



Press Summary

Huda Ammori v Secretary of State for the Home Department

Appeal No: CA-2026-000583

Neutral Citation Number: [2026] EWCA Civ 721

References in square brackets are to paragraphs in the Court of Appeal's judgment.

Important note for media and public: this summary forms no part of the court's decision. It is provided to assist understanding of the Court's decision. The court's full decision is in the judgment, which is the only authoritative document, and is available at www.judiciary.uk and <https://caselaw.nationalarchives.gov.uk>

Introduction

1. This appeal concerns the lawfulness of the decision of the Home Secretary to proscribe a group known as Palestine Action as a terrorist organisation under the Terrorism Act 2000 (the Proscription Decision). [1]
2. Ms Ammori is one of two co-founders of Palestine Action. She challenged the Proscription Decision by way of judicial review. [1]
3. The Divisional Court upheld Ms Ammori's challenge and quashed the Proscription Decision on two grounds, the first relating to the Home Secretary's approach to her policy, set out in a paper dated 27 February 2025 (the Proscription Policy), the second relating to the Divisional Court's view of the proportionality of the interference with individual rights under articles 10 and 11 of the European Convention on Human Rights (the Convention) and rights of the community. [3], [4]
4. The Home Secretary appealed to the Court of Appeal seeking to reverse the Divisional Court's conclusion on both grounds. [5]

Decision

5. The Court of Appeal has allowed the Home Secretary's appeal on both grounds. It held that the Proscription Decision was lawful and should not have been quashed. [7]

Facts

6. The Court noted that the judgment of the Divisional Court, handed down in February 2026, set out important background facts. It held that the content of Palestine Action's "Underground Manual" was revealing; evidence from or on behalf of Ms Ammori provided surprisingly little information about Palestine Action; the extent and nature of Palestine Action's membership and organisation were largely unexplained; the lack of information was intentional and consistent with the image cultivated by Palestine Action in its "Underground Manual" of being a covert organisation; Palestine Action operated through cells of trusted people who were encouraged to avoid identification or detection and were advised on "smashing stuff" with a sledgehammer, and encouraged to be "creative" and to disrupt targets "without restraint". [42], [43]
7. The main target of Palestine Action's activities in the United Kingdom was Elbit Systems UK Ltd (Elbit). But Palestine Action's activities were also targeted at any other company or organisation considered by Palestine Action to enable Elbit to conduct its business in the United Kingdom. Thus, financial institutions such as Barclays Bank plc and JP Morgan, as well as other businesses, had been targets. [43]
8. Palestine Action had been responsible for three terrorist incidents which had resulted in serious damage to property: (i) in 2022 at the premises of Thales SA in Glasgow, (ii) in June 2024 at the premises of Instro Precision in Kent, and (iii) in August 2024 at the premises of Elbit in Bristol. [44]
9. Palestine Action could not properly be portrayed as a non-violent organisation; it was not accurate to describe it as an ordinary protest group engaged in activities falling within the well-established tradition of peaceful protest. It was engaged in causing serious damage to property. It presented a very real risk of injury not only to property but also to members of the public. Its campaign was intended to close down the operations of a company pursuing a lawful business by intimidation, not persuasion. [44], [45], [150]

The Proscription Decision

10. The Home Secretary sought advice from a cross-departmental group of experts (the Proscription Review Group) which reached the unanimous conclusions, at a meeting on 13 March 2025, that the Home Secretary: (i) could hold a reasonable belief that Palestine Action was concerned in terrorism, and (ii) that the discretionary factors under the Proscription Policy, taking account of the operational advantages of proscription, weighed in favour of making an order. [47], [50]
11. The Home Secretary was provided with further advice by means of three ministerial submissions, dated 26 March 2025, 2 April 2025 and 4 June 2025. [51], [52]
12. On 20 June 2025, before the Home Secretary had made any decision whether to proscribe Palestine Action, three Palestine Action activists broke into RAF Brize Norton and damaged two military planes with spray paint. [46], [53]
13. The Home Secretary confirmed her Proscription Decision on the same day. She announced her decision by written statement in the House of Commons on 23 June 2025. After approval by positive resolutions of both Houses of Parliament, the order came into effect on 5 July 2025. [1], [53]

Proscription Policy

14. The Proscription Policy is a lengthy document. It lists various criteria as well as “other factors” the Home Secretary will take into account in deciding whether to proscribe. [3], [34]
15. The Divisional Court had concluded that the operational advantages of proscription could not be taken into account under that Policy and for that reason the Proscription Decision was not consistent with the Proscription Policy. [56], [60]
16. The Court of Appeal held that there was no proper basis to limit the factors available to the Home Secretary for consideration. The Home Secretary was entitled to take into account the operational advantages of proscription. The purpose of the Proscription Policy was not to limit or constrain the discretion of the Home Secretary. The Divisional Court had adopted an excessively analytical approach to the interpretation of the Proscription Policy. The appeal was allowed on the Policy Ground. [83], [88], [90]

Proportionality

17. The Divisional Court had held that the Home Secretary failed to strike a fair balance between the rights of individuals to free speech and freedom of assembly and the right of the community in terms of national security and the protection of rights of others. [4], [69]
18. The Court of Appeal agreed with the Divisional Court that individual rights were engaged so that a proportionality balance needed to be undertaken. [91], [96]
19. The Court of Appeal held that determining whether a restriction of individual rights was proportionate required an exacting analysis of the factual case advanced by the Home Secretary, applying the four-stage *Bank Mellat* test¹. That analysis was to be undertaken by the Court afresh and was not confined to a review of the Divisional Court's decision. That approach was required because this appeal had both major social and political significance and public importance. The Proscription Decision had led to a widespread polarizing public debate on the right to protest, freedom of speech and support for international political causes. [98], [99], [102]
20. The Proscription Decision lay in an area of national security and the Court was required to afford an appropriate measure of respect to the balance of rights and interests struck by the Home Secretary, because she had special institutional competence in that area. The assessment of risk in the context of national security is pre-eminently a question of specialist evaluation and judgment for the executive. In this case, the Home Secretary's judgment should be accorded a wide margin of appreciation (or respect). [104], [105], [114], [115], [116].
21. The objectives of the Proscription Decision, to protect the rights and freedoms of others and the interests of national security, were sufficiently important to justify interference with the right of free speech and freedom of assembly. The Proscription Decision was rationally connected to these objectives. [120], [121]
22. The Court was unable to identify any appropriate less intrusive measure to which the Home Secretary should have resorted as an alternative to proscription. The clear theme throughout the Home Secretary's decision-making process was that proscription would provide powers that would be beneficial in halting or hindering Palestine Action's terrorist activities in a way that could not be otherwise achieved under existing legislation. [137], [138], [140].

¹ *Bank Mellat v HM Treasury (No 2)* [2013] UKSC 39; [2014] AC 700 (*Bank Mellat*) at [20]

23. When it came to the balance of rights, the Court emphasised the importance of the rights of freedom of speech and freedom of assembly. The Proscription Decision would not prevent continuing expressions of support through peaceful protest for the Palestinian cause or in opposition to actions in Gaza by the government of Israel or the Israeli Defence Forces; nor would it prevent demonstrations targeted at Elbit. However, the cohort of people whose rights weighed in the balance included those who might now be dissuaded from expressing their views publicly for fear that their actions might be construed as unlawfully supporting Palestine Action. The Court recognised that the Proscription Decision would, in this way, have a “chilling effect”. [152], [153]
24. On the other side of the balance, the Court of Appeal noted the nature of Palestine Action as a covert organisation whose activities are carried out by unidentifiable cells whose objective was to avoid detection. Palestine Action was not a civil disobedience protest group. [160], [161]
25. The future threats and risks posed to third party individuals and property were perhaps the most important factors to weigh in the balance. The Home Secretary was in the best position to assess those future threats and risks on advice from experts. A theme of the assessments by experts was the escalating trajectory of seriousness of Palestine Action’s activities. [164], [169]
26. Further, proscribing Palestine Action would disrupt it. Proscription could impact recruitment, finances, operations and possibly its technical and digital security. [172]
27. The Court of Appeal held that the Proscription Decision was a justified and proportionate interference with individual rights, taking account of the escalating trajectory and assessment of future risk, and affording a due margin of appreciation to the Home Secretary’s own decision. It struck a fair balance. [175], [178], [182]
28. The appeal was allowed on the Proportionality Ground. The Divisional Court had had materially understated the latitude to be accorded to the Home Secretary by way of margin of appreciation or respect. Further, the Divisional Court misunderstood the Proscription Policy to mean that only terrorist activity could be taken into account when what was required was a realistic view of all Palestine Action’s activities. Yet further, the Divisional Court had wrongly concluded that the nature and scale of Palestine Action’s activities had not “yet” reached the level where proscription could be justified, when the escalating trajectory of Palestine

Action's activities and the assessment of future risk weighed heavily in the balance. [117], [176], [177], [178]

Cross-Appeal

29. Ms Ammori's application for permission to cross-appeal on two grounds was rejected. She was wrong to suggest that the Home Secretary was under a duty to consult Palestine Action before proscribing it. That argument based on procedural fairness was impliedly excluded by the Terrorism Act 2000, there was no duty on the Home Secretary to consult an organisation prior to proscribing it. For many organisations it would be impractical and unworkable for the Home Secretary to consult in advance. [190], [191]

30. There was no evidence of differential treatment to support Ms Ammori's case that Palestine Action was subject to direct discrimination. There was no evidence to show less favourable treatment of Palestine Action's members on grounds of ethnicity, origin or nationality, but in any event, such differential treatment, were it to be shown, would be objectively justified. [198], [200], [201]

Conclusion

31. The proscription of an organisation like Palestine Action is highly controversial. But it is a fundamental mistake to overlook the fact that Palestine Action overtly promotes unlawful violence amounting to terrorism. It is not a direct action civil disobedience protest group operating transparently in the open. It is a covert organisation which avoids the detection and prosecution of those using violence to destroy property and cause injury. The Home Secretary had the institutional competence and the democratic accountability to make the decision. The Proscription Decision was consistent with the Home Secretary's Proscription Policy and was proportionate. It was not unlawful. [204], [205], [207], [208]
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