



Case No: T2024 0175 / T2024 7092

**IN THE CROWN COURT AT WOOLWICH**

Date: 15 June 2026

**Before :**

**MR JUSTICE JOHNSON**

-----  
**Between :**

**The King**

**- and -**

**(1) Charlotte Head**  
**(2) Samuel Corner**  
**(3) Leona Kamio**  
**(4) Fatema Zainab Rajwani**

-----  
Deanna Heer KC, Emma Gargitter and Harry Warner for the Crown  
For the defendants: Rajiv Menon KC with Kate O'Raghallaigh  
(Charlotte Head), Tom Wainwright (Samuel Corner), Mira Hammad (Leona Kamio), Hamish  
McCallum (Fatema Zainab Rajwani)

Hearing date: 12 June 2026  
-----

**Approved Judgment**

This judgment was handed down by release to the parties on 15 June 2026

**Mr Justice Johnson:**

**Introduction**

1. This ruling addresses the question of whether the defendants' offence of criminal damage had a "terrorist connection". They have each been convicted by a jury of that offence. Samuel Corner was additionally convicted of an offence of inflicting grievous bodily harm. The background is set out in my previous rulings.
2. The prosecution contend that the criminal damage offence has a "terrorist connection." The defence dispute that. The parties agreed that this should be resolved as a preliminary issue before sentence. I heard argument on the issue on 12 June 2026 at the hearing which had been listed for sentence. I decided that the criminal damage offence did have a "terrorist connection", I gave a summary of the reasons but indicated that the full reasons would follow in writing. That meant that it was possible to sentence the defendants on 12 June 2026 rather than having to re-list the case.

**Correspondence and submissions from third parties**

3. A court resolves a dispute on the basis of evidence put before the court by the parties to the dispute, and submissions made by those parties. There are occasions on which a court will entertain evidence adduced, or submissions made, by a third party. If it is ever appropriate to do that in criminal proceedings at first instance (and I have not received submissions on that issue), then the circumstances are likely to be highly exceptional. Where the courts do entertain an intervention by a third party, that is following an application made on notice to all parties which explains the role of the intervener and why it is appropriate for the court to hear from the intervener: see, for example, Civil Procedure Rules 54.17 and section 3.2.4 of the Administrative Court Judicial Review Guide 2025.
4. In the days before this hearing, I was informed that the court had received a large volume of correspondence from third parties, including submissions from bodies such as Liberty and the Campaign Against the Arms Trade, which had been marked for my attention. No application had been made for permission to intervene in the proceedings. I had no communication from the parties to indicate whether that they had been asked for their views as to the permissibility of an intervention from any third party or to indicate that they considered that the court should entertain such an intervention. There were no directions in place to ensure fairness, including that the parties would have an adequate opportunity to respond to the material that the third parties wished to put before the court. I therefore declined to read the material that had been sent to the court, and I asked that it not be provided to me. I told the parties about this at the outset of the hearing.
5. In the course of his submissions, Mr Menon indicated that he wished to rely on written submissions that had been made by Liberty, and he provided a copy to me. I understand that they were also provided to the prosecution and I am satisfied that it does not cause any unfairness to take them into account. To that extent only, I have taken account of additional submissions beyond those directly put before the court by the parties.

**Finding of terrorist connection for purposes of section 29(1C) Criminal Procedure and Investigations Act 1996**

6. At an early pre-trial hearing in this case, on 27 March 2025, the prosecution applied for the court to make a “terrorist connection” ruling for the purposes of section 29(1C) of the Criminal Procedure and Investigations Act 1996. After hearing submissions, I found that there was a “terrorist connection” for the purposes of the 1996 Act. The effect of that decision was that the court was required to hold a preparatory hearing, before the jury was sworn, for case-management purposes: section 29(1C) read with section 29(1).
7. I made clear at the time of the ruling on 27 March 2025 that the ruling did not have any effect whatsoever on how the defendants would be sentenced in the event of conviction. In particular, it did not mean that the court would find, for the purpose of sentencing, that the offence had a terrorist connection. The test that was applied pre-trial under section 29(1C) of the 1996 Act is different from the test that now applies, for the purpose of sentencing, under section 69 of the Sentencing Act 2020. The evidential basis for the application of the test is also different. The 1996 Act requires a pre-trial assessment, before any evidence has been tested, as to what the evidence on the indictment “appears” to reveal. The 2020 Act requires a finding as to whether the prosecution has established, to the criminal standard of proof, on the contested evidence that has been heard, that the test for a terrorist connection has been met.
8. The terrorist connection ruling was subject to a statutory reporting restriction: section 41 of the 1996 Act. The defence contended that the statutory reporting restriction was insufficient to prevent a substantial risk of prejudice in these proceedings and asked me to make a further reporting restriction order. I received written and oral submissions from a number of broadcasters and media organisations and from a BBC journalist. There was no opposition to the defence application for a reporting restriction. On 18 November 2025, I made a reporting restriction order which, in part, mirrored the statutory restriction under section 41.
9. Following the conclusion of a first trial (where the jury were unable to reach verdicts on the criminal damage and grievous bodily harm counts), the broadcaster, ITN, applied to lift the restriction on reporting the terrorist connection ruling. The defendants opposed that application and contended that the public interest in reporting the terrorist connection ruling was “not high” and that it would be prejudicial to them for the terrorist connection ruling to be reported in advance of, or during, the re-trial. I considered that there was a strong public interest in the reporting of the terrorist connection ruling (see paragraphs 6 - 7 of my ruling of 9 March 2026). However, I accepted the defendants’ submission that such reporting would create a substantial risk of prejudice to the administration of justice (see paragraphs 11 - 14 of my ruling of 9 March 2026). I therefore accepted the defendants’ submission that the reporting restriction should remain in force (see paragraph 15 of my ruling of 9 March 2026). Once the jury had returned verdicts, there was no longer a risk of prejudice. I therefore directed that the reporting restrictions should no longer apply: paragraphs 1 - 3 of the order dated 12 May 2026.

## **The legal framework**

10. Where, as here, a person is convicted of an offence which is punishable with a custodial sentence, the court must not pass a custodial sentence unless the offence was so serious that neither a fine nor a community sentence can be justified: section 230(1) Sentencing Act 2020.
11. Where a court passes a custodial sentence for an offence, the sentence must be for the shortest term that, in the opinion of the court, is commensurate with the seriousness of the offence, taking account of any aggravating or mitigating factors: section 231(2)(a) and 231(7) Sentencing Act 2020.
12. When assessing the seriousness of an offence, the court must consider the offender's culpability in committing the offence, and any harm which the offence caused, was intended to cause, or might foreseeably have caused: section 63 Sentencing Act 2020.
13. Section 69 of the Sentencing Act 2020 applies where the court is considering the seriousness of an offence which (a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, (b) is punishable on indictment with imprisonment for more than 2 years, and (c) is not specified in Schedule A1 of the 2020 Act.
14. Where section 69 applies, the court must treat a "terrorist connection" as an aggravating factor: section 69(1), (2)(a) Sentencing Act 2020.
15. An offence has a terrorist connection if it (a) is, or takes place in the course of, an act of terrorism, or (b) is committed for the purposes of terrorism: section 69(3) Sentencing Act 2020.
16. For this purpose, "terrorism" has the meaning prescribed by section 1 of the Terrorism Act 2000: section 69(3) Sentencing Act 2020.
17. Section 1 of the Terrorism Act 2000 states:

### **"1 Terrorism: Interpretation**

- (1) In this Act "terrorism" means the use or threat of action where-
  - (a) the action falls within subsection (2),
  - (b) the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and
  - (c) the use or threat is made for the purpose of advancing a political, ...or ideological cause.
- (2) Action falls within this subsection if it-
  - (a) involves serious violence against a person,

- (b) involves serious damage to property,
- (c) endangers a person's life, other than that of the person committing the action,
- (d) creates a serious risk to the health or safety of the public or a section of the public, or
- (e) is designed seriously to interfere with or seriously to disrupt an electronic system.

...  
(4) In this section-

- ...  
(d) "the government" means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom."

..."

18. The defendants have each been convicted of an offence of criminal damage that was committed on 6 August 2024. That was after section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force. Criminal damage is punishable on indictment with imprisonment for more than 2 years. It is not specified in schedule A1 to the 2020 Act. It follows that the conditions in section 69(4) of the 2020 Act are satisfied. Section 69 of the 2020 Act therefore applies.
19. Accordingly, the court must find there is a "terrorist connection" if, but only if, a defendant's offence of criminal damage:
- (1) Involved serious damage to property.
  - (2) Was designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public.
  - (3) Was for the purpose of advancing a political or ideological cause.

### **Submissions**

20. Deanna Heer KC, for the prosecution, submits that the test for a terrorist connection is satisfied. She says that the offence involved serious damage to property. The damage was "serious" because of both its value and its extent. She relies on evidence that the damage exceeded £1m, and on the fact that damage was caused not only to items inside the warehouse but also when Charlotte Head drove the prison van through two fence lines and into the warehouse shutter door to gain entry.
21. Ms Heer submits that the defendants were acting in furtherance of the aims of Palestine Action, which included the aim of "shut[ting] Elbit down" by carrying out actions against Elbit itself and also businesses that were connected to Elbit. She relies on the defendants' evidence to this effect, and their evidence that earlier attempts to persuade the government not to support Israel, and/or not to support the arms industry insofar as it supported Israel, had failed. She says that the court can be sure the offence was

designed to influence the United Kingdom Government to end its relationship with Elbit, and/or change its position on the export of weapons to Israel, and/or alter its relationship with the Israeli Government. She also submits that the action sought to influence Israel by disrupting its military operations. Ms Heer also submits that the action was designed to intimidate those who work for Elbit and for related businesses, and others who may seek to produce military equipment in the United Kingdom for Israel, or support those who do. That, she says, amounts to a section of the public: *R v Smith* [2024] EWCA Crim 1040; [2025] KB 415.

22. On the third limb, Ms Heer submits that the defendants' conduct was carried out for the purpose of advancing a political or ideological cause. She relies on evidence that shows that Palestine Action's aims included influencing government decisions or policy in opposition to the arms trade in the United Kingdom insofar as it supports Israel, and intimidating targets in its campaign to "shut Elbit down". Ms Heer submits those are plainly political and ideological causes.
23. Rajiv Menon KC, for Charlotte Head, (and whose submissions were adopted by Ms Head's co-defendants) submits that none of the requirements for a terrorist connection has been established. He says the court must focus on the specific action of criminal damage committed by the defendants, rather than broader aims attributed to Palestine Action. Where there are mixed motives, the court must identify the dominant purpose rather than rely on a general political context. He says that the acquittal of the defendants of offences of aggravated burglary and violent disorder show that their conduct was not designed to intimidate the public, and that it would be inconsistent with those verdicts to characterise the defendants' actions as terrorism. He further submits that there is no proper basis for concluding that the conduct involved "serious damage to property." In its statutory context, that must mean "property that was damaged as a result of acts of serious violence designed to terrorise", which is not the case here. In his oral submissions, and adopting submissions that had been provided to the defendants by Liberty and which Mr Menon then put before me, Mr Menon submitted that it was necessary to read serious damage to property as requiring a risk to life or a risk to health and safety. Tom Wainwright, for Samuel Corner, likewise submitted that "serious damage to property", in this statutory context, requires "some degree of physical risk to individuals." The defendants also relied on observations made by the Independent Reviewer of Terrorism Legislation, Jonathan Hall KC, in his 2024 Annual Review, as to different ways in which the "clearly very wide" test of "serious damage to property" might be qualified.
24. As to influencing government, Mr Menon argues that the action was directed at disrupting the supply of weapons by a private company, not at influencing any government; any connection to governmental decision-making is too remote and a mischaracterisation of the facts. The defendants' purpose was to interfere with a supply chain rather than to exert pressure on a state. He says that an act aimed at limiting military capability is distinct from one designed to influence governmental policy. It would, he submits, be inconsistent with the defendants' acquittal of violent disorder to find that the action was designed to intimidate a section of the public. He also submits that there is insufficient evidence to determine the defendants' subjective motivations, particularly where they were not permitted to give evidence on that issue, such that findings about purpose would be unfair

25. In relation to the “political or ideological cause” limb, Mr Menon says that this cannot be established merely by reference to the general aims or materials of Palestine Action; the court must assess the purpose of the defendants’ specific conduct, not attribute motives derived from external documents which may not have been read by the defendants. Treating opposition to a foreign war, coupled with property damage, as inherently “political” or “ideological” within section 1 of the 2000 Act would lead to an overbroad and absurd application of the definition of terrorism.
26. Further, Mr Menon submits that the application of section 69 of the 2020 Act would violate article 7 of the European Convention on Human Rights. That is because it would amount to the court applying a criminal sanction for an act of terrorism in circumstances where (a) the Crown Prosecution Service decided not to prosecute the defendants for a terrorist offence, (b) that would modify the liability which is reflected in the jury’s verdicts and thereby increase the defendants’ penalty in a way that is vague and unpredictable and which could not have been foreseen at the time of the offence. Mr Wainwright submits that applying section 69 of the 2020 Act would result in the court sentencing the defendants for a more serious offence than the one for which they have been convicted. Mira Hammad, for Leona Kamio, contends that it would be incompatible with articles 10 and 11 of the Convention (and also article 14 of the Convention, read with articles 6, 10 and 11) to apply section 69 of the 2020 Act. She also says that the court should scrutinise the prosecution decision not to charge the defendants with a terrorism offence so as to ensure that the prosecution submission that section 69 applies is not an abuse of the court’s process. Ms Hammad also submitted that the defendants were acting out of a conscientious motivation, and that this is a mitigating factor, rather than the statutory aggravating factor prescribed by section 69 of the 2020 Act. Hamish McCallum, for Fatema Zainab Rajwani, adopted the submissions advanced on behalf of Ms Rajwani’s co-defendants and made supplementary submissions in support.

**Burden and standard of proof, fairness, and separate consideration**

27. The question of whether the offence of criminal damage had a terrorist connection determines the applicability of the statutory aggravating factor, for the purpose of assessing the seriousness of the offence, prescribed by section 69 of the 2020 Act. It follows that the court should only find the prosecution has established that there is a terrorist connection if, on the evidence, it has made the court sure that the offence of criminal damage (1) involved serious damage to property, (2) was designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and (3) was for the purpose of advancing a political or ideological cause. That is the burden and standard of proof that I apply.
28. There is no unfairness to the defendants in assessing the factual questions that fall to be determined under section 69 of the 2020 Act. They have each been aware, since March 2025, that the court would, in the event of conviction, consider making a terrorist connection finding. They have each set out their case, including as to their motivation, in their defence statements. They have each given extensive evidence, including as to their motivations, and including at the first trial (where evidence of their motivation was admissible on the aggravated burglary charge). It was open to any defendant to adduce further relevant evidence on the issues that arise under section 69 of the 2020 Act.

29. The test for a “terrorist connection” must be applied separately in the case of each defendant. It is conceptually possible that it could be satisfied in respect of one defendant, but not another. However, I am sure that the defendants were all party to a joint enterprise to commit criminal damage. They each committed criminal damage in their own right, but they also encouraged or assisted each other to do so. There is therefore no distinction between them so far as “serious damage to property” is concerned, because, in each of their cases, their offending resulted in precisely the same damage to property. Also, in respect of the questions of design and purpose of their offending there is little, if any, material distinction between the evidence in each of their cases. Accordingly, while I have considered the position of each defendant separately, the material can be addressed without making distinctions between the defendants save for some isolated evidential references.

### **Serious damage to property**

30. I do not accept Mr Menon’s submission that “serious damage to property” means “property that was damaged as a result of acts of serious violence designed to terrorise.” There is nothing in the statutory language or context to justify such an interpretation. Instead of applying the adjective “serious” to “damage”, it applies it to “violence”. That completely changes the plain meaning of the words. It would remove the requirement for “serious” damage to property and would provide for a test that could be satisfied by damage to property which does not reach a threshold of seriousness. Further, it introduces a complex additional test which is simply not present on the face of the statutory wording, namely that the damage was “a result of acts of serious violence designed to terrorise.” Yet further, the introduction of the words “designed to terrorise” would introduce a degree of circularity, because the provision is itself defining what amounts to terrorism. Mr Menon acknowledged this in oral submissions and indicated that it would have been better to use a synonym for “terrorism”. That, however, would merely obscure, rather than resolve, the circularity. Yet further still, Mr Menon’s interpretation would duplicate or cut across the requirement in section 1(1)(b) that the use or threat must be designed to influence the government or to intimidate the public.
31. The structure of section 1(2) shows that Parliament did not intend anything that remotely resembles the interpretation for which Mr Menon submits. Section 1(2) identifies five different types of action. The first two are, respectively, “serious violence against a person” and “serious damage to property”. The use of those two counterposing different phrases shows that “serious damage to property” was not intended to mean a form of damage that resulted from serious violence as opposed to, simply, damage to property that was serious. If section 1(2)(b) is to be taken to mean “property that was damaged as a result of acts of serious violence designed to terrorise” then it would necessarily follow that each of the other four types of action identified in section 1(2) must be qualified in a similar way. That, again, is unsustainable. Plainly, the type of action identified in section 1(2)(e) was not intended to be limited to actions that were designed to interfere with or seriously to disrupt an electronic system “as a result of acts of serious violence designed to terrorise.”
32. The structure of section 1(2) also shows that Parliament intended to extend the definition of terrorism to cover an offence that involved serious property damage, but which did not involve serious violence against a person, and which did not endanger life or create a serious risk to the health or safety of a section of the public. That is

because the five types of action identified in section 1(2) are alternatives (because of the word “or” between (d) and (e)). That renders unsustainable the submission that section 1(2)(b) should be read as requiring a risk to health and safety.

33. Liberty drew attention to the explanatory notes to section 1 of the Terrorism Act 2000 which state that the statutory definition of terrorism covers “actions which might not be violent in themselves.” That seems to me to undermine, rather than support, Mr Menon’s submission that damage to property can only be serious if it is the result of “serious violence.”
34. Mr Menon, and Liberty, both sought to rely on the Official Record of Parliamentary debates in respect of aspects of the proceedings in Parliament that resulted in the 2000 Act. There was no attempt to justify such reliance, by reference to the requirements in *Pepper v Hart* [1993] AC 593 or otherwise. I do not accept that those requirements are here satisfied. The legislative wording is not ambiguous or obscure and, while more expansive than other definitions of terrorism, does not lead to an absurdity. The material that Mr Menon relies on does not anyway, support his contention as to the meaning of the words “serious damage to property.” Indeed, I understood Kate O’Raghallaigh, in supplementary submissions for Ms Head, to acknowledge that the test in *Pepper v Hart* is not met. The extension of the definition of terrorism to cover property damage in the absence of any risk to health or safety was highly controversial. It was, however, a legislative choice for Parliament to make. The clear wording of section 1(2)(b) shows that Parliament was well aware of the legislative choice that was being made.
35. The report of Jonathan Hall KC identifies different ways in which Parliament might narrow or qualify the definition of terrorism. That, however, is a matter for Parliament, not the courts. Mr Hall’s observation that the current legislative test of “serious damage to property” is “clearly very wide” undermines, rather than supports, the defendants’ submissions. So too does Liberty’s submission that the “breadth of the definition... is well recognised” and has been described by the Supreme Court as “very wide” and “very far reaching indeed”.
36. I therefore interpret the words “serious damage to property” as meaning what they say, without any of the various additional glosses that the defence seek to apply. That said, the words must be construed in their statutory context which informs the degree of seriousness required to meet the threshold of “serious”. The statutory context is a provision that defines “terrorism”. In that context the word “serious” must be treated as setting a very high bar. The word “serious” was intended to do real work in the interpretive exercise.
37. I am sure that there was serious damage to property, recognising that requires a very high minimum threshold to be surmounted. The factory in question was described by the defendants themselves as Elbit’s most important site in the United Kingdom, the “Crown jewels”, a state of the art, highly secure and highly advanced, £25m arms factory, of such symbolic significance that it was opened by the Israeli Ambassador. Ms Kamio said, “If we managed to get in and smash things up it would have been the biggest victory for Palestine Action.” The video and photographic evidence shows the extent of the damage caused, the means by which the damage was caused, and the time period of more than 20 minutes over which the damage was caused. It extended to the damage of very many individual items of technological equipment, including what the

defendants said were highly advanced drones, as well as a disabled toilet. In many instances the damage caused was not trivial or minor, but rather substantial to the point of destruction. The consistent evidence of both a forensic consultant who determined the extent of the damage for the purposes of an insurance claim, and Elbit's Protective Security Manager, is that well over £1m was paid out by insurers in respect of the damage. It is unnecessary to determine the precise value of the damage caused. The offence involved serious damage to property.

**Designed to influence government or intimidate a section of the public?**

38. The prosecution submission is put in three alternative ways: that the defendants' offence was designed to influence the Israeli government; that it was designed to influence the United Kingdom government; and that it was designed to intimidate a section of the public.
39. As to the Israeli government, it is common ground that the defendants were motivated to damage property that the defendants believed would be used in a genocide. The damage to the property prevented it from being available to Israel to use in its military operations. It can therefore fairly be said that the damage was designed to prevent Israel being able to use the property in its military operations. That is, however, different from a design to influence the Israeli government. I accept the defence submission that an act aimed at limiting military capability is distinct from one designed to influence governmental policy. Although the defendants' conduct was designed to constrain Israel's military activities, the prosecution has not shown that it was designed to influence the government of Israel in the sense required by section 1(1)(b) of the 2000 Act. I therefore reject the prosecution submission that a terrorist connection finding can be made by reference to an intention to influence the Israeli government.
40. That leaves the questions of whether the defendants' offence was designed to influence the United Kingdom Government or whether it was designed to intimidate a section of the public. In order to determine those issues, it is necessary to consider the aims and strategy of Palestine Action and whether the offence of criminal damage by each defendant was designed and intended to pursue those aims and that strategy.
41. Palestine Action is a group that was founded in 2020. Its overarching aim was to shut down a company that supplied weapons to Israel, Elbit Systems, and to end what it regarded as over a century of British complicity in an apartheid occupation of Palestine, and, more recently, British complicity in what it regarded as Israeli war crimes in Gaza. The strategy to achieve that aim was to carry out actions against Elbit Systems and businesses linked to it, in order to intimidate it into ceasing operations or to cause the Government to prevent it from operating. A document ("the underground manual"), published by Palestine Action prior to the defendants' offence, states:

"Some countries may have a Ministry of Defence which has made a deal to buy weapons from Elbit Systems or another Israeli weapons firm, without having a factory in the country. Targeting the Ministry of Defence offices, or any other relevant buildings associated with government making decisions, is always a possibility.

....

The most crucial aspect of taking action is to tarnish your target and apply pressure. However, do not underestimate the power of capturing your action on camera so it can reach beyond the target. This means every other target can see what's happened, and more importantly the people of Palestine know we're active in our solidarity.”

42. By 2024, Palestine Action had carried out dozens of actions. The actions comprised activities that ran from what were described as low level actions (such as acts of trespass) to high level actions (such as burglary and criminal damage). There is no evidence that prior to 2024 any action had involved violence against the person or activities that were capable of constituting terrorism.
43. The defendants each strongly believed that Israel was committing war crimes in Gaza, and that the United Kingdom was complicit in those crimes by allowing Elbit Systems to operate in the United Kingdom and to export weapons to Israel. They each tried to persuade their University, or local authority, or the government, not to support Israel.
44. The defendants were each aware of Palestine Action and followed its social media feed. They each attended a Palestine Action training day which lasted a full day. At that training day they each learned in detail about the aims and strategy of Palestine Action. Even if the defendants had not each personally read every word of the underground manual, they were well aware of its underlying sentiment. Each of the defendants agreed to take part in a high-level action. They each did so with the aim, shared with Palestine Action, of shutting down Elbit and ending British complicity in Israeli war crimes. They each did so as part of the strategy of carrying out actions against Elbit Systems and businesses linked to it, in order to intimidate it into ceasing operations or to cause the Government to prevent it from operating.
45. I reach that conclusion on all the evidence, including:
  - (1) The fact that the defendants had been engaged in the issue of Palestine for months or years before they attended the Palestine Action training day. They had attended protests and marches. They came to the training day with a significant degree of background knowledge.
  - (2) Each of the defendants had followed Palestine Action's social media. That social media feed makes its aims and strategy clear.
  - (3) Each of the defendants attended a full training day where they received lectures, from the perspective of Palestine Action, on the history of the Middle East, the genocide in Gaza, and British complicity in that genocide, and the aims and strategy of Palestine Action.
  - (4) Each of the defendants agreed to carry out an action in Palestine Action's name. They did so as “high level arrestables”, intending to carry out the most serious form of action and intending to be arrested for it.
  - (5) Each of the defendants well knew that the high-level action for which they signed up was an action taken in the furtherance of Palestine Action's aims and as part of its strategy to achieve those aims.

- (6) Charlotte Head said in her evidence that she regarded it as her responsibility as a British citizen to try to stop Britain being complicit in Israel's acts. In her closing speech she said that she signed up to do an action with Palestine Action which was a group that had been trying to end British complicity in war crimes, and that direct action was necessary because the government does not listen when people ask nicely. She told a probation officer that her involvement in the offence arose from her pro-Palestinian views and concern regarding the perceived impact of the support of the United Kingdom Government for Israel.
  - (7) Samuel Corner, said in evidence that he was really interested in Palestine Action and that the institutions he had been trying to convince to act were mostly just ignoring him.
  - (8) Leona Kamio, said in her defence statement that she relied on the fact that the United Kingdom was allowing arms exports to Israel and that the United Kingdom was complicit in crimes that Israel was committing.
  - (9) Fatema Zainab Rajwani, said in her closing speech that she was sick of waiting for the government to act.
  - (10) None of the defendants have at any stage sought to distance themselves from Palestine Action, or from any of its aims, or from the strategy it has deployed to achieve those aims.
46. I readily accept the defence submission that each defendant wanted to damage or destroy weapons that the defendant believed would be used by Israel unlawfully to kill civilians in Gaza. That was, however, just one part of a broader and more strategic and overarching or dominant purpose. That broader and more strategic, overarching and dominant purpose was to shut down Elbit by placing pressure on the Government and by intimidating those who worked for Elbit and/or businesses that were linked to Elbit. That is reflected in the fact that the damage in this case was not limited to weapons. It extended to smashing up a disabled toilet and spraying red paint on the walls. It is also reflected in the use of go-pro cameras to record the action and to upload footage to Palestine Action's social media feed. It is also reflected in the performative and demonstrative manner in which the action was carried out, including by way of the use of a prison van and the uniform of red boiler suits.
  47. The target of the intimidation was not a single individual or a small group. It comprised those who work for Elbit and other linked businesses. That comprises a relatively large group of people that, collectively, comfortably come within the scope of "a section of the public": *Smith per Holroyde LJ* at [48] – [51].
  48. The defendants' acquittal of aggravated burglary and violent disorder does not preclude a finding that the design of the offence was to intimidate a section of the public. The acquittal of aggravated burglary means that at the point each defendant entered the premises they did not intend to use their sledgehammer to cause injury to any person. In respect of violent disorder, Fatema Zainab Rajwani was acquitted by the jury in the first trial. The jury were unable to reach verdicts in respect of Charlotte Head, Samuel Corner and Leona Kamio, and the prosecution offered no evidence. That decision may have been based on public interest factors rather than an assessment of the evidence.

However, I do not consider it appropriate to make that sort of fine distinction. All defendants should be treated as if they had been acquitted by the jury. Indeed, when I entered not guilty verdicts in respect of Charlotte Head, Samuel Corner and Leona Kamio, I told them that would have the same effect as if not guilty verdicts had been returned by a jury. That means that they did not, as a group of 3 or more persons, use or threaten unlawful violence such that their conduct would cause a person of reasonable firmness present at the scene to fear for their personal safety. The finding that the design of the offence was to intimidate a section of the public is not inconsistent with this. That is because the intimidation in question is concerned with the broader effect of the offence on those who work for Elbit and companies linked to Elbit.

49. I am, therefore, sure that in respect of each defendant the offence of criminal damage was designed both to influence the United Kingdom government and to intimidate a section of the public.

**For the purpose of advancing a political or ideological cause?**

50. It is then necessary to decide whether each defendant's offence was for the purpose of advancing a political or ideological cause. I am sure that it was. It was intended to advance each defendant's belief that Israel's approach to Palestine generally, and its military activities in Gaza in particular, were wrong, that the United Kingdom government should not be permitting the export of weapons to Israel, and that it was legitimate to damage the property of others in the pursuit of that cause.

**Conclusion on terrorist connection**

51. It follows that I am sure that each defendant's offence of criminal damage:
- (1) Involved serious damage to property.
  - (2) Was designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public.
  - (3) Was for the purpose of advancing a political or ideological cause.
52. It further follows that each defendant's offence of criminal damage had a terrorist connection.

**European Convention on Human Rights and section 6 of the Human Rights Act 1998**

53. Article 7(1) of the European Convention on Human Rights prohibits "punishment without law." It states:

"No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed."

54. Article 7 reflects well-understood common law principles that conduct which is lawful at the time it takes place should not be retrospectively criminalised: *R v Misra* [2004] EWCA Crim 2375; [2005] 1 Cr App R 21 *per* Judge LJ at [29]. It goes further than that, however and inherently incorporates the Convention principle of legality, requiring that the applicable law is sufficiently accessible and foreseeable in its operation: *Misra* at [30].
55. The prohibition of a “heavier penalty” than that which was “applicable” at the relevant time, does not mean that the penalty is limited to that which would have been imposed at the time of the offence. Rather, it means that the penalty is limited to the maximum penalty that could have been imposed at the relevant time: *R (Uttley) v Secretary of State for the Home Department* [2004] UKHL 4; [2004] 1 WLR 2278 *per* Lord Phillips at [21].
56. Article 7 is a “Convention right” within the meaning of section 1 of the Human Rights Act 1998: section 1(1)(a).
57. Section 6(1) of the Human Rights Act 1998, read with section 6(3)(a), makes it unlawful for a court to act in a way which is incompatible with a Convention right.
58. However, section 6(1) of the 1998 Act does not apply if, as a result of a provision of primary legislation, the court could not have acted differently: section 6(2). That is the case here: the court’s finding in respect of a terrorist connection is mandated by primary legislation, section 69 of the 2020 Act. Faced with this point, Ms O’Raghallaigh, in supplementary submissions, accepted that this was the effect of the structure of section 6 of the 1998 Act and did not seek to maintain the submissions as they had originally been advanced. Instead, she made two new submissions.
59. Ms O’Raghallaigh’s first new submission was that article 7 of the Convention reflects pre-existing common law principles, and that the defendants’ arguments could therefore simply be re-framed as a submission that the application of section 69 of the 2020 Act in the present case is contrary to the common law. I accept the submission that article 7 reflects the common law, but I reject the submission that it is open to the Court to decline to apply section 69 on the ground that it is contrary to the common law. The supremacy of the Crown in Parliament is the bedrock of the British constitution: *R (Jackson) v Attorney General* [2005] UKHL 56; [2006] 1 AC 262 *per* Lord Bingham at [9]. If, correctly interpreted, section 69 of the 2020 Act is inconsistent with pre-existing principles of common law, then I must follow section 69 and not the common law. As to the correct interpretation of section 69, the common law principle of legality means that legislation must not be interpreted in a manner that overrides fundamental rights unless that is the clear Parliamentary intent, arising from “express language or necessary implication”: *R v Secretary of State for the Home Department ex parte Simms* [1999] 2 AC 1155 *per* Lord Hoffmann at 131F. Here, however, the clear Parliamentary intent was to extend the definition of terrorism to cover actions that involve serious damage to property (so long as the requirements of section 1(1)(b) and (c) of the 2000 Act are also satisfied). If and to the extent that overrides fundamental rights, then that was a Parliamentary choice that the courts must respect.
60. Ms O’Raghallaigh’s second new submission was that although section 69 of the 2020 Act mandates a finding of a terrorist connection where the conditions in section 69(3) (read

with section 1 of the 2000 Act) are satisfied, the court has a discretion under section 69(1) of the 2020 Act as to whether even to engage on the exercise of a terrorist connection. Accordingly, as I understood the submission, if the effect of finding a terrorist connection would be incompatible with Convention rights, then the Court should not even embark on the exercise of deciding whether there is a terrorist connection. I reject that submission. Section 69(1) of the 2020 Act provides that section 69 applies where the court is considering the seriousness of an offence specified within subsection (4). Here, criminal damage is an offence specified in sub-section (4). I do not have any discretion to decide otherwise. Nor do I have any discretion not to consider the seriousness of the offence. I am required to consider the seriousness of the offence in order to conduct the sentencing exercise. The seriousness of the offence is a mandatory consideration in order to determine whether the custody threshold is met, and, if it is met, in order to determine the shortest custodial term that is commensurate with the seriousness of the offence: section 230 and 231 of the 2020 Act.

61. I therefore reject Mr Menon's submission that the application of section 69 of the 2020 Act is unlawful by reason of section 6(1) of the 1998 Act and Ms O'Raghallaigh's submission that it is unlawful by reason of the common law. I likewise reject Ms Hammad's equivalent submission by reference to articles 10, 11 and 14 of the Convention.
62. I do not, anyway, accept the submission that the application of section 69 of the 2020 Act is incompatible with article 7, 10, 11 or 14 of the Convention.
63. Article 7: The criminal offence for which the defendants have been found guilty is criminal damage. That was an offence at the time of the defendants' conduct. Mr Wainwright's submission that the application of section 69 results in the defendants being sentenced for a more serious offence than the one they have been convicted of is not correct. Section 69 does not change the nature of the offence for which the defendants have been convicted. It does not mean that they have been convicted of a terrorist offence, or of any offence other than criminal damage. Even if section 69 did change the nature of the offence for which the defendants have been convicted, section 69 was in force at the time of their offence.
64. At the time that the defendants committed the offence, the statutory maximum penalty was 10 years' imprisonment. That is not changed by the application of section 69. Section 69 requires the court to treat the terrorist connection as an aggravating feature, increasing the seriousness of the offence, but not in a way that can result in a sentence that is more than the statutory maximum that applied at the time the offence was committed. In any event, section 69 was in force before 6 August 2024. It does not result in a heavier penalty being imposed than the one that was applicable at the time the criminal offence was committed.
65. Article 7 requires that the relevant law is sufficiently accessible and foreseeable in its operation. Those requirements are satisfied. The effect of section 69, including its application to the present case, was sufficiently foreseeable at the time of the defendants' conduct. That follows from the wording of section 69 itself. The fact that it had been rarely invoked is nothing to the point. Nor does analysis of the circumstances in which it has, and has not, been invoked advance the defendants' case. There is, anyway, a limited basis to draw any conclusions about the way in which it has been

applied because it has only been since 29 June 2021 (when section 69 was amended by the Counter-Terrorism and Sentencing Act 2021) that criminal damage has come within its scope.

66. Articles 10 and 11: Articles 10 and 11 protect, respectively, freedom of expression and freedom of peaceful assembly. The fact that the exercise of the right to freedom of expression or peaceful assembly involves the commission of a tort or a criminal offence, including a criminal offence that results in significant property damage, does not, in itself, take the activity entirely outside the scope of protection of the Convention, but does impact on the weight to be attached to those rights when assessing the proportionality of any interference: *R v Hallam* [2025] EWCA Crim 199; [2025] 2 Cr App R (S) 17 *per* Lady Carr CJ at [28] – [42]. On the other hand, articles 10 and 11 do not protect conduct which is violent or non-peaceful: *Halam* at [38]. For these purposes, violence can include violence to property: *Attorney General's Reference (No1 of 2022)* [2022] EWCA Crim 1259; [2023] KB 37 *per* Lord Burnett CJ at [87]. I have found that, notwithstanding the acquittals for violent disorder, the conduct was designed to intimidate a section of the public. That being the case, and in the light of the manner in which the damage to property was occasioned (as shown by the video evidence), the defendants' conduct cannot properly be regarded as peaceful or non-violent. It was, very clearly, violent and non-peaceful. Accordingly, I do not accept that the fundamental rights protected by articles 10 or 11 are, here, engaged. I was not shown any authority where either the Strasbourg court or a domestic court has held that deliberately causing serious damage to property (with the high threshold of seriousness required by the terrorist context), in a manner that is comparable to what the defendants did here, and with the intention of putting a company out of business (and therefore destroying the company's Convention rights under article 1 of the first protocol of the Convention), engages the protection of articles 10 or 11. The question of the compatibility of section 69 of the 2020 Act with articles 10 and 11 of the Convention does not arise.
67. If I am wrong about that then the court is required to ensure that any sentence is not a disproportionate interference with the rights that are protected by articles 10 and 11. If the defendants' Convention rights are engaged, the weight to be attached to them is much attenuated. That is for the reasons given by Lady Carr CJ in *Halam* at [36], and in *R v Trowland* [2023] EWCA Crim 919; [2024] 1 WLR 1164 at [74] – [75]. Here, the defendants were not so much seeking to use peaceful protest to persuade Elbit, and the United Kingdom, to act, as to use violence, criminality and intimidation to seek to compel them to act. The need to secure proportionality is assured by (a) applying the provisions of section 230 and 231 of the 2020 Act (including ensuring that any custodial sentence is the shortest that is commensurate with the seriousness of the offence), (b) taking account of all the circumstances, including the defendants' motivation, and the fact that there may have been an element of expression and protest within their activity, at each stage of the sentencing exercise (including when determining the extent of any uplift on the account of the offence having a terrorist connection). That is what I will do.
68. Article 14: As to the question of article 14 of the Convention, read with article 6 (and, if I am wrong about articles 10 and 11, those provisions too), the complaint appears to be that section 69 has been applied in a number of cases which are "associated with the Palestinian cause" but not in cases concerning other causes. Mr Menon went as far as

to submit, as I understood him, that the courts are more inclined to apply section 69 in cases where the underlying cause relates to people who are not white, than they are in cases which affect people who are white. In that regard, he placed particular reliance on three cases. One was the first instance sentencing in *Thomas McKenna* at the Crown Court at Kingston on 12 February 2026. I was provided with a press release which shows that a 21-year extended sentence was imposed for possession of firearms and terrorist information (and allied offences) and which took account of the defendant's "extreme anti-Muslim views. The press release does not make any reference to the question of a terrorist connection. I was not provided with the sentencing remarks. I am not, therefore, in any position to assess Mr Menon's apparent complaint that no terrorist connection finding was made in that case. The second case was the murder of Jo Cox MP in 2016. The defendant in that case, who the sentencing judge referred to as having "an admiration of Nazism, and similar anti democratic white supremacist creeds", was sentenced to a whole-life order. That can hardly be prayed in aid of a submission that the courts apply a more lenient approach when sentencing such individuals. The third case was the 20-year extended sentence in *R v Murphy* [2025] EWCA Crim 992; [2026] 1 Cr App R (S) 2 for having an explosive substance with intent to cause serious injury to property. A terrorist connection was not found because the defendant had not been motivated by any coherent ideology. It followed that the test for a terrorist connection was not met. These three cases do not, therefore, support Mr Menon's submission. In any event, it is not the court's role to study press reports of sentences that have been imposed at first instance in other cases (in one instance I was provided with a report from the Runcorn and Widnes World) and then to impose a sentence that seeks to ensure consistency with press reports of those cases. Rather, the court's role is to interpret and apply the statutory framework, read with the guidelines of the Sentencing Council (including guidance on offences with a terrorist connection). Assuming the legislation is applied correctly, a finding of a terrorist connection does not depend on whether a case concerns "the Palestinian cause." Section 69 is entirely agnostic as to the underlying cause, so long as it is a political, religious, racial or ideological cause. The section must, of course, be applied in a way that does not discriminate on the grounds of a defendant's ethnicity or the ethnicity of those whose cause the defendant seeks to advance. That ensures compliance with article 14 of the Convention.

69. Abuse of process: I have considered, and rejected, on two occasions the defendants' complaints that the prosecution has sought wrongly to manipulate the court's processes, such that the prosecution should be stayed: see my rulings of 14 November 2025 and 3 December 2025. The complaint that is now made is that the prosecution decided not to proceed with a prosecution under terrorism legislation because it considered that a jury would be unlikely to convict for any terrorist offence, and that the prosecution could achieve the same result, instead, by invoking section 69 of the 2020 Act. The problem with that submission is that there is no evidential basis for it. The mere fact that the prosecution did not decide to charge the defendants with terrorist offences does not provide any evidential support for a submission that it was doing anything other than applying the statutory Code for Crown Prosecutors. The fact that the defendants were not charged with a terrorist offence does not prevent the operation of section 69 of the 2020 Act. Nor does it mean that the prosecution submission that section 69 applies is in any way objectionable. It was for the Crown Prosecution Service to make charging decisions, applying the Code for Crown Prosecutors. There is no evidence that prosecutorial decision making was, here, otherwise than in full accordance with the Code.

### Conscientious objection

70. In *R v Jones* [2006] UKHL 16; [2007] 1 AC 136, Lord Hoffmann said, at [89]:

“civil disobedience on conscientious grounds has a long and honourable history in this country. People who break the law to affirm their belief in the injustice of a law or government action are sometimes vindicated by history. The suffragettes are an example which comes immediately to mind. It is the mark of a civilised community that it can accommodate protests and demonstrations of this kind. But there are conventions which are generally accepted by the law-breakers on one side and the law-enforcers on the other. The protesters behave with a sense of proportion and do not cause excessive damage or inconvenience. And they vouch the sincerity of their beliefs by accepting the penalties imposed by the law. The police and prosecutors, on the other hand, behave with restraint and the magistrates impose sentences which take the conscientious motives of the protesters into account. The conditional discharges ordered by the magistrates in the cases which came before them exemplifies their sensitivity to these conventions.”

71. There are thus circumstances in which a defendant’s conscientious motivation can amount to a mitigating factor, reducing the seriousness of the offence. However, the Divisional Court has explained why that is “emphatically” not the case here: *R (Ammori) v Secretary of State for the Home Department* [2026] EWHC 292 (Admin) *per* Dame Victoria Sharp PKBD at [23]:

“The core hallmarks of civil disobedience, namely the objective of seeking a change in the law or government policy, an approach to law breaking that is characterised by restraint and acceptance of the legal consequences of their actions, are emphatically not the hallmarks of Palestine Action’s campaign. Its campaign is intended to close down the operations of a company pursuing a lawful business. The campaign has not been pursued with restraint. The wide range of targets is significant. It lays bare that Palestine Action’s campaign and pursuit of criminal damage is designed to intimidate the persons and businesses targeted so they end their commercial relationships with Elbit. Palestine Action is not engaged in any exercise of persuasion, or at least not the type of persuasion that is consistent with democratic values and the rule of law.”

72. Those observations apply to the defendants’ offence. That was not characterised by restraint, or by an acceptance of the legal consequences of their action. Section 69 applies such that the court must treat the design and purpose of the offence as an aggravating factor. It would then be incoherent to treat the defendants’ motivation as a mitigating factor. That said, the extent to which a terrorist connection aggravates the seriousness of an offence is fact sensitive. It is relevant to take into account that, when committing the offence of criminal damage, the defendants did not intend to injure any

person, and that they were motivated to prevent the death and suffering of Palestinian civilians, including children. I have done so.

**Outcome**

73. The offence of criminal damage has a terrorist connection within the meaning of section 69 of the Sentencing Act 2020.