

High Court Permits Legal Challenge Against Terrorism Designation of Palestine Action

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A High Court judge has allowed protest group Palestine Action to proceed with a legal challenge against the UK government's decision to designate it a terrorist organisation. The ruling, issued on Wednesday in London, means the group may contest the designation while remaining proscribed during the legal proceedings.

The legal challenge stems from Home Secretary Yvette Cooper's decision to proscribe Palestine Action under the Terrorism Act 2000, which took effect earlier this month. The group, which has carried out numerous direct action protests against British firms supplying arms to Israel, argues the ban infringes on fundamental rights to protest and freedom of expression.

Justice Chamberlain granted the group's application for a judicial review on two grounds. First, the proscription could represent a disproportionate restriction on rights guaranteed under Articles 10 and 11 of the European Convention on Human Rights, covering freedom of expression and peaceful assembly. Second, the Home Secretary failed to consult the group before issuing the order, which may have breached principles of natural justice and the right to a fair hearing under Article 6.

While the group remains banned, the court's ruling sets the stage for a significant legal test of the government's authority to designate protest groups as terrorist organisations.

The government's decision followed an incident in late June in which Palestine Action activists allegedly caused around £7 million in damage to two Voyager military transport aircraft at Royal Air Force Brize Norton. According to the group, the aircraft were involved in operations linked to Israel's military campaign in Gaza, allegedly via the UK's RAF Akrotiri base in Cyprus.

Although the ban was officially announced in July, court documents revealed it had been under consideration since March due to previous protest actions by the group. The judge dismissed some of the group's claims, including the allegation that the decision was influenced by lobbying interests or aimed at suppressing criticism of Israeli policy.

However, Justice Chamberlain acknowledged that the failure to consult Palestine Action before imposing the ban could raise legal concerns. "As a matter of principle, I consider that it is reasonably arguable that a duty to consult arose," he stated. He further noted that "there was no compelling reason why consultation could not have been undertaken here."

Reacting to the ruling, Palestine Action co-founder Huda Ammori described the decision as a "landmark" and said it marked a critical moment for civil liberties in the UK. "This could see the Home Secretary's unlawful decision to ban Palestine Action quashed," she said, highlighting the broader implications for freedom of speech and protest rights.

On 4 July, the High Court had rejected a separate request by Ammori for an injunction to delay the ban, citing the public interest in enforcing the proscription order without delay.

The case has drawn concern from civil society groups, who argue that the terrorism label risks criminalising wider activism and setting a troubling precedent for political protest. A spokesperson for campaign group Defend Our Juries criticised the Home Secretary's handling of the issue, stating: "Yvette Cooper has no one to blame for this crisis but herself. We are confident the High Court will soon strike down this absurd and repugnant order."

Under the current law, membership of or public support for a proscribed terrorist group is a criminal offence, carrying penalties of up to 14 years in prison.