Case No. UKSC/2026/0099

IN THE SUPREME COURT OF THE UNITED KINGDOM

ON APPEAL FROM THE COURT OF APPEAL (CIVIL DIVISION)

[2026] EWCA Civ 721

B E T W E E N:

THE KING
(on the application of HUDA AMMORI)

Appellant

- and -

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

- and -

(1) UNITED NATIONS SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WHILE COUNTERING TERRORISM
(2) LIBERTY and AMNESTY INTERNATIONAL UK
(3) ENGLISH PEN and PEN INTERNATIONAL
(4) JEWISH BLOC
(5) JEWISH LEADERSHIP COUNCIL and COMMUNITY SECURITY TRUST

Interveners

APPELLANT'S REPLY TO INTERVENERS

References:

The Appellant: "**A**"

The Secretary of State for the Home Department: "**SSHD**"

Divisional Court: "**DC**"

Court of Appeal: "**CA**"

Jewish Leadership Council and Community Security Trust: "**JLC**" and "**CST**"

Submissions filed by JLC/CST: "**JLCSubs**"

Submissions filed by the Jewish Bloc: "**JBSubs**"

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19 October 2026

A Introduction

1. A endorses the submissions of the Interveners, save those of JLC/CST. As to those, A submits, with respect, that this Court will not be assisted by the JLC/CST's submissions.

2. A rejects in the strongest possible terms the allegations that she or PA discriminates against Jewish people, or that PA was sinister and dangerous. PA was avowedly anti-racist, and included Jews amongst its prominent members and supporters.[1] JLC/CST conflate *"criticism and opposition to Zionism or the actions of the state of Israel [with] antisemitism"*.[2] As the Jewish Bloc note, *"Anti-Zionism is a protected belief which has been a part of Jewish identity since before Israel became a nation state"*;[3] it is *"harmfully misleading"* to describe PA as *"hostile and intimidatory towards Jews"*.[4]

3. Contrary to PD §4.54, JLC/CST's submissions go beyond both (**i**) the SSHD's own justification for the proscription of PA; and (**ii**) the case she has advanced in these proceedings. The SSHD has never sought to justify proscription on the basis of the protection of the rights of "*members of the Jewish community*" (*cf* JLCSubs §28); alleged discrimination against British Jews (*cf* JLCSubs §§33-37); or the "*security of the Jewish community*" (*cf* JLCSubs §§49-58). Nor has the SSHD suggested that these matters are relevant to the proportionality assessment.

HB/168 HB/169-171 HB/174-177

4. JLC/CST's attempts to expand the justification for proscription also rely upon controversial factual assertions, which A has not had the opportunity to rebut with evidence. It would be procedurally unfair for the Court to entertain them. They are, in any event, meritless.

5. Further, JLC/CST's attempts to introduce fresh evidence (by footnoting news articles from contentious sources)[5] should be rejected on the grounds that: (**i**) JLC/CST neither applied for nor obtained permission (the Court's order permits "*written submissions only*"); (**ii**) its admission, again, would be procedurally unfair to A; and (**iii**) in certain cases,[6] the fresh evidence impermissibly post-dates the DC judgment.

HB/388

B JLC/CST's approach to the legitimate aim of the proscription is wrong

6. JLC/CST submit that the legitimate aims of proscription include the protection of the rights of *"every person and institution exposed to PA's campaign – critically including members of the Jewish community*" (JLCSubs §28). That submission exceeds the justification for proscription

HB/168

1. HB/138, 143, 152, 154; 742; 825, 827; 822

2. HB/139-143, 145-147, 152.

3. HB/140, 147

[1] JBSubs §§ 1, 16, 37, 40. See e.g. Ammori 3 Exhibit HA3/2 (document from laptop of co-founder of PA): *"If you are racist […] that's not tolerated and you will be asked to leave."*; Feinstein §§8-9: *"I have been an active supporter of [PA]"*; §§17-19: "*There have been spurious claims that Palestine Action is antisemitic, or targets Jewish businesses. This could not be further from the truth […] I would never support a group that was antisemitic"*; Sayle at §4.

[2] JBSubs §2, and also §§8-10, 12, 14-15, 23-24, 37.

[3] JBSubs §8 (emphasis added), and also §§25-26.

[4] JBSubs §37.

[5] See JLCSubs at fns 3-4, 6, 10-12, 14-15, 17, 19-20.

[6] See e.g. JLCSubs at fns 23, 25-26.

4. HB/152

5. HB/161-162, 164-166, 171-173

6. HB/175-177

advanced by the SSHD, both initially and throughout these proceedings.

7. JLC/CST's submissions factually expand the claimed justification, because they are predicated upon four incidents (described as "*key PA attacks*" at JLCSubs §11),[7] none of which were assessed by the SSHD to meet the statutory definition of terrorism in s 1 TA 2000. JLC/CST's characterisation finds no basis in evidence. A has not "*downplay[ed]*" or "*misdescribe[d]*" those incidents (*cf* JLCSubs §4), but rather has addressed them squarely in her evidence.[8] In any event, some of those incidents are *sub judice* and detailed comment is inappropriate.

HB/161

HB/159

8. JLC/CST's submissions also legally expand the claimed justification, because the SSHD has never sought to justify proscription by reference to the 'legitimate aim' of protecting the rights of the Jewish community. While the SSHD's Ministerial Statement referred to the alleged impact of PA's actions on the Jewish community, the relevant incident (**i**) played no role in the SSHD's disclosed decision-making material; and (**ii**) has never been raised by the SSHD in these proceedings. This reflects the SSHD's considered assessment, as each incident upon which JLC/CST rely was known to the SSHD at the time of her decision.

HB/527

9. It is not open to the SSHD now to adopt JLC/CST's submission. To do so would be procedurally unfair (see Section E below), and wrong in law. A 'legitimate aim' relied upon will fail unless it was the one in fact "*genuinely pursued*" by the measure.[9] In *Perinçek v Switzerland* (2016) 63 EHRR 6 [GC], the Grand Chamber held that the purported aim failed because it was not one Switzerland "*had […] in mind*" when imposing the measure: §152. HB/4675

10. In any event, insofar as JLC/CST suggest that the Convention rights of members of the Jewish community at large are engaged, as the "*rights of others*" for the purposes of Articles 10(2) and 11(2), they are not, in fact, engaged:

    a. **Article 8**: The vast majority of PA's actions (including all actions alleged to meet the s 1(1) TA 2000 definition of "*terrorism*") took place at public, military or commercial buildings. These actions do not engage the Article 8 rights of the Jewish community at large, but rather, as the Jewish Bloc say, those of *"the individuals and corporate entities (whether Jewish-owned or not) who have chosen to service and provide for Israel's military industrial complex"*.[10] The

[7] The four incidents relate to: (1) JNF and BICOM (entities that, among other things, support the building of illegal settlements in Palestine); (2) the busts of Chaim Weizmann (who played a key role in the founding of Israel) at Manchester University; (3) a "*Jewish owned business in Stamford Hill*" (the landlord of Elbit's Instro Precision factory); and (4) "*a building housing a number of Jewish-owned businesses in the heart of the North Manchester Jewish Community*" (the landlords of Elbit's Bristol HQ). As to (2), a prosecution has been brought for criminal damage but it is not alleged that the damage was racially aggravated. See further A's Written Case ("**AWC**") §§100-102; JBSubs §33. 7. HB/60-61, 150-151

[8] See e.g. Ammori 3 §8. 8. HB/732

[9] *Novaya Gazeta v Russia* (App. No. 11884/22, 11 February 2025), §105. 9. HB/4499

[10] JBSubs §38a. 10. HB/153.

assertion that four incidents occurred in areas with large Jewish populations is insufficient.

b. **Article 9**: There is no basis whatsoever for the claim that PA's actions have had any impact on the Article 9 rights of the Jewish community. In particular, no actions have affected any place of worship or other religious institution.

c. **Articles 10 and 11**: JLC/CST erroneously conflate the claimed rights of specific organisations and their members to hold and express views without counter-protest with the Article 10 and 11 rights of "*members of the Jewish community*".

d. **Article 14**: JLC/CST offer no evidential basis for asserting that PA's actions occasioned any disproportionate impact on the Convention rights of members of the Jewish community (see Section D below).

11. JLC/CST argue that A "*cannot be right"* to say that the legitimate aim of proscription excludes protection of the rights of the Jewish community, due to the need to consider the rights of others when striking a fair balance.[11] But the prior question is: what objective is pursued? That cannot simply be the dissolution of PA without more, but rather the prevention of actions which fall within s 1(1) TA 2000 and which affect national security or the rights of others.[12]

C The alleged discriminatory intent and impact of PA

12. JLC/CST's submissions that PA's actions were (**i**) intentionally discriminatory, in that their *"target[s]"* were "*chosen because of [their] association with"* Jewish people;[13] and (**ii**) discriminatory in effect, because "*most British Jews […] are 'Zionist'"*, and so feel targeted by actions aimed at preventing Israel from engaging in atrocity crimes,[14] are built on three erroneous premises.

13. **First**, JLC/CST improperly seek to substantiate their claims with extensive fresh and untested evidence (see Section E below). A has already addressed allegations of antisemitism in evidence.[15] The SSHD challenged that evidence, and the courts below did not doubt it. It has never been part of the SSHD's case that PA is an antisemitic (or *"sinister"*) organisation.

14. **Second**, JLC/CST wrongly conflate direct action directed at multinational arms companies and those supporting Israel's commission of atrocity crimes, as well as at symbolically important targets, with antisemitic acts of violence directed towards British Jews.[16] JLC/CST misleadingly characterise businesses linked to multinational arms companies as "*property in Jewish neighbourhoods"*,[17] and describe the JNF and BICOM – organisations that are in fact

11. HB/170
12. HB/60-61
13. HB/169
14. HB/170-171

[11] JLCSubs §35.
[12] See AWC §§100-102.
[13] JLCSubs §33.
[14] JLCSubs §§36-37.
[15] See fn 1 above.
[16] See JLCSubs §§39-40, 49-58.
[17] JLCSubs §39.

16. HB/172, 174-177
17. HB/172

explicitly focused on Israel, not on Jewish communal aims[18] – just as *"Jewish communal charities"*.[19] JNF funds illegal settlements in the Occupied Palestinian Territories and BICOM advocates for the same. As to PA's further targets, they were also – indeed, more frequently – institutions and individuals who were not Jewish, but who were furthering the oppression of the Palestinian people, or had done so.[20] Jewish people never needed *"to demonstrate their anti-Zionist credentials to ensure they are safe*" (per JLCSubs §45); they were never PA's target. HB/173

15. **Third**, having cited CTP's assessment that PA had shifted away from 'primary' targets (i.e., particular arms companies), to 'secondary' and 'tertiary' targets (i.e., those who provided support to those arms companies, and entities "*symbolic to its wider pro-Palestinian cause*", respectively), JLC/CST speculate that PA may have gone on to target "*the communal institutions of British Jews"*.[21] There is no basis for this (with respect, scurrilous) suggestion. Likewise, JLC/CST assert that PA's "*targeting of the Jewish community*" escalated in the period before proscription.[22] The four incidents relied on (over two years) were not directed at the Jewish community and, far from evidencing escalation, represent a tiny minority of PA's actions.

D Alleged impact of (de)proscription on the security of the Jewish community

16. JLC/CST seek to connect the proscription of PA with the "*security of the Jewish community"*.[23] A acknowledges the unfortunate security challenges currently faced by the Jewish community, but there is no basis for drawing this connection.

17. **First,** the suggestion that *"the deproscription of PA could serve as a green light for violent attacks"* by *"the perpetrators of violent antisemitism"* loses sight of the legal issues in the appeal (*cf* JLCSubs §57). The question is whether it was proportionate to impose, by proscription, draconian constraints on freedom of association and speech, as opposed to enforcing existing criminal and/or civil powers, given the extraordinary consequential impact. A negative answer to that question would not render lawful or endorse violent attacks, still less antisemitic violence. HB/177

18. **Second**, and in any event, the material before the SSHD at the time of her decision drew no connection between the actions of PA and any risk to the Jewish community, and the SSHD has never advanced one. PA was proscribed solely on the basis of having engaged in "*serious damage to property*" (s.1(2)(b) TA 2000) in relation to three specific incidents.

19. **Third**, JLC/CST's assertion that "*[h]ostility to Israel and/or Zionism cannot in reality be divorced from*

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18. HB/150-151
19. HB/165
20. HB/150-151
21. HB/163, 172
22. HB/174-175
23. HB/174-177

[18] JBSubs §33. PA's press releases (in evidence before the DC) made plain the reasons for PA's actions.
[19] JLCSubs §20.
[20] E.g. the actions against Cambridge University, for its investments; ACPO Worldwide, for its lobbying activities; President Trump's Turnberry golf course; and Lord Balfour (JBSubs §33(d)).
[21] JLCSubs §§14, 39.
[22] JLCSubs §49.
[23] JLCSubs §§49-58.

that violence being manifested against British Jews" seeks to hold PA responsible for the unrelated violent acts of third parties.[24] There is no evidential foundation for the serious allegation that PA's conduct encourages antisemitic violence by others. Further, it would be contrary to long-established principle to justify a curtailment of the freedoms of expression and association of PA and its supporters on the basis of the violent acts of third parties that were not encouraged or facilitated by such expression or association.[25]

20. **Fourth**, JLC/CST impermissibly rely on incidents post-dating the DC judgment.[26]

E Procedural unfairness in expanding the case and adducing further evidence

21. It would be procedurally unfair to A for this Court to accept JLC/CST's invitation to determine this case on the broader and unevidenced basis set out in their submissions. JLC/CST seek to expand the justification for proscription factually, as well as legally, but did not seek to intervene before the DC, when it may have been possible for their wide-ranging claims to be tested by responsive evidence. JLC/CST have also sought to introduce further evidence without permission by way of footnote references to contentious internet publications, again with no opportunity for A to adduce evidence in rebuttal.

22. Further, their submissions are replete with improper allegations of the most serious kind.[27] The Court will be familiar with the evidential and pleading standards to which parties are held when advancing allegations of this kind. Those allegations should be disregarded.

23. Finally, this Court, sitting on appeal, should consider the proportionality of proscription in light of the evidence as at the time of the DC judgment,[28] just as the CA did below.[29]

F Conclusion

24. For the foregoing reasons, A respectfully submits that the Court will not be materially assisted by JLC/CST's submissions in resolving this appeal.

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24. HB/175

[24] JLCSubs §51.

[25] See, by analogy, Beatty v Gillbanks (1882) 9 QBD 308; Redmond-Bate v DPP [2000] HRLR 249 (QBD); Abdul v DPP [2011] HRLR 16 (DC).

26. HB/175

[26] JLCSubs §51.

[27] Namely, that PA and A were antisemitic and sinister; and targeted the Jewish community.

28. HB/3932; 3041.

[28] That approach is consistent with this Court's decision in Shvidler v Foreign Secretary [2026] AC 607. See Lord Leggatt's comment at §252 (agreeing with the majority on this point, emphasis added): "*We must [assess for ourselves the legality of the sanctions] by making the assessment which the judge was required to carry out in light of the evidence available when the judge's decision was made.*" See also R (AAA) v SSHD [2023] 1 WLR 4433 (SC), §15 (upholding the Court of Appeal's finding that "*on the evidence before the DC there were substantial grounds for believing that […] there were real risks of refoulement*" contrary to Article 3 ECHR (emphasis added)).

[29] Indeed, the CA expressly rejected an application by the SSHD to rely on evidence that post-dated the DC hearing.