Appeal no.: UKSC/2026/0099

IN THE SUPREME COURT OF THE UNITED KINGDOM

ON APPEAL FROM HIS MAJESTY'S COURT OF APPEAL (CIVIL DIVISION) (ENGLAND AND WALES)
LADY CARR CJ, SIR GEOFFREY VOS MR, LORD JUSTICE EDIS (VICE PRESIDENT OF THE COURT OF APPEAL (CRIMINAL DIVISION)), LORD JUSTICE LEWIS & LADY JUSTICE WHIPPLE
[2026] EWCA Civ 721

B E T W E E N :

THE KING
(on the application of HUDA AMMORI)
Claimant/Respondent below/Appellant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT
Defendant/Appellant below/Respondent

-and-

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

SECRETARY OF STATE'S RESPONSE TO INTERVENERS' WRITTEN SUBMISSIONS

References and definitions are as in the Secretary of State's Open Written Case dated 7 October 2026 ("**RWC**"). The Secretary of State maintains reliance on her Written Case, alongside which this Response is to be read.

References to the Written Submissions of the five Interveners respectively are as follows: (1) "**UNSRS, §#**"; (2) "**AILS, §#**"; (3) "**JCOS, §#**"; (4) "**JBS, §#**"; and (5) "**PENS, §#**".

Unless otherwise stated, emphasis in quotations is added.

1. On 14 October 2026, the five Interveners filed Written Submissions in respect of the appeal.[1] This Response addresses all five interventions.

I. THE PROPER SCOPE OF THE INTERVENTIONS

2. The proper scope of an intervener's case is as follows:
   a. By Supreme Court Practice Direction 5, §5.13: "*An intervener's case must supplement rather than repeat the submissions of the party whose case it is supporting".* In *E v Chief Constable of the Royal Ulster Constabulary* [2009] 1 AC 356 at §3, Lord Hoffmann held: "*An intervention is … of no assistance if it merely repeats points which the appellant or respondent has already made. An intervener will have had sight of their printed cases and, if it has nothing to add, should not add anything. It is not the role of an intervener to be an additional counsel for one of the parties."*
   b. Practice Direction 4, §4.54, further provides that interveners "*should avoid repeating material that is in the parties' written cases. They should not challenge findings of fact. They should not ordinarily seek to introduce new evidence … They should not introduce new legal issues or seek to expand the case*."
   c. An intervener's case should not extend beyond the scope of the grant of permission to appeal: see *Re Dillon* [2026] 2 WLR 932 at §237. Practice Direction 5, §5.13 provides: "*The intervener's case must also not invite the Court to consider or determine issues which are not going to be raised by one of the parties at the hearing. If the relevant party wishes to abandon a point, it is not open to an intervener to keep that point within the appeal*."

3. The grant of permission to appeal to the Appellant was narrow. The only permitted ground was: "*Is the proscription of Palestine Action pursuant to s.3 TA 2000 compatible with Articles 10 and 11 ECHR?*" In support of that single ground of appeal, the Appellant's AWC relies again on the very considerable volume of evidence adduced by her before the lower courts, which she summarised at AWC, §9 as being from "*leading academics; civil society organisations …; leading local and international cultural figures …; journalists ..; numerous members of Parliament …; leading members of the Palestinian community …, as well as diverse religious groups including Muslim, Jewish, Quaker and other Christian groups.*" That evidence included statements by representatives of a number of the

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[1] The only interveners in the Divisional Court and the Court of Appeal were the UN Special Rapporteur ("**UNSR**"), Amnesty International UK ("**AI**") and Liberty.

interveners before this Court, including: (i) Sacha Deshmukh (Chief Executive Officer of AI); (ii) Sam Grant (Director of External Relations at Liberty); and (iii) Jenny Manson (co-chair of Jewish Voice for Liberation, which forms part of the Jewish Bloc: see JB, §6).

II. THE INTERVENERS' CASES

4. **UNSR**: The UNSR's case is substantially duplicative of the Appellant's submissions, save that he:

   a. alleges breach of the "*prescribed by law*" requirement in arts.10 and 11 at UNSRS, §§17-18. This submission impermissibly extends beyond the Appellant's case (e.g. at AWC, §79). Paragraph 2 above is repeated; and HB/52

   b. adopts evidence of three Special Rapporteurs (including himself) at UNSRS, §§28 and 44-48. Their evidence alleged, *inter alia*, that "*the definition of terrorism in UK law is overbroad relative to best practice international standards*". The permitted ground of appeal does not include a challenge to the nature, structure or terms of the primary legislation, pursuant to which the Secretary of State made the Decision. The scope of the appeal cannot be expanded by the UNSR.

HB/328 5. In any event, at DC Judgment, §§141-142, no weight was attached to the latter submissions. The Divisional Court doubted the UNSR's assertion of a "*consensus*" in international law to the effect that the actions of PA assessed as amounting to terrorism within the definition at s.1(1) TA 2000 did not in fact amount to terrorism, citing the Supreme Court's contrary conclusions in *R v Gul (Mohammed)* [2014] AC 1260 at §§44-51. The Divisional Court further observed that "*any such consensus cannot permit either disregard of or derogation from an English statute save to the extent permitted by statute*". CA Judgment, §§109-112 is to like effect. The Secretary of State adopts the lower Courts' reasoning. HB/3632 HB/263

6. **AI and Liberty**: Regarding AI and Liberty's submissions on the statutory scheme: (i) paragraphs 4.b and 5 above are repeated as to the submissions on "*core international standards relating to terrorism*" at AILS, §4.b and ft.4; and (ii) the need for a Convention-compliant application of the Secretary of State's proscription power is not in dispute (c.f. AILS, §§4-10).

HB/263 7. At CA Judgment, §108, AI and Liberty's submissions on the margin due to the Secretary of State were properly rejected. AI and Liberty's latest submissions on margin at AILS,

HB/55 §10, are repetitive of AWC, §§89-92, and should be rejected for the reasons set out in the
HB/101 RWC, including at §§65-69.

8. AI and Liberty's unfortunately formulated submission that the Secretary of State "*us[ed] the sledgehammer of an anti-terrorism power to crack the nut of a direct-action protest group*" (AILS, §18) is substantially repetitive of the AWC submissions alleging lack of proportionality. In particular and further to paragraph 3 above, the Appellant's submissions on the impact of the Decision referred to "*extensive evidence from civil society organisations including from Amnesty International UK and Liberty, of the chilling effect of the proscription decision which has inhibited their members 'from campaigning against the fact of proscription*'", *and has exposed them to 'risks […] if they were to campaign,*
HB/43 *generally, against the use of the power to proscribe*'" (AWC, §56). The repetition of the substance of that evidence in the AILS adds nothing material to the AWC.

9. **Community Security Trust and Jewish Leadership Council ("JCOs")**: In contrast to the other interveners' submissions, the substance of JCOs' account was neither in evidence before the lower Courts nor is it duplicative of submissions made to date in the proceedings. Should the Court undertake a fresh proportionality assessment, the substance of the JCOS falls to be taken into account as supportive of the proportionality of the Decision in two principal respects:
   a. First, JCOS, §§11-21, expands upon references to attacks on "*tertiary targets*" in the CTP Report (*"… PA have expanded their targets to any business whom they believe are involved in the arms trade to Israel, as well as secondary and tertiary businesses connected to their primary targets"*) and the NPoCC Briefings of September and December 2024. The JCOs address both (i) the widening of PA's targets and intimidatory conduct from November 2024 to May 2025 to include attacks on, *inter alia,* "*Jewish communal charities*", "*Jewish owned-businesses*", and "*institutions connected with Israel generally, [and] to the symbols of Zionism*", and (ii) the failure of PA and the Appellant to disavow the same (JCOS, §§19, 26-27). In that context, the rights and interests of members of the Jewish community should be accorded significant weight under arts.10(2) and 11(2) (JCOS, §§28-47) and should not be reduced on account of there being differing political views within the Jewish community (c.f. JBS, §§37-38).

b. Secondly, the current threat to the Jewish community from violence and terrorism is summarised at JCOS, §§51-54. When considering the proportionality of the interference with freedom of expression resulting from s.12(1A) TA 2000 in *R v ABJ* [2026] 2 WLR 542 at §103, the Supreme Court held: "*It is also clearly established that there is a real risk of terrorist attacks in the United Kingdom and elsewhere carried out by individuals who have been encouraged by the words of others. … The gravity of the threat is also demonstrated by … more recent examples such as the attack on the Heaton Park synagogue, …the 7 October 2023 attacks by Hamas, … and the Bondi Beach attack … Against that background, there is clearly a strong public interest in preventing the spread of terrorist ideology through propaganda or public encouragement.*" JCOs' additional examples of recent attacks on e.g. synagogues and ambulances of a Jewish charity in Golders Green similarly weigh materially in support of the proportionality of the Decision.

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10. **Jewish Bloc**: JB's case is substantially repetitive of evidence already relied on by the Appellant. Evidence from a senior member of the Jewish Bloc was before the Divisional Court and the Court of Appeal: see paragraph 3 above. Also, the First Witness Statement of Anna Ost of the European Legal Support Centre dated 17 June 2025 collated contributions from 40 organisations of their "*perspectives on the proscription of Palestine Action*", including other members of the Jewish Bloc (e.g. Jewish Network for Palestine, Na'amod, and the International Jewish Antizionist Network; see JBS, §§6, 15 and 49). In this appeal, the Appellant maintains her reliance on that evidence (e.g. at AWC, ft.23).

11. The assertion at e.g. JBS, §§3 and 34, that the diversity of views in British Jewish communities - including those "*committed to the struggle for Palestinian rights and freedoms"* - was not contemporaneously recognised by the Secretary of State is untenable. The Secretary of State did not regard the UK's Jewish community as "*a pro-Israel monolith*" (JBS, §§37, 38.b, 40 and 45). Rather, the diversity of Jewish views was before the Secretary of State: e.g. (i) the March MinSub, §39, expressly addressed the position of "*those aligned with the pro-Palestinian cause"* (of which the JB is an example); and (ii) the Community Impact Assessment dated 6 March 2025 stated: "*Both RICU and MHCLG assess that many British Jewish people are likely to view PAG negatively, seeing it as part of a movement hostile to Israel that may legitimate or promote antisemitic views and activities. However, these teams expect opinions to be mixed. … These campaigns indicate*

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a movement within the British Jewish community in support of proscription, though not necessarily consensus".

HB/316 12. DC Judgment, §98, records that the Appellant did not pursue an art.9 challenge. To the extent JB seeks to introduce one, it is not open to them to do so, e.g. JBS, §§25-26 & 48.

13. **English PEN and PEN International (together "PEN")**: PEN's submissions are substantially duplicative of the Appellant's submissions. Further:

a. PENS, §2, clarifies that its submissions concern "*the Constituency*" of those whose expression is about PA and whose rights, PEN asserts, were "*left out*" of the Court of Appeal's analysis: see also PENS, Section IV. It is untenable to suggest that the Constituency was left out of account: see e.g. DC Judgment, §§123 and 135, adopted and "*emphasise[d]*" at CA Judgment, §152.

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b. The evidence relied on at PENS, Section II(c) and §40, was relied on by the Appellant before the lower courts. In that context, it is noted that PEN were refused permission to intervene by order of Chamberlain J dated 13 October 2025 on the basis that: (i) "*the claimant has already filed extensive evidence, including from artists, writers and journalists. Her arguments already fully address the impact of proscription on the Article 10 and 11 rights of these groups*"; and (ii) "*the claimant's large and experienced legal team, together with those of the existing interveners, are well-placed to assist the court*" on common law considerations, to the extent that they arose at all in respect of a Convention challenge. The substance of Chamberlain J's reasons apply with equal force to the substance of PEN's Case before this Court. PENS adds nothing material to the AWC.

c. PENS, §§31-34, describe the comparative and international freedom of speech context. Such matters are not relevant to the permitted ground of appeal.

SIR JAMES EADIE KC **DAVID BLUNDELL KC** **BEN WATSON KC**
NAOMI PARSONS **STEPHEN KOSMIN** **KARL LAIRD**

19 October 2026

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