



UK Mission to the  
United Nations  
in Geneva

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**Note Verbale No. 367**

Geneva, 11 November, 2025

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit its response to communication AL GBR 13/2025 of 12 September 2025 sent by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Independent expert on the promotion of a democratic and equitable international order; and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Special Procedures Branch  
Office of the High Commissioner for Human Rights



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## United Kingdom of Great Britain and Northern Ireland

**Response to Special Procedure communications AL GBR 13/2025 of 12 September 2025 sent by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Independent expert on the promotion of a democratic and equitable international order; and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967.**

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Thank you for your letter of 12 September 2025 regarding the proscription of Palestine Action under the Terrorism Act 2000 (TACT) and arrests and charges of individuals for alleged support of Palestine Action.

As you will be aware, your letter refers to live criminal proceedings as well as an ongoing Judicial Review. It would be inappropriate for the UK Government to comment on these specific cases. The individuals involved in the criminal cases have the right to a fair trial and public commentary from the UK Government, international governmental organisations and the media may interfere with those rights whilst the cases remain *sub judice*.

Nevertheless, we have set out our responses to the questions that you raised, which are reproduced below, recognising the limitations above.

- 1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**

The UK Government remains firmly committed to upholding the rule of law, democratic values, and the protection of fundamental rights and freedoms, including those enshrined in the International Covenant on Civil and Political Rights (ICCPR). The proscription of Palestine Action was based on strong security advice and the unanimous recommendation of the UK's cross-government Proscription Review Group. The organisation's activities were assessed to meet the statutory threshold for proscription under section 3 of TACT. These activities included sustained property damage, intimidation, and alleged violence resulting in serious injury.

Proscription does not criminalise peaceful protest or criticism of government policy. It targets specific conduct related to membership, support, and promotion of proscribed organisations. The UK's counter terrorism (CT) framework is subject to rigorous scrutiny by Parliament, the judiciary, and the Independent Reviewer of Terrorism Legislation (IRTL), and is implemented in accordance with the Human Rights Act 1998 which incorporates into UK law the rights enshrined in the European Convention on Human Rights (ECHR), many of which correlate closely with those in the ICCPR.

Criminal proceedings referred to in this letter are live and those involved have the right to a fair trial. It is therefore essential that no reporting, commentary, or sharing of information takes place in a manner that could prejudice these proceedings. We respectfully request that no information be published in contravention of reporting restrictions under the Contempt of Court Act 1981. These restrictions are in place to safeguard the integrity of the judicial process and to ensure that all individuals receive the right to a fair and impartial hearing.

The UK Government is confident that its wider domestic legislation dealing with CT matters is compliant with the UK's international obligations, including under the ICCPR.

- **Article 9 of the ICCPR (right to liberty and security of the person).** Detention following any arrest under TACT must be based solely on grounds and procedures established by law. The list of proscribed terrorist organisations is set out in Schedule 2 to TACT. The legal basis for arresting individuals who express support for a proscribed organisation is provided under section 12 of TACT. Arrests and subsequent detention of individuals expressing support for Palestine Action are made on suspicion of committing an offence under section 12, rather than for the peaceful exercise of rights. Section 12 applies uniformly to all proscribed organisations, and therefore detention in such cases is not based on discrimination on the grounds of political or other opinion. Regarding access to legal counsel, individuals detained under section 41 and Schedule 8 to TACT in England, Wales, or Northern Ireland are entitled, upon request, to consult a solicitor privately and at any time, as soon as is

reasonably practicable (see paragraph 7 of Schedule 8). Any delay in access may only be authorised by a police officer of at least the rank of superintendent, and only on limited grounds for a limited duration (see paragraph 8 of Schedule 8).

- **Article 19 of the ICCPR (freedom of expression and opinion).** Restrictions on the right to freedom of expression in TACT are (i) provided by law, specifically in section 12 of and Schedule 2 to that Act (ii) pursue the legitimate aim, namely the protection of national security and public order and the rights of others; and (iii) are necessary and proportionate for that objective.
- **Articles 21 and 22 of the ICCPR (freedom of peaceful assembly and association).** The UK does not impose restrictions on the exercise of the right to peaceful assembly except those that are in accordance with the law (such as those provided for under TACT) and are necessary in a democratic society, for example, in the interests of national security. The UK also upholds and facilitates the right to freedom of association. TACT prohibits membership of proscribed terrorist organisations (Section 11) and meetings held to support such organisations, further their activities, or to be addressed by their members or professed members (Section 12). These offences apply equally to all proscribed terrorist organisations and do not affect membership or meetings of any non-proscribed organisations supporting any political cause. The UK rejects any suggestion that it stigmatises lawful assemblies or associations or mischaracterises legitimate exercises of these rights as unlawful.
- **Article 25(a) of the ICCPR (right to take part in the conduct of public affairs).** The UK ensures that every citizen has the right and opportunity to take part in the conduct of public affairs, including through public protest and by organising themselves. The only restrictions TACT places on those rights are reasonable and confined to organisations which are specifically proscribed under Schedule 2 to that Act, following approval by Parliament and subject to statutory criteria.
- **Article 12 of the ICCPR (freedom of movement).** The UK does not restrict liberty of movement except where people are detained in a manner provided by law (for example, under powers set out in TACT) and necessary to protect national security.
- **Article 17(1) of the ICCPR (right to privacy).** The UK does not allow arbitrary or unlawful interferences with a person's privacy, family, home or correspondence or unlawful attacks on a person's honour or reputation.

You raise concerns that individuals are being unjustifiably stigmatised as terrorists and that criminal conviction also carries serious stigma. Criminal liability under TACT will only occur where the police and the Crown Prosecution Service (CPS) consider that an individual's conduct meets the necessary elements for a terrorism offence, the standard prosecutorial tests are met, and the individual is found guilty following a fair trial.

- **Articles 2 and 26 of the ICCPR (equality and non-discrimination).** The UK respects the rights protected under the ICCPR without distinction of any kind and gives equal and effective protection to all persons regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. These rights are mirrored in the European Convention on Human Rights (ECHR): Article 14 of the ECHR ensures protection for all human rights without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The UK is a signatory to the ECHR which is incorporated into domestic law by the Human Rights Act 1998. The ECHR guarantees the right to liberty and security (Article 5); freedom of expression (Article 10); freedom of assembly (Article 11) and freedom from discrimination (Article 14). Any interference with any of those rights must be necessary and proportionate in pursuit of a legitimate aim.

Since the Human Rights Act 1998 came into force, all CT legislation has been introduced with a statement of compatibility under section 19 of that Act confirming the legislation's compatibility with the ECHR. Public authorities, including the courts, are required to act in accordance with the ECHR under section 6 of that Act.

## **2. Please indicate what steps will your Excellency's Government take to urgently lift the proscription of Palestine Action.**

The UK does not intend to take steps to lift the proscription of Palestine Action. The proscription of any organisation under TACT is subject to robust legal safeguards. As we set out in the previous response of 30 June 2025, the Government's assessment is that Palestine Action's activities have met the thresholds established in TACT. The organisation has conducted an escalating campaign involving not just sustained property damage, including to Britain's national security infrastructure, but also intimidation and, more recently, alleged violence, including the use of weapons resulting in serious injuries to individuals. That kind of activity puts the safety and security of the public at risk.

Palestine Action has claimed responsibility for attacks which have seen those allegedly involved charged with criminal damage, violent disorder, aggravated burglary, grievous bodily harm with intent, and actual bodily harm. The gravity of these incidents is demonstrated by the CPS's independent decision to submit to the court that the offences allegedly committed by individuals in certain attacks had a terrorism connection.

**3. Alternatively, please indicate how proscription and the consequential criminal liabilities are consistent with the UK's international obligations under articles 15, 17, 19, 21, 22 and 25 of the ICCPR.**

- **Article 15 (Legality):** Offences under sections 11 to 13 of TACT are clearly defined in law and are subject to prosecutorial discretion and judicial oversight. The thresholds set out in proscription offences, such as the *mens rea* requirements under section 12 TACT and the requirement for "reasonable suspicion" under section 13 TACT are designed to criminalise public legitimisation of terrorist organisations, whilst protecting lawful expressions of political opinion.
- **Article 17 (Reputation):** As stated above, criminal liability under TACT will only occur where the police and the CPS consider that an individual's conduct meets the necessary elements for a terrorism offence, the standard prosecutorial tests are met, and the individual is found guilty following a fair trial. The vast majority of arrests made relating to support for Palestine Action at recent protests have been for offences under section 13 of TACT – this is a summary-only offence, meaning that it can only be tried in the magistrates' courts and it is worth recognising that the maximum penalty is six months' imprisonment or a fine. Sentencing in individual cases is a matter for the independent judiciary, but the UK Government's position is that the maximum sentences available for this offence are proportionate to the harm caused by such conduct.

In relation to your concerns about the proportionality of the penalties available for terrorism offences, whilst it is true that many terrorism offences do come with significant custodial penalties, the offence which has been used in the vast majority of the cases referred to in your letter (section 13 TACT) does not fall into this category and indeed carries a much lower penalty than many ordinary criminal offences. The CPS apply the Code for Crown Prosecutors on a case-by-case basis, with equivalent frameworks in place in Scotland and Northern Ireland, and prosecutions are only taken forward where it is assessed they meet the public interest test. In all terrorism cases, the CPS must seek the permission of the Director of Public Prosecutions to prosecute.

- **Articles 19, 21, and 22 (Freedom of Expression, Assembly, and Association):** These rights remain protected under UK law. Proscription does not criminalise peaceful protest or criticism of government policy. Individuals are free to express support for Palestinian causes, provided their conduct does not meet the legal threshold for support of a proscribed organisation. Enforcement focuses on specific conduct and whether it is assessed to breach the criminal threshold, rather than on an individual's political views. In relation to the allegations of a chilling effect, please see the response to Question 7 below.
- **Article 25 (Participation in Public Affairs):** The UK maintains a robust democratic framework that enables public participation, including through protest and advocacy. The proscription of Palestine Action does not prevent individuals from engaging in lawful political activity.

**4. Please explain whether the definition of terrorism in UK law will be amended to exclude mere property damage, without danger to life or other qualifications according to best practice international standards, as constituting terrorism.**

The UK Government has no plans to amend the definition of terrorism in section 1 of TACT. The inclusion of “serious damage to property” reflects the potential for such acts to cause public harm and fear, particularly when targeted at national security infrastructure. UK courts have found that the definition is consistent with the requirements of international law. As we have previously set out, the decision to proscribe an organisation is not taken lightly, and it is subject to a robust, evidence-based process which considers this threshold in detail, informed by the expert input of cross-government partners such as the Joint Terrorism Analysis Centre.

As the then Home Secretary stated in her Written Ministerial Statement at the time, the seriousness of the attacks carried out by Palestine Action was shown by, amongst other things, the extent and nature of damage caused, including, for example, to targets affecting UK national security. However, proscription decisions are further based on discretionary factors such as the nature and scale of a group's activities. The willingness of their members to use violence, and the escalatory nature of the group's campaign were relevant to this assessment. In the Sheriff's sentencing remarks concerning the attack at Thales it was noted that “throwing pyrotechnics into areas where people are being evacuated could hardly be described as non-violent”. The Sheriff further recorded the extent of damage to legitimate business activities which included “matters of national security”. As you are aware, members of the group have also been charged with a variety of serious

offences in the course of attacks against [REDACTED] and [REDACTED], including aggravated burglary and violent disorder.

As set out in our previous response to your letter of 30 June 2025<sup>1</sup>, in summary, it is our view, and that of Lord [REDACTED] in his review of the UK's definition of terrorism<sup>2</sup>, that property damage, and related threats, should be included in any definition of terrorism. The UK's definition of terrorism is not unique in its inclusion of serious property damage as one of the actions which may constitute terrorism.

**5. Alternatively, please indicate whether the definition will be amended to exclude acts of advocacy, protest, dissent or industrial action where they are not intended to cause death or serious injury without a terrorist purpose.**

The UK Government does not consider any amendments to the definition of terrorism to be necessary. As set out in the independent report by Lord [REDACTED]<sup>3</sup>, the then IRTL, after UNSR Resolution 1566 was adopted, the UK's definition of terrorism is consistent with international comparators and is fit for purpose. The current definition in section 1 of TACT includes safeguards to ensure that legitimate protest, advocacy, and dissent are not captured. To fall within the definition of terrorism, conduct must involve the use or threat of serious violence or damage to property (or meet the threshold for other actions set out in the definition), be carried out to advance a political, religious, ideological or racial cause, and be intended to influence the government or intimidate the public. Peaceful protest is not criminalised under TACT, unless linked to terrorism-related conduct. It is therefore inaccurate to suggest that acts of advocacy or protest which do not meet these additional requirements could be considered terrorism under UK law. The UK has a proud and active tradition of protest and dissent, which the Government remains committed to protecting.

**6. Please indicate whether and how any of the offences relating to proscribed organizations will be amended in order to comply with the requirement of legality under article 15 of the ICCPR.**

As noted above, the UK Government is confident that its CT legislation, including the proscription regime, is compatible with its obligations under the ICCPR, and does not consider any amendments to the offences relating to proscribed

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<sup>1</sup> AL GBR 9 25, 30 June 2025

<sup>2</sup> Lord [REDACTED] The definition of terrorism: a report by Lord [REDACTED], 15 March 2007

<sup>3</sup> <https://www.gov.uk/government/publications/the-definition-of-terrorism-a-report-by-lord-carlile-of-berriew>

organisations necessary. Additionally, the offences under sections 11 to 13 have been found to be compatible with ECHR rights which have close parallels with ICCPR rights. Any interference with ECHR rights must be in accordance with the law: see Article 10(2) of the ECHR which allows restrictions on freedom of expression which are “prescribed by law” and necessary in a democratic society. In *R v Choudary [2016]*, the Court of Appeal held that section 12(1) of TACT (the offence of inviting supporting for a proscribed organisation) was compatible with Article 10 of the ECHR (freedom of expression). Specifically, it found “*the offence is a measure clearly directed to a number of legitimate ends: preserving national security, public safety, and the rights and freedoms of others, and the prevention of crime and disorder. The offences in Part II of [TACT] are essential to the proscription process: they are the means by which proscription is put into effect. They enable the State to counter and attack proscribed organisations, the influence that they have on third parties and, ultimately, the threat that they pose to society.*” *Choudary* also demonstrates compliance with article 19 of the ICCPR (equivalent to Article 10 of the ECHR) which allows for proportionate restrictions for the protection of national security or of public order.

Likewise, in the case of *PWR v DPP [2022]* the Supreme Court held that section 13 of TACT<sup>4</sup> was compatible with the right to freedom of expression, concluding that these offences were proportionate to the legitimate aims of the legislation. It concluded that “*the section 13 offence is compatible with article 10. It imposes a restriction on freedom of expression which is required by law; is necessary in the interests of national security, public safety, the prevention of disorder and crime and the protection of the rights of others; and is proportionate to the public interest in combating terrorist organisations.*” Again, those align with the legitimate aims specified in article 19(3) of the ICCPR.

In England and Wales, the CPS must apply the Code for Crown Prosecutors when considering whether to prosecute, including the public interest test, and all prosecutions must be compatible with rights protected under the ECHR. Equivalent safeguards apply in Scotland and Northern Ireland.

**7. Please explain what steps the authorities will take to prevent arbitrary and unlawful police enforcement of counter-terrorism law against protesters who are not committing offences of supporting or identifying with Palestine Action, including risks of arbitrary detention and unjustified interference in the right of freedom of movement.**

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<sup>4</sup> Section 13 TACT makes it an offence for a person in a public place to wear an item or clothing or to wear, carry or display an article, in such a way to arouse reasonable suspicion that they are a member or supporter of a proscribed organisation.

Policing in the UK is operationally independent from government. Operational decisions, such as arrest, are made independently by the police on a case-by-case basis. However, it is clear that peaceful protest remains lawful, and the Metropolitan Police have facilitated large-scale pro-Palestinian demonstrations since the proscription of Palestine Action. Between 5 July 2025 and 31 August 2025, the National Police Coordination Centre recorded that 844 pro-Palestine protests events took place nationwide (excluding Palestine Action events). These events were attended by tens of thousands of people, demonstrating that peaceful protest remains lawful and widespread.

It is important to reiterate that it is not an offence to voice dissent regarding the Government's decision to proscribe an organisation. Individuals remain free to express disagreement with government decisions, including calls for deproscription. It is however an offence to show support for a proscribed organisation. To ensure proportionate enforcement at such events front-line officers regularly receive public order briefings, including guidance on proscription offences. Any misuse of powers is subject to independent oversight and complaint mechanisms, in particular through the Independent Office for Police Conduct.

## **Conclusion**

The decision to proscribe Palestine Action was taken following a robust, evidence-based process and only after careful consideration, and in accordance with the statutory framework under TACT. It reflects a threat-neutral approach to protecting the UK's national security and does not seek to limit lawful protest or freedom of expression. Individuals in the UK remain free to express support for Palestinian causes and to engage in peaceful protest, provided such actions do not cross the threshold into criminality.

We trust this response provides further clarification on the UK's position and evidences our commitment to democratic accountability, the protection of fundamental rights, and the responsible use of CT powers.