reviewed upon the entering of any guilty plea in these proceedings and/or immediately prior to the commencement of the trial."
8. We will therefore focus on the trial at Woolwich which is the subject of the submissions we have received. [A redacted passage refers to a particular reporting restriction imposed by Jeremy Johnson J, of which publication of the redacted passage would be a breach.]
9. There are presently two relevant orders restricting reporting of the Woolwich case, one made in the High Court in the present proceedings and the other in the Crown Court. The current order is in each case not the first such order that was made, but it is not necessary to set out the history. The current order in these proceedings was made by Chamberlain J on 25 November 2025 in these terms:-

**IT IS ORDERED** as follows:

1. Pursuant to s. 4(2) of the Contempt of Court Act 1981, and subject to paragraph 2 below, the publication of:
  - a. any information concerning the planning or conduct of, or information otherwise discovered in the course of the police investigation into, the events at Elbit Systems UK on 6 August 2024,
  - b. any information concerning the planning or conduct of, or information otherwise discovered in the course of the police investigation into, the events at Instro Precision on 17 June 2024, and
  - c. any conclusion of any Minister, adviser, or official that the incidents referred to at paragraphs (a) and/or (b) above satisfied the definition of “terrorism” in s. 1(1) of the Terrorism Act 2000,

must be postponed until the conclusion of the trials arising from those events.

2. This Order does not prohibit reporting of anything said in the presence of the jury in the current proceedings in the Crown Court at Woolwich in respect of the events referred to in paragraph 1(a) above, unless publication of that matter has been postponed by Mr Justice Johnson.

10. The current order in the Crown Court was made on 8 May 2026 following the verdicts, and varied on 12 May. The part dealing with reporting restrictions is in these terms:-

4. The following reporting restrictions remain in place:
  - (a) Statutory reporting restrictions in respect of preparatory hearings (and rulings made at or following preparatory hearings) pursuant to sections 37 and 41 of the Criminal Procedure and Investigations Act 1996.
  - (b) The reporting restriction order made on 15 October 2025 [as amended by the order made on 17 November 2025] that:

“(1) Subject to any further order, any report of [that part of] these proceedings [which took place prior to 17 November 2025] must be postponed until after the trials of all defendants have concluded, save that the following matters may be reported:

- a) the identity of the Court and the name of the Judge;
- b) the name, age, home address and occupation of the accused;

- c) the offence or offences, or a summary of them, with which the accused is charged;
- d) the names of Counsel and Solicitors engaged in the proceedings;
- e) where the proceedings are adjourned, the date and place to which they are adjourned;
- f) any arrangements as to bail;
- g) whether for the purpose of the proceedings, representation was provided to the accused under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”

(c) The reporting restriction order made on 17 November 2025 that:

“3. Pursuant to section 4(2) of the Contempt of Court Act 1981, there shall be no reporting of the hearings in these proceedings that take place on or after 17 November 2025:

(1) Which identifies, in a way from which the further defendant (as defined below) may be identified, the role which any further defendant (as defined below) allegedly played in the offences with which the defendants are charged.

(2) Which identifies that evidence presented during the trial was obtained from a further defendant (as defined below).

(3) [this is an amendment to the “particular reporting restriction” referred to at [8] above. It is redacted for the reason there given].

[a section names “further defendants” and “defendants” for the purposes of that paragraph]

(d) The reporting restriction order dated 2 December 2026 that:

“Pursuant to section 4(2) of the Contempt of Court Act 1981, there shall, until further order, be no reporting of the hearings in these proceedings that took place in the absence of the jury on 1 and 2 December 2025, and the court’s rulings in respect of the matters that were heard in the jury’s absence.”

11. The order concludes by providing that the court will wish to consider whether to set aside or vary those reporting restrictions, and giving directions about how that is to be

managed. On 12 May the judge issued a further order. This provides that the part [redacted] at [10] above “shall no longer apply so far as it concerns the trial 1 defendants, but shall remain in force so far as it concerns any other defendant”.

12. The Crown Court order prevents reporting of material concerning individuals who are still to be tried but who have been mentioned in the course of an earlier trial. It also prevents reporting of all pre-trial hearings in terms which follow the statutory scheme preventing reporting of preparatory hearings. It prevents reporting of proceedings during the first trial which took place in the absence of the jury. None of that is relevant to what order should be made in relation to these judicial review proceedings, including this appeal, because in these proceedings no reference has been made, or will be made, to any individual person’s role in any of the four incidents.
13. The parts of the orders made by Chamberlain J and Jeremy Johnson J which are most relevant to what we have to decide are underlined above. Chamberlain J’s order is very broad. 1(a) and (b) and 2 taken together will be problematic for anyone seeking to comply with the order who does not have a comprehensive knowledge of what is in evidence before the jury in the Woolwich trial. 1(a) and (b) without the qualification in 2 postpone reporting of almost anything which might be said about the two incidents concerned. 1(c) postpones reporting of any conclusion of any Minister, adviser, or official that the incidents referred to at paragraphs (a) and/or (b) above satisfied the definition of “terrorism”. Jeremy Johnson J’s order does not prevent reporting of those conclusions, but does [contain the particular reporting restriction at [8] and [10] above, which covers a matter which has not been referred to in these proceedings]. As we have said, the conclusions of JTAC and the Secretary of State that the Bristol and Kent incidents satisfied the definition of “terrorism” are set out in the published judgment of the Divisional Court, as is the fact that no challenge was live to that conclusion in the judicial review proceedings.

### **The application**

14. The application has, in effect, been made by the CPS acting by counsel who prosecute the Woolwich case. Nominally it was first advanced by counsel for the Home Secretary, but it became clear that it would be better dealt with by those with a deep knowledge of the criminal proceedings for whose protection it was made. The order sought is as follows:-
  1. Pursuant to s. 4(2) of the Contempt of Court Act 1981, and subject to paragraph 2 below, there shall be no reporting of these proceedings which makes reference to:
    - a. Any information concerning the planning or conduct of, or information otherwise discovered in the course of the police investigation into, the events at Elbit Systems UK on 6 August 2024;
    - b. Any information concerning the planning or conduct of, or information otherwise discovered in the course of the police investigation into, the events at Instro Precision on 17 June 2024;

- c. The conclusion of any Minister, adviser, or official that the incidents referred to at paragraphs (a) and/or (b) above satisfy the definition of “terrorism” in s. 1(1) of the Terrorism Act 2000;

until the conclusion of the trials arising from the events described at (a) and (b) above [OR the trial of Head and others currently being tried at the Crown Court at Woolwich OR such time as the Court determines]

2. This Order does not prohibit reporting of –

- a. Anything which the media would be permitted to report in relation to the criminal proceedings by virtue of section 37(9) of the Criminal Procedure and Investigations Act 1996; or
- b. Anything said in the presence of a jury in the case of R v Charlotte Head and others (the Elbit proceedings) in respect of the events referred to in paragraph 1(a) above, or in the case of [any defendant in] (the Instro proceedings) in respect of the events referred to in paragraph 1(b) above, unless publication of that matter has been postponed by Mr Justice Johnson (or any other judge presiding over a trial before a jury in those proceedings).

15. In substance therefore the CPS wish this court to extend the order made by Chamberlain J which is significantly wider than that made by Jeremy Johnson J.

16. The application is supported by “the defendants in the trial of *Rex v Head and others*”. These defendants no longer have any interest in the issue, because their trial is over. However Mr Wainwright who prepared their submissions did deal with the interests of those who are yet to be tried in the Woolwich proceedings and sought the extension of the order on their behalf. He said this:-

“(a) Some material relating to the planning and conduct of the events at Elbit Systems on 6<sup>th</sup> August 2024 has been placed before the jury. However, a substantial amount of information which was obtained by the police and served in the proceedings, has not been placed before the jury either because it is not relevant to these defendants and/or it would be prejudicial. For example, the activities of the ‘black team’ outside the Elbit factory has not been referred to and nor has some of the material relating to weapons being used outside the factory;

(b) No material explicitly relating to the events at Instro Precision on 17<sup>th</sup> June 2024 has been placed before the jury. There has been mention in the defence cases of general training

provided by Palestine Action as to their motives, tactics and philosophy and to previous actions by Palestine Action;

(c) No information relating to ‘*any conclusion of any Minister, adviser, or official that the incidents referred to at paragraphs (a) and/or (b) above satisfied the definition of “terrorism” in s. 1(1) of the Terrorism Act 2000*’ has been placed before the jury.

[A redacted passage from these submissions refers to the “particular reporting restriction” referred to at [8] and [10] and is redacted for the reason there given].

17. Written submissions have been received from Ms Jess Glass, the Law Editor of the Press Association, on 1 May 2026. Her submissions are supported by the BBC. She submits that paragraph 1(c) of the proposed order is too widely drawn. She accepts that paragraphs 1(a) and (b) may serve a proper purpose for the protection of the administration of justice at least during the current proceedings at the Crown Court at Woolwich, which have, of course, now concluded.

### **The law**

18. Reporting restriction orders, which represent derogations from the principle of open justice, are “exceptional, require clear justification and should be made only when they are strictly necessary to secure the proper administration of justice ... they are measures of last resort”: *R v Sarker* [2018] EWCA Crim 1341 at [29(vi)]. The Court of Appeal’s judgment in *Sarker* sets out the proper approach to be taken when considering orders made under section 4(2) of the 1981 Act, at [30]:-

“i) the first question is whether reporting would give rise to a substantial risk of prejudice to the administration of justice in the relevant proceedings (see [32] below). If not, that will be the end of the matter;

ii) if such a risk is perceived to exist, then the second question arises: would a s.4(2) order eliminate it? If not, there could be no necessity to impose such a ban. On the other hand, even if the judge is satisfied that an order would achieve the objective, he or she would still have to consider whether the risk could satisfactorily be overcome by some less restrictive means. If so, it could not be said to be “necessary” to take the more drastic approach: *Ex p. Central Television Plc* (1991) 92 Cr. App. R. 154 at 156; [1991] 1 W.L.R. 4 at 8D–G, per Lord Lane CJ; and

iii) if the judge is satisfied that there is indeed no other way of eliminating the perceived risk of prejudice; it still does not necessarily follow that an order has to be made. The judge may still have to ask whether the degree of risk contemplated should be regarded as tolerable in the sense of being “the lesser of two evils”. It is at this stage that value judgments may have to be made as to the priority between the competing public interests; fair trial and freedom of expression/open justice: *Ex p. Telegraph*

*Plc* (1998) 94 Cr. App. R. 91 at 97; [1993] 1 W.L.R. 980 at 986B–C.”

19. The classic assessment of the safeguards for the fairness of a trial where there has been prejudicial publicity is found in the judgment of Lord Hope of Craighead in *Montgomery v HM Advocate* [2003] 1 AC 641 at 673H-674B. After dealing with the importance of the passage of time since any juror was exposed to any prejudicial publicity, he continued:-

“The principal safeguards of the objective impartiality of the tribunal lie in the trial process itself and the conduct of the trial by the trial judge. On the one hand there is the discipline to which the jury will be subjected of listening to and thinking about the evidence. The actions of seeing and hearing the witnesses may be expected to have a far greater impact on their minds than such residual recollections as may exist about reports about the case in the media. This impact can be expected to be reinforced on the other hand by such warnings and directions as the trial judge may think it appropriate to give them as the trial proceeds, in particular when he delivers his charge before they retire to consider their verdict.

.....

“But the entire system of trial by jury is based upon the assumption that the jury will follow the instructions which they receive from the trial judge and that they will return a true verdict in accordance with the evidence.”

## **Discussion and Decision**

20. In the present application the CPS seeks to postpone publication of matters which the trial judge in the criminal proceedings at Woolwich has not sought to prevent. Given the conspicuous care with which he has managed the question of orders under section 4(2) of the Contempt of Court Act 1981 that is an alarm bell.
21. Matters have moved on in the Woolwich case since Chamberlain J made his order which the CPS now seeks to extend to these appeal proceedings and the judgment of the court. One way in which that is so is that the Divisional Court has handed down its judgment without any reporting restrictions. Another is the narrower order made by Jeremy Johnson J in the Woolwich proceedings themselves. Finally, the first trial there has ended and significant material has entered the public domain for that reason
22. The matters which Mr Wainwright says should not be reported in order to support 1(a) and (b) of the proposed order, and Chamberlain J’s order, have not, so far as we are aware, been mentioned in these proceedings nor are they likely to appear in the judgment which we propose to hand down dealing with the appeal. Any order we make postponing publication should only relate to these proceedings. If an order is required to postpone publication of anything else, the proper forum in which that should be considered is the Crown Court.

23. There does not appear to have been any attempt to postpone publication of the judgment of the Divisional Court because it contained reference to some prejudicial material which was not before the Woolwich jury and which fell within paragraph 1(a) or (b) of the Chamberlain order. No application was made during the livestreamed hearing of this appeal to prevent reference then to any particular fact. This is no doubt because whatever prejudicial facts within paragraphs 1(a) and (b) were not placed in evidence before the jury were not mentioned in these proceedings either. If that is wrong, the appropriate course for the parties to the ongoing Woolwich trials to take is to identify some piece of prejudicial material which is not in evidence there, but is referred to in the judgment of the Divisional Court, and to seek an order specifically relating to that material. The reason we take this approach is that almost all of the facts concerning the conduct and planning of any of the four incidents mentioned in our judgment also appear in that earlier judgment. Accordingly, we decline to make an order in the terms of paragraphs 1(a) and (b) and 2 of the proposed order, and discharge that part of the order made by Chamberlain J.
24. We will distribute this judgment in draft before handing down, subject to embargo, so that the parties can consider whether they wish to make an application as mentioned in [23]. [A redacted passage informs readers of the redacted passages removed from this version of the judgment, explained above].
25. Paragraph 1(c) of the proposed order seeks to prevent publication of the Home Secretary's conclusion that Palestine Action was concerned in terrorism because of its involvement in, among other things, the Bristol and the Kent incidents. The fact that she reached this conclusion is quite apparent from her statement to Parliament and made explicit in the passages in the Divisional Court's judgment we have cited above (among other places). Without such a conclusion, Palestine Action would not have been proscribed as, it should be recalled, a terrorist organisation. It was common ground in the Woolwich case that the attack was carried out in support of the aims of Palestine Action which everyone in the country who is interested knows was proscribed in that way. They also know, or can easily discover, that the proscription was ruled unlawful by the Divisional Court and that the Home Secretary has now appealed to this court against that decision. All these facts are so widely known that no order under section 4(2) of the 1981 Act could eliminate any risk of prejudice to the interests of justice which they may generate. Accordingly, following *Sarkar*, no such order should be made. The safeguards inherent in the trial process, as explained in *Montgomery v HM Advocate*, will be effective to ensure that the trials are fair, notwithstanding the widespread knowledge of the proscription of Palestine Action. Jeremy Johnson J directed the jury in the trial and retrial which recently concluded that the fact of proscription was irrelevant and he will no doubt do so again in the future trials.
26. There is no particular fact mentioned in the Divisional Court judgment which emerges from the advice given to the Home Secretary by JTAC, the CTP, the PRG and her officials which is obviously so prejudicial that it should not be published at this point. The fact that they gave advice based principally on the carrying out of attacks involving serious damage to property adds very little to what the jury trying the Woolwich defendants will know already. Again, if there is any particular matter which the parties consider should not be published, or re-published, they (a) should have made an application to the Divisional Court and (b) should make a focussed application relating to that matter now.

27. The mere fact that the Home Secretary reached the conclusion she did, and followed expert advice in doing so, is not any more prejudicial than the fact that she decided to proscribe Palestine Action. [A redacted passage refers to the subject of the “particular reporting restriction” dealt with at [8] and [10] above]. It does not follow from the fact that the trial judge decided that an order postponing publication of [the subject of the “particular reporting restriction” dealt with at [8] and [10] above] was necessary that we should postpone publication of an assessment by the Home Secretary. The basis of that assessment is fully explained in the judgment of the Divisional Court and fair and accurate reporting of it would also make it clear that it was based on the four incidents mentioned in the Home Secretary’s statement to Parliament and that the acts of terrorism involved serious damage to property.
28. For these reasons we decline to make an order in the terms of paragraph 1(c) and discharge that part also of the order made by Chamberlain J.
29. If any application is made in relation to any particular facts contained in the Divisional Court’s judgment it will, of course, have to deal with the reality that those facts are already and recently in the public domain. Any such application must be made within 48 hours of receipt of this judgment.