Case No. UKSC 2026/0099

IN THE SUPREME COURT OF THE UNITED KINGDOM
ON APPEAL FROM THE COURT OF APPEAL OF ENGLAND AND WALES
[2026] EWCA Civ 721

BETWEEN:

THE KING
(on the application of HUDA AMMORI)

Appellant/Claimant

- and -

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent/Defendant

AGREED STATEMENT OF FACTS AND ISSUES

A. FACTUAL BACKGROUND

1. The appeal concerns the decision of the Respondent (the "**SSHD**") to proscribe Palestine Action ("**PA**") pursuant to s.3 of the Terrorism Act 2000 ("**TA 2000**") (the "**Decision**"). PA was co-founded by the Appellant. The Appellant describes PA as a "*direct action protest group*" (a characterisation which is in dispute between the parties) and identifies its primary aim as being to "*take direct action against Israel's arms trade in Britain and to stop the complicity of corporate actors in atrocity crimes*". The primary (but not sole) target of PA's activities was Elbit UK, the UK subsidiary of an Israel-based weapons manufacturer.

2. As far as the SSHD's OPEN disclosure reveals, proscription was first discussed on 19 April 2023 between the Policing Minister, the Chief Constable of Staffordshire Police, and representatives of the National Police Coordination Centre, the Home Office, Thales SA and Elbit Systems.

3. Between June and December 2024, Counter Terrorism Policing ("**CTP**") and the National Police Co-ordination Centre each produced briefings addressing the justifications for and consequences of proscribing PA.

4. On 7 March 2025, the Joint Terrorism Analysis Centre ("**JTAC**") assessed that PA was an organisation "*concerned in terrorism*" for the purposes of s.3 TA 2000 on the basis of the "*serious damage to property*" limb of the definition of terrorism in s.1 TA 2000. Thus, JTAC assessed that the events which took place at the following locations resulted in serious damage to property amounting to acts of terrorism within the meaning of s.1 TA 2000:

   4.1. The premises of Thales SA in Glasgow on 1 June 2022;

   4.2. The premises of Instro Precision in Kent on 17 June 2024; and

   4.3. The premises of Elbit Systems in Bristol on 6 August 2024.

5. At a meeting on 13 March 2025, the Proscription Review Group ("**PRG**"), a cross-departmental group, which included representatives from JTAC, CTP, the Foreign Commonwealth and Development Office, and the Department of Housing, Communities and Local Government, concluded that PA committed or participated in acts of terrorism (relying on the three incidents in Glasgow, Kent and Bristol), prepared for terrorism, and promoted or encouraged terrorism. The PRG also considered discretionary factors and concluded they weighed in favour of proscription. It adopted JTAC's assessment and recommended that the SSHD should exercise her discretion under s.3 TA 2000 to proscribe PA.

6. By a Ministerial Submission dated 26 March 2025, it was recommended that the SSHD follow the PRG's recommendation and proscribe PA. Annexed to the Submission were (among other things) (**i**) the 13 March 2025 JTAC assessment; (**ii**) CTP reports dated 5 and 6 March 2025; (**iii**) an assessment by the Foreign, Commonwealth and Development Office dated 11 March 2025; (**iv**) a Community Impact Assessment dated 6 March 2025; and (**v**) a record of the PRG meeting.

7. On 2 April 2025, a further Ministerial Submission was produced at the SSHD's request in relation to PA (specifically, to deal with the CTP's assessment and investigation of PA).

8. On 14 May 2025, the SSHD accepted the recommendation to proscribe PA and indicated that she wanted to proceed as soon as possible. The process was, however, paused for further information, which was provided in a further submission dated 4 June 2025.

9. The further submission of 4 June 2025 reported that, since August 2024, PA had been responsible for 158 "*direct action events*", 28 of which had caused significant damage to property, but none of which satisfied the s.1(2) TA 2000 definition. The further submission repeated the conclusion of the PRG that PA was concerned in terrorism.

10. In the early hours of 20 June 2025, PA conducted an action at RAF Brize Norton.

11. In the afternoon of 20 June 2025, the SSHD's decision to proscribe PA was communicated by her Private Secretary.

12. The Decision was announced to Parliament on 23 June 2025 in a Written Statement.

13. A draft of The Terrorism Act 2000 (Proscribed Organisation) (Amendment) Order 2025 was laid before Parliament on 30 June 2025 (the "**Proscription Order**"). The Proscription Order provided for the proscription of PA alongside two other groups (the Maniacs Murder Cult and the Russian Imperial Movement).

14. The draft Proscription Order was debated and approved in the House of Commons and the House of Lords on 2 July and 3 July 2025 respectively.

15. On 27 June 2026, the Appellant applied for interim relief restraining the SSHD from making Proscription Order and preventing it coming into effect. The application was heard and refused by Chamberlain J on 4 July 2026: [2025] EWHC 1708 (Admin). The Appellant's application for permission to appeal was heard and refused by the Court of Appeal (Baroness Carr LCJ, Lewis, Edis LJJ) later that evening: [2025] EWCA Civ 848.

16. The Proscription Order was made on 4 July 2025 and came into force on 5 July 2025.

17. As of December 2025, over 2,700 arrests had been carried out in respect of terrorism offences arising out of the proscription of PA, resulting in over 400 charges (the vast majority of which were under s.13 TA 2000). By March 2026, this figure had risen to over 2,800 arrests, and over 480 charges.

B. JUDGMENTS OF THE COURTS BELOW

18. On 27 June 2026, the Appellant filed her judicial review claim form in the High Court. The claim form was issued on 30 June 2025.

19. The Appellant challenged the Decision (and the Proscription Order implementing it) on the following grounds:

19.1. The Decision was taken *ultra vires* and/or not for a proper purpose.

19.2. The Decision was incompatible with rights protected under Articles 9, 10 and 11 (including as read with Article 14) of the European Convention on Human Rights ("**ECHR**") and common law.

19.3. In taking the Decision, the SSHD erred in law in respect of the meaning of "*concerned with terrorism*" in s.3(4) TA 2000.

19.4. The Decision was irrational as it was taken in breach of the SSHD's duty of inquiry.

19.5. In taking the Decision, the SSHD considered irrelevant factors and failed to consider relevant factors.

19.6. The Decision was taken in breach of the SSHD's published policy in respect of proscription decisions.

19.7. The Decision was taken in breach of the SSHD's public sector equality duty.

19.8. The Decision was in breach of natural justice / procedurally unfair for want of pre-consultation.

20. In his judgment handed down on 30 July 2025, Chamberlain J granted the Appellant permission to apply for judicial review in respect of Ground 2 (Articles 9, 10, 11 and 14 ECHR) and Ground 8 (procedural fairness) only: [2025] EWHC 2013 (Admin). He also determined as a preliminary issue that an application to the SSHD under s.4 TA 2000 for an order under s.3(3)(b) to remove a proscribed organisation from Sch 2 was not an adequate alternative remedy to judicial review.

21. The SSHD appealed Chamberlain J's decision in respect of the preliminary issue. The Appellant cross-appealed the refusal of permission in respect of Grounds 1, 5, 6 and 8. In its judgment handed down on 17 October 2025, the Court of Appeal (Baroness Carr LCJ, Lewis, Edis LJJ) dismissed the SSHD's appeal and allowed the Appellant's cross-appeal in respect of Ground 5 (relevant/irrelevant considerations) and Ground 6 (policy): [2025] EWCA Civ 1311, [2026] 1 WLR 1000.

22. The Appellant's challenge was heard by the Divisional Court (Dame Victoria Sharp PKBD, Swift, Steyn JJ) on 26-27 November and 2 December 2025. In its judgment

handed down on 13 February 2026, the Court allowed the Appellant's claim on Ground 2 (insofar as it concerned Articles 10 and 11 ECHR only) and Ground 6: [2026] EWHC 292 (Admin), [2026] HRLR 9.

23. By its Order dated 25 February 2026, the Divisional Court quashed the Decision and the Proscription Order (staying the quashing order pending appeal); granted the SSHD permission to appeal on both Grounds; and refused the Appellant's application for permission to cross-appeal on Ground 2 (insofar as it concerned Article 14 ECHR) and Ground 8. The Appellant renewed her application before the Court of Appeal, which was directed to be heard on a rolled-up basis alongside the SSHD's appeal.

24. The appeal was heard by the Court of Appeal (Baroness Carr LCJ, Sir Geoffrey Vos MR, Edis, Lewis, Whipple LJJ) on 28-30 April 2026. In its judgment handed down on 15 June 2026, the Court allowed the SSHD's appeal on both Grounds 2 and 6 and refused the Appellant's application for permission to cross-appeal: [2026] EWCA Civ 721. By its Order of the same date, the Court set aside the quashing order made by the Divisional Court.

25. By its Order of 23 June 2026, the Court of Appeal refused the Appellant's application for permission to appeal. The Appellant renewed her application for permission to appeal to the Supreme Court on 13 July 2026.

26. By its Order of 30 July 2026, the Supreme Court (Lord Sales, Lord Leggatt, Lady Simler) granted the Appellant permission to appeal in respect of Articles 10 and 11 ECHR only (Ground 2 in the courts below).

C. STATUTORY FRAMEWORK

C1. Terrorism legislation

27. The Proscription Order was made under s.3 TA 2000, which provides in relevant part:

> "(1) For the purposes of this Act an organisation is proscribed if—
>
> (a) it is listed in Schedule 2, or
>
> (b) it operates under the same name as an organisation listed in that Schedule.
>
> […]
>
> (3) The Secretary of State may by order—

(a) add an organisation to Schedule 2;

(b) remove an organisation from that Schedule;

(c) amend that Schedule in some other way.

(4) The Secretary of State may exercise his power under subsection (3)(a) in respect of an organisation only if he believes that it is concerned in terrorism.

(5) For the purposes of subsection (4) an organisation is concerned in terrorism if it—

(a) commits or participates in acts of terrorism,

(b) prepares for terrorism,

(c) promotes or encourages terrorism, or

(d) is otherwise concerned in terrorism. […]"

28. The term "*terrorism*" is defined in s.1 TA 2000:

"(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, religious, racial 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.

(3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.

(4) In this section—

(a) "action" includes action outside the United Kingdom,

(b) a reference to any person or to property is a reference to any person, or to property, wherever situated,

(c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and

(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.

(5) In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation."

29. Any action taken for the benefit of a proscribed organisation is action "*for the purposes of terrorism*" within TA 2000 (s. 1(5) TA 2000) and an "*act of terrorism*" within the Terrorism Act 2006 ("**TA 2006**") (s.20(2) TA 2006). Any resources belonging to or likely to be used for the benefit of a proscribed organisation are "*terrorist property*": s.14(1) TA 2000.

30. The proscription of an organisation under s.3 TA 2000 gives rise to liability for a range of offences, including under TA 2000 and TA 2006. Such offences include:

30.1. Belonging or professing to belong to a proscribed organisation, punishable by up to 14 years' imprisonment: s.11 TA 2000.

30.2. Inviting support for a proscribed organisation, punishable by up to 14 years' imprisonment: s.12(1) TA 2000.

30.3. Expressing an opinion or belief that is supportive of a proscribed organisation, reckless in doing so as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation, punishable by up to 14 years' imprisonment: s.12(1A) TA 2000.

30.4. Arranging, managing or assisting in arranging or managing a meeting which the person knows is to support a proscribed organisation, to further its activities, or to be addressed by a person who belongs or professes to belong to a proscribed organisation, punishable by up to 14 years' imprisonment: s.12(2) TA 2000.

30.5. Wearing an item of clothing, or wearing, carrying or displaying an article, or publishing an image of an item of clothing or any other article, in such a way or

in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organisation, punishable by up to 6 months' imprisonment: s.13(1), (1A) TA 2000.

30.6. Fund-raising or otherwise using, possessing or making available money or property for the benefit of a proscribed organisation: ss.15-18 TA 2000.

30.7. Encouraging or inducing acts for the benefit of a proscribed organisation, punishable by up to 15 years' imprisonment: s.1 TA 2006.

31. The proscription of an organisation also exposes individuals reasonably suspected of terrorism offences to counterterrorism powers, including searches and arrests without warrant under TA 2000, and measures under the Terrorism Prevention and Investigation Measures Act 2011. Those convicted of terrorism offences may be subject to notification requirements under Part 4 of the Counter-Terrorism Act 2008.

C2. Human Rights Act 1998 and the ECHR

32. Section 6(1) of the Human Rights Act 1998 ("**HRA 1998**") makes it unlawful for a public authority to act in a manner that is incompatible with those rights enshrined in the ECHR that are set out in Sch 1 HRA 1998. The relevant Articles for present purposes are Articles 10 and 11.

33. Article 10 ECHR, titled "*Freedom of expression*", and states:

> "(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
>
> (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

34. Article 11 ECHR, titled "*Freedom of assembly and association*", states:

"(1) Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

(2) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State."

35. Section 7(1) HRA 1998 provides:

"A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by section 6(1) may—

(a) bring proceedings against the authority under this Act in the appropriate court or tribunal, or

(b) rely on the Convention right or rights concerned in any legal proceedings,

but only if he is (or would be) a victim of the unlawful act."

D. THE ISSUE IN THIS APPEAL

36. The issue which arises in respect of the ground on which the Supreme Court granted permission to appeal is as follows:

Is the proscription of Palestine Action pursuant to s.3 TA 2000 compatible with Articles 10 and 11 ECHR?

Signed:

RAZA HUSAIN KC	**SIR JAMES EADIE KC**
PAUL LUCKHURST	**DAVID BLUNDELL KC**
OWEN GREENHALL	**BEN WATSON KC**
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