Case No. UKSC 2026/0099

IN THE SUPREME COURT OF THE UNITED KINGDOM
ON APPEAL FROM THE COURT OF APPEAL
[2026] EWCA CIV 721

B E T W E E N :

THE KING

(on the application of HUDA AMMORI)

Appellant / Claimant

-and-

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent / Defendant

- and –

THE JEWISH BLOC & OTHERS

Intervenors

WRITTEN SUBMISSIONS ON BEHALF OF THE JEWISH BLOC

Key: 'AWC' and 'RWC' refer to the Appellant's and Respondent's written cases; [J/x] refers to paragraph numbers of the judgment of the Court of Appeal ([2026] EWCA Civ 721); [Surname 1/x] refers to paragraph numbers of witness statements; [HB/x] refers to page numbers within the Hearing Bundle. Unless otherwise indicated, emphasis is added.

A. INTRODUCTION

1. The Jewish Bloc is a diverse coalition of Jewish organisations within the UK, representing Jews who campaign for freedom and justice for the Palestinian people. Members of the Jewish Bloc have in the past supported and been involved with Palestine Action (**PA**), with a number arrested for conduct allegedly supportive of the organisation post-proscription.

2. The proscription of PA was announced against a backdrop of allegations (explicit and implicit) that it posed a threat to 'the Jewish community'. In these proceedings, the Respondent makes only passing reference to that supposed threat. However, the characterisation that PA targeted 'the Jewish community' *qua* Jewish appears likely to feature in the written submissions of other intervenors supportive of the proscription decision. That characterisation is a fundamental misrepresentation of the underlying evidence; one which starkly illustrates the very real risk of conflation between, on the one hand, criticism of and opposition to Zionism or the actions of the state of Israel and, on the other hand, antisemitism.

3. It is also striking that the proportionality assessment undertaken by the Respondent (and relied upon by the Court of Appeal (**CA**)) appears to have failed to recognise the very existence, still less the rights, of a Jewish community which – far from being threatened by PA - is deeply committed to the struggle for Palestinian rights and freedoms. This highlights the further and related risk that Jewish voices critical of the state of Israel are given insufficient weight in the proportionality analysis or are ignored altogether.

4. In this written intervention, the Jewish Bloc therefore seeks, by reference to its specific perspective, to assist the Court on two key points.

    a. **First**, the fundamental fallacy in any suggestion that PA targeted or otherwise posed a threat to 'the Jewish community' and/or that it was in any way motivated by antisemitism; and

    b. **Secondly**, the particular impact of the proscription of PA on the Article 10 and Article 11 ECHR rights of the pro-Palestinian Jewish community.

5. It is respectfully submitted that, whether the Court reviews the decision of the CA or undertakes its own proportionality determination afresh, it will be required to conduct an "*exacting analysis*"[1] of each of those matters.

[1] *Bank Mellat v HM Treasury (No.2)* [2013] UKSC 39; [2014] AC 700, at §20 **[HB/2661]**

B. THE JEWISH BLOC

(i) Introduction[2]

6. The Jewish Bloc is a coalition of Jewish and Jewish-led groups – each with its own origin, history and ethos – that formed under the pressure of events in Palestine since October 2023, to campaign for freedom and justice for the Palestinian people. It brings together eleven organisations including Na'amod, Jewish Voice for Liberation (**JVL**), Jewish Network for Palestine (**JNP**), the International Jewish Anti-Zionist Network (**IJAN**) and others, with a combined membership of several thousand. There is great diversity within the Jewish Bloc on political, generational, religious observance and many other grounds. What unites its members is their unwavering support for Palestinian liberation and self-determination, and their Jewish commitments to *Tikkun Olam* (collective healing, repair) and *Tzedek* (justice).

7. The coalition formed spontaneously among the many Jewish participants in the first of the National Marches for Palestine in October 2023, and has participated as a Bloc in each of the thirty-six National Marches which have taken place since, in order to demonstrate a Jewish presence. The number of marchers within the Jewish Bloc is always in the multiple hundreds, and has on occasions exceeded a thousand. Their purpose is to display their solidarity with the Palestinian people and to stand against the ongoing genocide.

(ii) Anti-Zionism as an expression of Jewish identity

8. Anti-Zionism is a protected belief which has been a part of Jewish identity since before Israel became a nation state. The conflation of Zionism with Judaism is much more recent, the product of "*a hundred years of propaganda that feeds off of Jewish intergenerational trauma and the lies that we are not safe unless we have our own settler colonial state*".[3] It is, axiomatically, antisemitic and discriminatory to

[2] **Ost 1**, §16-18 **[HB/871-872]**; **AO10 [HB/935-939] [HB/944-945] [HB/962-964].**
[3] **AO/10** (response of the Jewish Bloc to ELSC survey); **[HB/964]**.

assume that the entire Jewish population homogeneously holds a singular view of the state of Israel.[4]

9. Many members of the Jewish Bloc (which includes the children or grandchildren of genocide survivors) view their pro-Palestine activism as a form of expression of their Jewish life, in which standing against Zionism invokes the memory of family members who were murdered during the Holocaust and is wholly consistent with the Jewish history of militant struggle for justice. This is encapsulated by the words of Marek Edelman, the last surviving commander of the Warsaw Ghetto: "*To be a Jew means always being with the oppressed, never with the oppressors.*"

(iii) 'Mainstream' Jewish voices

10. The Jewish Bloc submits that there is a received orthodoxy of 'mainstream' British-Jewish opinion, which is given voice through establishment figures, institutions and organisations such as the Chief Rabbi, the Board of Deputies of British Jews, the Jewish Leadership Council, the Campaign against Antisemitism and others including major Jewish newspapers such as the Jewish Chronicle. This orthodoxy speaks from a Zionist perspective and seeks to paint solidarity with the Palestinian movement and/or criticism of Israel as antisemitic. Its spokespersons portray themselves as representative of all British Jews, notwithstanding that (for example) membership of the Board of Deputies is drawn almost exclusively from synagogues and therefore does not speak for the estimated half of all British Jews who do not belong to a synagogue.[5]

11. Neither the Jewish Leadership Council (**JLC**) nor the Community Security Trust (**CST**) (both intervenors in this appeal in support of the Respondent's case) have any democratic mandate; claims that either organisation can be

[4] **AO/10** (responses of Na'amod **[HB/937-939]** and the Jewish Bloc **[HB/962-964]** to ELSC survey); **Manson 1**, §34; **[HB/1305]**.
[5] Institute for Jewish Policy Research, "*Jews in the UK today*" 8 February 2024 https://www.jpr.org.uk/reports/jews-uk-today-key-findings-jpr-national-jewish-identity-survey

viewed as the voice of British Jews must therefore be viewed with very significant caution.

12. By contrast, non-Zionist and anti-Zionist Jews – and the organisations such as those which make up the Jewish Bloc – are pushed out of the so-called 'mainstream' of British-Jewish opinion, their voices marginalised and delegitimised. As Jenny Manson, co-chair of JVL, explains, "*JVL and the larger Jewish Bloc represent an important segment of the Jewish community*";[6] yet it has "*been a long-standing reality that pro-Palestinian Jewish voices are rebuffed, ignored or excluded from debates and consultations concerning the Jewish community and issues that impact us*."[7] This is why one of the central messages of the Jewish Bloc during the National Marches for Palestine has been "*not in my name*", a phrase which many members see as vital to rebut "*the common misconception, fed too often by politicians and the media that Jews wholeheartedly support Israel*".[8]

13. The Jewish Bloc fears that proscribing PA will "*continue to push anti-zionist Jews out of the so-called 'mainstream' of British-Jewish opinion, perpetuating the anti-semitic delegitimisation of antizionist British-Jewish voices, and put[ting] all Jewish communities at risk of misguided retaliation*"; and that "*the repression and proscription of Palestine Action will continue to further marginalise and discriminate [against members] as anti-zionist (and non-zionist) Jews*."[9]

14. The Jewish Bloc does not wish to make the same mistake as many of the pro-Israel Jewish organisations by claiming that it speaks for a consensus of the wider Jewish community; what it can do is present the unified views of the members of the organisations within its coalition. This is the basis on which it respectfully invites the Court to recognise that the Jewish community is not a monolith and that British Jews hold a variety of views across all the questions relating to Jewish identity and culture, to the Jewish religion, to Israel and to

[6] **Manson 1**, §24; **[HB/1303]**.
[7] **Manson 1**, §22; **[HB/1303]**.
[8] **Manson 1**, §§32-34; **[HB/1304-1305]**.
[9] **AO/10** (response of the Jewish Bloc to ELSC survey); **[HB/964]**.

Palestinian rights. The relevance of that diversity of views to the issues which arise on this appeal is addressed further below.

(iv) Allegations of antisemitism

15. One of the ways in which Israel-critical views are silenced is via false allegations of antisemitism. Most of the cases involving antisemitism complaints which are seen by the European Legal Support Centre (**ELSC**) in fact concern speech or activity which is supportive of Palestinian rights and/or critical of Israel.[10] Since the 2016 adoption by the UK government of the International Holocaust Remembrance Alliance (**IHRA**) Working Definition of Antisemitism, there is a real danger of the genuine antisemitism which Jews (increasingly) face being cynically elided with complaints about anti-Zionist speech which demonstrates no anti-Jewish hostility. Moreover, groups and individuals identifying as Jewish have themselves been smeared as antisemitic after expressing anti-Zionist views or sympathy for the Palestinian struggle for human rights.[11]

16. The sheer numbers of Jewish people who have taken part in each of the marches for Palestine belie the idea – propagated by the JLC, the CST and others – that protesting for Palestinian rights and freedoms and against genocide is inherently antisemitic or intimidating to the Jewish community. That is certainly not the view of the Jewish individuals whose evidence of their experiences within the Palestinian solidarity movement (including, specifically, past support for PA) is before the Court; see, in particular veteran anti-apartheid campaigner and former African National Congress MP Andrew Feinstein;[12] co-chair of JVL (a group of over 1000 paying members), Jenny Manson;[13] and British comedian Alexei Sayle.[14]

[10] **Ost 1**, §50; **[HB/880]**.
[11] **Ost 1**, §64; **[HB/883]**; **Beardon 1**, §19; **[HB/1356]**.
[12] **Feinstein 1**, §§8-9; **[HB/825]**; and §§17-19; **[HB/827]**.
[13] **Manson 1**, §12; **[HB/1302]** (and see also §§13-17 **[HB/1302-1303]**, describing JVL's letter to the Prime Minister and Home Secretary voicing concerns at the proscription of PA, which garnered the signatures of over 300 Jewish individuals and groups).
[14] **Sayle 1**, §4; **[HB/822]**.

C. RELEVANT LEGAL FRAMEWORK - ARTICLE 10 ECHR

17. There are four particular features of the protection afforded by Article 10 ECHR which provide important legal context for the issues raised by this appeal and the submissions which the Jewish Bloc makes in Sections D and E below.

(i) Cases involving political speech

18. The heightened protection afforded to political speech and debates on matters of public importance is well-established, with speech concerning a controversial matter of public interest in which many people share the view being expressed carrying particular weight (AWC, §§73-74 and see also, e.g., *R (Watson) v Chief Constable of Greater Manchester* [2025] EWHC 954 (Admin), at §69).

19. *Baldassi and others v France*, App. No. 15271/16 (5th section, 11 June 2020) is an illustration of the application of these principles within the context of the expression of Israel-critical views. The ECtHR held (unanimously) that there had been a violation of Article 10 ECHR arising out of the conviction of pro-Palestinian activists for the offence of inciting economic discrimination on account of their participation in an attempted boycott of products imported from Israel. It reasoned (at §78) that (i) the activists were expressing themselves on "*a subject of general interest, namely the State of Israel's compliance with public international law and the human rights situation in the occupied Palestinian territories, and were part of a contemporary debate which was ongoing in France and throughout the international community;*" and (ii) the acts and statements constituted "*a form of political and 'militant' expression*". The ECtHR recalled that "*there is little scope under Article 10 §2 ECHR for restrictions on political expression or on debate on questions of public interest*" and that, accordingly, "*[t]he need for detailed reasoning was… all the more essential in the present case*". The violation was established because the applicants' conviction was not based on "*relevant and sufficient reasons*" (§80).

20. In *Dmitriyevskiy v Russia*, App. No. 42168/06 (3rd section, 3 October 2017), the ECtHR held that there had been a violation of Article 10 ECHR when an editor-

in-chief of a regional newspaper had been convicted following the publication of statements blaming Russian authorities for the ongoing conflict in the Chechen Republic and accusing them of committing war crimes and crimes against humanity. Finding that the conviction was a disproportionate interference with Article 10 ECHR, the ECtHR observed (at §106) that "*it is an integral part of freedom of expression to seek the historical truth, and that a debate on the causes of acts of particular gravity which may amount to war crimes or crimes against humanity should be able to take place freely*". It held that in such cases (i) it was necessary, when seeking to engage the legitimate aim of protecting the rights and freedoms of others, to specify which rights and which particular individuals, groups or sector of the population required protection (§85); and (ii) that in general, the pressing social need for the Article 10 interference must be convincingly established on an acceptable assessment of the facts (§§92-94).

21. As seen through a domestic law lens, where a primary decision-maker has failed to address its mind to the existence of values or interests which are relevant under the Convention, the Court's scrutiny of the decision is "*bound to be closer*" (*Belfast City Council v Miss Behavin' Ltd* [2007] UKHL 19, [2007] 1 WLR 1420 per Lord Mance at §§46-47).

(ii) The importance of competing points of view

22. The ECtHR has also emphasised that there can be no democracy without pluralism, recognising the specific value of facilitating debate on controversial matters of public interest in a manner which ensures that competing perspectives are not supressed (*Manole and others v Moldova*, App. No. 13936/02 (4th section, 17 September 2009) at §104).

(iii) Article 10 ECHR and antisemitism

23. In *Professional Standards Authority for Health and Social Care v General Pharmaceutical Council, Ali (Interested Party)* [2024] EWHC 577 (Admin) and *Husain v Solicitors Regulatory Authority* [2025] EWHC 1170 (Admin), Chamberlain J (as he then was) considered the legitimate scope of allegations of antisemitism, analysed by reference to the protection afforded by Article 10

ECHR. In both judgments, the following relevant principles emerge, which are in line with those underpinning the Strasbourg jurisprudence considered above:

a. Antisemitism is hatred or hostility towards Jews as a racial and/or religious group. That hatred or hostility can be manifested in different ways, including through stereotypical allegations and conspiracy theories (*Ali*, §57);

b. The line between antisemitism and legitimate opposition to political Zionism can in some case be difficult to draw with confidence and accuracy; a careful and contextual analysis of what is being said is required, recognising for the purposes of Article 10 that the use of the term "*Zionist*" and criticism of "*Zionists*" does not necessarily reflect underlying antisemitic attitudes (*Ali*, §59);

c. Particular care is required before a conclusion is reached that speech which is critical of the historic or contemporary conduct of the State of Israel is antisemitic, as such speech attracts the highest level of protection under Article 10 (*Husain*, §102). Similarly (*Ali*, §62):

"*Accusations of antisemitism can be used to malign and discredit those engaging in legitimate criticism of the policy and conduct of the state of Israel and thereby to suppress such criticism. Foreign policy decisions by the United Kingdom and other governments may affect that policy. In a liberal democracy such as ours, there is a strong public interest in allowing such decisions to be informed by criticisms of Israel and the responses to those criticisms. To that end, legal frameworks, whether in the criminal or in the regulatory sphere, must be interpreted and applied so as to avoid the 'chilling' of legitimate political speech, which attracts the highest level of protection under Article 10 ECHR, as given effect in this jurisdiction by the [Human Rights Act 1998]...*"

d. Caution is also required when considering speech that is said to "*deny the Jewish people their right to self-determination*"; it is not necessarily antisemitic

to criticise the founding circumstances or principles of the State of Israel; there is "*no good reason*" to regard the proponents of a "*one-state solution*" as "*automatically or even presumptively antisemitic*" (*Husain*, §104); it is not "*axiomatically antisemitic*" to claim that existence of a state of Israel is a racist endeavour (*Husain*, §105); and similarly, to claim that Israel is an "*apartheid State*", whilst liable to offend many Jews, also lies in principle within the area protected by Article 10 (*Husain*, §106).

24. More recently, anti-Zionism has been held by the Employment Appeal Tribunal to fall within the scope of a philosophical belief as protected by section 10 of the Equality Act 2010 (*University of Bristol v Miller* [2026] EAT 84, 4 August 2026).

(iv) Jewish pro-Palestine activism and Article 10 ECHR

25. As explained at §§8-9 above, for many members of the Jewish community, the expression of anti-Zionism and Palestinian solidarity is an essential expression of their Jewish identity (whether religious or secular) and life. For that reason, whilst their freedom to express those views (in speech and action) engages Article 10 ECHR, there is a close and obvious link with their freedom of thought, conscience and religion, as protected by Article 9 ECHR. In cases where the expression concerns, by its nature, a matter falling within the scope of Article 9, the lawfulness of any interference may be assessed within the framework provided by Article 10, as informed by the principles emerging from the caselaw on Article 9 (*Ibragim Ibragimov and others v Russia*, App. Nos. 1413/08 and 28621/11, (3rd section, 28 August 2018), §78).[15]

26. For present purposes, a key aspect of Article 9 ECHR which informs the analysis of Article 10 ECHR is the protection provided for "*manifestations*" of a religion or belief. Such a "*manifestation*" will be protected by Article 9(1) if there is a sufficiently close and direct nexus between the act and the underlying

[15] The scope of Article 9 ECHR is well-established; it concerns freedom of religion but also extends to thought and conscience; in its religious dimension, it is one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned: *Ibragimov,* §§88-89. See also the ECtHR's summary of the relevant principles where the analysis of Article 10 ECHR is to be informed by the principles relevant to Article 9 ECHR at §§91-99.

belief; it matters not whether the act was mandated by the religion (or belief) in question (*Eweida v United Kingdom* (2013) 57 EHRR 8, §82). It follows that, where the expression by an individual of Palestinian solidarity and/or anti-Zionism forms an integral part of their Jewish identity, it is capable of constituting a *"manifestation"* of a religion or belief for the purposes of Article 9.

D. SUBMISSION ONE: PROTECTING THE RIGHTS AND FREEDOMS OF OTHERS

27. The CA held in relation to the first stage of the *Bank Mellat* analysis that the legitimate aims pursued by the proscription decision were "*the protection of the rights and freedoms of others and the interests of national security*", each of which is identified in Article 10(2) ECHR and Article 11(2) ECHR and is a sufficiently important objective to justify a limitation of Article 10 and Article 11 rights in some circumstances [J/119-120].

28. As addressed in Section C(i) above, when the state invokes the legitimate aim of protecting the rights and freedoms of others, it is necessary to specify which particular individuals, groups or sector of the population are said to require protection. The importance of establishing the grounds of justification is *a fortiori* where – as here – political expression is at stake, involving debate on a subject of general interest and concerning genocide, war crimes and crimes against humanity, (*Baldassi*, *Dmitriyevskiy (supra)*).

29. The CA held that the "*others*" requiring protection included at [J/122] "*corporations and individuals likely to be the victims of [PA's] future attacks*"; and at [J/181] it invoked the "*consequences of non-proscription on… the interests of the community*". It did not explicitly address which individuals, and which community, were said to require protection.

30. However, the 'expert' assessments annexed to the Ministerial Submission of 26 March 2025 (**March MinSub**) are replete with misleading and recycled allegations that PA's targets included "*Jewish businesses*" with no links to Israel, thereby portraying PA's actions through the lens of antisemitism:

a. Annex 1 to the Counter Terrorism Policing (**CTP**) General Report on PA (**CTP Report**) alleged "*multiple incidents of criminal damage against Jewish businesses, as well as buildings believed to be connected to Israel such as Elbit Systems UK and Barclays Bank*";[16]

b. The JTAC Proscription Assessment of 7 March 2025 contended that PA's targets had included some "*not linked to the Israeli defence trade*" but "*considered symbolic to its wider pro-Palestinian cause*", including "*universities, charities and lobby firms. Tactics included paint damage and vandalism at locations in London, which were investigated by the Metropolitan Police as hate crimes against the Jewish community*". This was accompanied by a photograph of red paint on a building with the caption: "*Vandalism conducted by [PA] at the headquarters of the Jewish National Fund in London*."[17] The JTAC cited an article published on 3 November 2024 by '*My London News*' under the headline '*Palestine Action Group Claim Vandalism on Jewish-owned Properties in North London*', referring to the red paint thrown on the Jewish National Fund (**JNF**) and a similar action at the Britain Israel Communications and Research Centre (**BICOM**);[18]

c. Annex 1 to the CTP Report contended that PA's actions are to be viewed as part of a dramatic increase in (undefined) "*anti-Semitic incidents*" since October 2023, citing statistics provided by the CST to the BBC;[19]

d. At a meeting of the Proscription Review Group on 13 March 2025, the JTAC drew attention to its assessment that PA targeted Jewish organisations which it viewed as symbolic to the wider pro-Palestinian cause.[20]

31. The allegation that PA's targets included Jewish organisations *qua* Jewish appears to have fed into the case for proscription at the time the decision was

[16] **OPEN Annex C**, **[HB/2005]**.
[17] **OPEN Annex B**, **[HB/1917]**.
[18] **OPEN Annex B**, **[HB/1921]**; https://www.mylondon.news/news/north-london-news/palestine-action-group-claim-vandalism-30286898
[19] **OPEN Annex C**, **[HB/2005]**.
[20] **OPEN Annex H**, **[HB/1958]**. The OPEN gist of the meeting record omits some of the relevant wording, but the context makes clear that the phrase used (drawn from the JTAC's proscription assessment) was "*wider pro-Palestinian cause*".

made. Notably, the Ministerial Statement of 23 June 2025 referred to "*an attack against a Jewish-owned business in North London*" that was characterised as "*clearly intimidatory and unacceptable*". This language was plainly intended to convey that a business in North London had been targeted <u>because</u> it was Jewish-owned and that PA's activities intimidated the Jewish community.

32. The Jewish Bloc notes that, by contrast, the Respondent's OPEN pleadings and submissions in these proceedings disclose no little reluctance to rely on the notion of PA targeting businesses <u>as</u> Jewish (and rightly so, for all the reasons addressed below); the Respondent's written case makes no more than a passing allusion to that earlier assessment.[21] Nonetheless, in circumstances where it is anticipated that the JLC and the CTL may seek to portray PA as posing an antisemitic threat to 'the Jewish community' in their written intervention in these proceedings, it is necessary for the Jewish Bloc to address the allegations which fed into the March MinSub and the Ministerial Statement.

33. The framing of PA as an organisation which threatened and intimidated 'the Jewish Community' is demonstrably false and a deliberate elision. The evidence instead shows that it targeted entities, organisations and institutions with an established link to Israel's illegal activities against the Palestinian people.[22] They were not selected for being "*Jewish-owned*" (indeed not all were), but rather for being complicit in servicing and providing for the Israeli war machine. Hence the lack of any evidence that charges for "*hate crimes*" resulted. Specifically:

    a. The "*Jewish-owned business*" singled out for emphasis in the proscription decision was in fact the registered address of Discovery Park, the corporate landlord for Elbit System's subsidiary Instro-Precision.[23]

[21] RWC, §54(a); footnotes 14-15; **[HB/94]**.
[22] **Feinstein 1**, §§12-13; **[HB/825-826]** and §§17-18; **[HB/827]**.
[23] **Feinstein 1**, §18; **[HB/827]** and **AF/10 [HB/860]**, **AF/11 [HB/863]**, **AF/12 [HB/866].**

b. The JNF is an explicitly Israeli-focused charity. It has funded the building of illegal settlements in Palestine as well as infrastructure for the Israeli military (the latter leading to Canada revoking its charitable status).[24]

c. BICOM has been described as "*Britain's most active pro-Israeli lobbying organisation*".[25] It is "*probably the most important pro-Israel grouping in the UK… [which] works behind the scenes to cultivate elite opinion on Israel*".[26]

d. The targeting of the bust of Chaim Weizmann was, self-evidently, not because he was Jewish but because of his role in the foundation of the state of Israel[27] (it is of note that another action targeted a portrait of Lord Balfour[28] – who was not Jewish; indeed he is widely seen as espousing antisemitism – on precisely the same basis).[29]

34. Another document which underpinned the March MinSub was the Community Impact Assessment (Annex F) (**CIA**), which further fuelled the harmful and false narrative that the interests of the Palestinian solidarity movement were inherently at odds with those of Jewish communities by: identifying "*pro-Jewish*" (or, on one occasion, "*pro-Jewish/pro-Israeli*") as the counterpoint to "*pro-Palestinian*"[30] and, generally, equating being Jewish with support for Israel;[31] claiming that many British Jewish people would be likely to view PA "*as part of a movement hostile to Israel that may legitimise or promote antisemitic views and activities*";[32] failing to include the Jewish Bloc (or any of its constituent members) within a list of "*the coalition organisations behind high-profile pro-Palestinian marches*";[33] and failing to even acknowledge the existence of a Jewish community supportive of Palestinian rights.

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[24] **Ammori 3**, §8; **[HB/733]**.
[25] **Ammori 2**, §§41-42; **[HB/689]**.
[26] Ibid.; **HA/10.**
[27] President of the World Zionist Organization from 1921-1931 and 1935-1946 and first President of Israel
[28] Author of the Balfour Declaration of 1917
[29] **OPEN Annex F**, **[HB/1948]**; **Ammori 3**, §8; **[HB/733]**.
[30] **OPEN Annex F**, **[HB/1941], [HB/1946**].
[31] Ibid., **[HB/1944]**, **[HB/1948]**.
[32] Ibid., **[HB/1942]**, **[HB/1948]**.
[33] Ibid., **[HB/1944].**

35. Drawing on the CIA, the March MinSub[34] stated at §40: "*While the British Jewish community is expected to 'welcome' a decision to proscribe[,] some in the community may be concerned that proscription will fuel further hostility towards British Jews...*".[35]

36. Following the Ministerial Statement, a number of Jewish organisations supportive of proscription published sought to reinforce and amplify the Respondent's message that PA posed a threat to Jewish communities and that its proscription was necessary in order to keep those communities safe. We Believe in Israel claimed "*victory*" for its "*advocacy*" leading up to the proscription decision, presenting PA's activities as "*a sustained campaign of ideological intimidation targeting British Jews and civil society*".[36] Similar allegations of antisemitism featured in public statements made by other organisations which purport to (but do not) speak for 'the Jewish community' in the UK.[37]

37. The characterisation of PA's activities as hostile and intimidatory towards Jews is unjustified on the evidence and harmfully misleading. It wrongly presents the UK's Jewish community as (i) monolithic and (ii) united in pro-Israel/anti-Palestine sentiment; it promotes polarisation; it portrays criticism of Israel and/Zionism as antisemitism; it is, itself, antisemitic by virtue of its conflation of Jews with the state of Israel; and it erases the views of the significant proportion within the UK's Jewish community who are non-Zionist, anti-Zionist or otherwise supportive of the Palestine solidarity movement (as addressed at Section B above).

38. The Jewish Bloc submits that the grave failings in the evidence and analysis underpinning this aspect of the Respondent's proscription decision are liable to impact the proportionality issue which arises on this appeal, in the following ways.

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[34] Ibid., **[HB/1944]**, footnote 7.
[35] **March MinSub**, **[HB/1901]**.
[36] **HA/11A [HB/723], HA/11B [HB/726]**.
[37] See, for example: the statement published jointly by the Board of Deputies and the Jewish Leadership Council on 13 February 2026 https://bod.org.uk/bod-news/jewish-community-leaders-deeply-concerned-by-high-court-decision-on-palestine-action/

a. **First**, the first stage of the *Bank Mellat* test requires an identification of whose rights and freedoms could be said to require protection from the activities of PA, as a precursor to the balancing exercise to be conducted under the fourth stage. On a proper analysis, the relevant cohort whose rights and freedoms are to be taken into account are not those of 'the Jewish community' at large, but rather the individuals and corporate entities (whether Jewish-owned or not) which have chosen to service and provide for Israel's military industrial complex. That is, axiomatically, both a narrow cohort and one which self-selects by virtue of its choice of activities (rather than being defined on ethnic or religious grounds); factors which materially limit the weight to be afforded its rights and freedoms under stage four of the *Bank Mellat* test.

b. **Secondly**, any analysis which treats 'the Jewish community' as a monolith that can be presumed to be pro-Israel necessarily fails to have regard to the distinct impact of proscription on the Article 10 and 11 ECHR rights of the pro-Palestinian Jewish community. As developed in Section E below, this is a significant omission which materially undermines the Respondent's (and the CA's) proportionality assessment.

c. **Thirdly**, the extent of the margin of appreciation which is to be afforded the case for proscription is directly impacted by the serious weaknesses and errors in the 'expert' assessments upon which it rested. Put another way, so flawed was the primary decision-maker's analysis of the balance of rights and interests (as recorded in the March MinSub and annexes) that (per *Miss Behavin' Ltd*) very close scrutiny of that analysis would now be required, should the Respondent or any intervenor seek to invoke it.

E. SUBMISSION TWO: ARTICLE 10 & 11 RIGHTS OF THE PRO-PALESTINE JEWISH COMMUNITY

39. At [J/153-154], the CA noted the importance of understanding *"the cohort of people whose Article 10 and 11 rights weigh in the balance"*. Its approach to doing so, however, was broad brush. It identified two groups of affected people: first, those who wish to express pro-Palestinian views but may be deterred from

doing so by the "*chilling effect*" of proscription; and secondly, those who might wish to express support for PA "*as an organisation, separately from supporting its aims.*" In regard to the former, the CA emphasised that as a matter of law, the proscription of PA "*will not prevent public expressions of support for the Palestinian cause or opposition to Israel and to the Israeli Defence Force, or demonstrations targeted at Elbit.*"

40. This analysis overlooked the specific impact on anti-Zionist and non-Zionist Jews of the "*chilling effect*"; like the assessments underpinning the proscription decision, it appears to have proceeded on the flawed premise that the Jewish community is a pro-Israel monolith supportive of the proscription of PA. Such an approach excludes from the analysis under Articles 10 and Article 11 ECHR the significant proportion of the Jewish community which (i) opposes the proscription; (ii) rejects the suggestion that PA poses a risk to the Jewish community; (iii) disputes any suggestion that PA is an antisemitic organisation; and (iv) is critical of Israel and supportive of the rights of the Palestinian people. On a proper analysis, this section of the Jewish community has their rights (under Articles 10 and 11 ECHR) curtailed by the proscription, rather than protected by it (under the banner of the "*rights and freedoms of others*" used to justify the interference).

41. The legal framework considered in Section C above shapes the "*exacting analysis*" to be undertaken (per *Bank Mellat*) as regards the severity of the interference with the Article 10 and Article 11 rights of those who the Jewish Bloc represents. The following points deserve particular emphasis.

42. **First**, the Court must treat with extreme caution claims that speech and other forms of expression are antisemitic when, on a proper analysis, they constitute political opinion which is critical of the actions of the State of Israel (*Ali*, §§60-62; *Hussain*, §100-102).

43. **Secondly**, the specific political opinions being expressed concern criticism of particularly grave conduct by Israel (including the commission of genocide,

crimes against humanity and war crimes) in the context of a debate which seeks to uncover both "*the historical [and current] truth*" (*Dmitriyevskiv*, §106).

44. **Thirdly**, protection is required for a plurality of perspectives on matters of general public concern, including competing perspectives on the actions of the state of Israel and on Palestinian rights (*Manole*, §104; *Husain*, §§100-109).

45. Giving effect to this principle, it is of specific importance not to treat the Jewish community as a pro-Israel monolith and thereby erase the dissent of anti-Zionist and non-Zionist Jews.

46. It is likewise necessary to recognise in any analysis of the curtailment of their rights under Articles 10 and 11 ECHR the current marginalisation of pro-Palestinian voices within the Jewish community. As noted at §§10-14 above, there is a received orthodoxy of 'mainstream' British-Jewish opinion, which perpetuates the erroneous (and antisemitic) assumption that the entire Jewish population homogenously supports the state of Israel. In consequence, pro-Palestinian Jewish voices are already "*rebuffed, ignored or excluded from debates and consultations concerning the Jewish community and issues that impact [it]*".[38] The further interference with their Article 10 and 11 ECHR rights resulting from the proscription of PA has to be considered in the light of these existing forms of stigmatization and delegitimization which they face when seeking to exercise their freedom of expression and freedom of assembly in support of Palestinian rights.

47. It follows that the British Jews represented by the Jewish Bloc are at particular and acute risk of their Article 10 and 11 rights being disproportionately restricted, because of the combined effect of the proscription itself, together with the existing marginalisation of non-Zionist and anti-Zionist Jewish opinion in favour of the amplified 'mainstream' views described above. In other words, the direct and indirect impact of the proscription puts this section

[38] **Manson 1**, §22; **[HB/1303]**.

of the British Jewish community at risk of being doubly silenced and disadvantaged.

48. **Fourthly**, the expression of anti-Zionism, criticism of the state of Israel and Palestinian solidarity by Jewish voices is not only political speech on a contentious matter of public concern, but is also (in many cases) a protected "*manifestation*" of a religion or belief which (per §§8-9 above) is considered by many Jews to be an integral part of their Jewish identity and a form of expression of their Jewish life (applying *Ibragimov*, at §78; *Eweida*, at §82). Interference with a form of expression so intrinsically bound up with many Jews' identity, religion or beliefs, is axiomatically severe.

49. **Fifthly**, the grave concerns of the Jewish Bloc that proscription may discourage its members' participation in pro-Palestinian organising, which would in turn limit the effectiveness of the group's activities and reach, is far from speculative. For example:

    a. Na'amod – which utilises various kinds of non-violent direct action tactics as a core part of its aims and strategy – identifies "*serious concerns that proscribing [PA] sets a draconian precedent*", that it "*may discourage individuals from participating in Na'amod events and actions*", that it will "*create greater license (sic) for the state and media to unfairly quash such direct-action tactics*", notwithstanding that protest is "*by its nature is meant to be, within reason, disruptive*". It also highlighted the risk that labelling a protest group as 'terrorist' will lead to public and media backlash against wider expressions of support for a people undergoing genocide as 'extremist' (the likely deterrent effect of which on supporter engagement is submitted to be obvious).[39]

    b. IJAN identifies the risk of arrests and terrorism charges for its members' "*continued vocal support for direct action against genocide*", echoing Na'amod's

[39] **AO/10**, Na'amod response to ELSC survey; **[HB/938-939]**.

concern as to the chilling effect specifically on other forms of direct action protest in the pro-Palestine context.[40]

c. The Jewish Bloc itself also highlights the risk that members' freedom of expression as manifested through direct action (such as banner drops and disrupting public events) will be indirectly curtailed by the proscription of PA. Even for those who do not currently engage in direct action, the silencing effect on the willingness of individuals and the ability of organisations to argue for Palestine "*is likely to be intense*", due to the fear that characterising Israeli actions as war crimes and genocide will be construed as an expression of support for PA.[41]

50. **Sixthly**, the effect of chilling the freedom of expression of the Jewish Bloc's members would undermine a significant aspect of the pro-Palestine movement's strength and effectiveness, namely its inclusivity, and specifically that – far from being motivated by antisemitism – it welcomes large numbers of Jewish supporters. That too is a factor to be taken into account in assessing the severity of the interference of proscribing PA with the Article 10 and 11 ECHR rights of those affected.

51. The Jewish Bloc submits that the particular impacts of proscription on its members – a significant cohort within the Jewish community – should be afforded real weight in the Court's overall assessment of the nature, scope and severity of the interference with the Article 10 and 11 ECHR rights of those affected by the proscription.

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14 October 2026

[40] **AO/10**, IJAN response to ELSC survey **[HB/936-937]**.
[41] **AO/10**. Jewish Bloc response to ELSC survey **[HB/963-964]**