

**Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; 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**

Ref.: AL GBR 9/2025  
(Please use this reference in your reply)

30 June 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Independent expert on the promotion of a democratic and equitable international order and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 58/14, 50/17, 57/7 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the proposed proscription of Palestine Action as a terrorist organization under section 3 of the Terrorism Act 2000**. We are concerned that because the definition of terrorism under United Kingdom law exceeds best practice international standards, such designation would overclassify as terrorism conduct that may amount to criminal damage to property but is not genuinely terrorist in character. It would also unjustifiably infringe the human rights of many people involved with Palestine Action who do not engage in any criminal activity or damage to property, including freedoms of expression, association and assembly and the right to participate in public affairs.

Special Procedures mandate holders have previously expressed concerns about the over-classification of conduct as "terrorist" under UK terrorism law in relation to alleged conduct by members of Palestine Action in [GBR 15/2024](#). We acknowledge your Excellency's Government's prompt and detailed [reply](#) of 7 January 2025. We regret that the reply did not directly respond to the contention that the definition of terrorism in UK law is overbroad relative to best practice international standards, including Security Council resolution 1566 (2004) which, as a permanent member of the Security Council, your Excellency's Government voted to adopt in order to guide national counter-terrorism laws.

According to the information received:

Palestine Action was established in 2020 as a national network of grassroots "direct action" groups and activists from across the UK. It aims "to promote civil disobedience and take direct action against the companies and institutions that Israel uses to violently enforce apartheid, occupation and colonisation on the people of Palestine"<sup>1</sup> and to end "global participation in Israel's genocidal and apartheid regime" by disrupting the profits of the "corporate enablers of the

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<sup>1</sup> <https://palestineaction.org/the-launch-of-palestine-action/>.

Israeli military-industrial complex”.<sup>2</sup> Its main target is Elbit Systems, Israel’s largest weapons producer, and other weapons companies such as Leonardo, Thales and Teledyne.

On 23 June 2025, the United Kingdom’s Secretary of State for the Home Department informed both houses of the UK Parliament<sup>3</sup> that she has decided to proscribe Palestine Action under section 3 of the Terrorism Act 2000 and that a draft proscription order will be laid in Parliament on 30 June 2025. Under UK law, the Home Secretary may proscribe an organization as terrorist if she believes it is concerned in terrorism (as defined under UK Law) and it is proportionate to do so. Proscription is given effect by a statutory instrument which is subject to affirmation by both houses of the UK Parliament within 40 days. Under UK law, proscription has the effect of triggering a range of criminal offences for conduct relating to the organization, including membership, inviting support, arranging a meeting in support, and publicly wearing clothing or carrying articles that arouses reasonable suspicion of membership or support.

The immediate impetus for the proposed proscription was the “direct action” by members of Palestine Action against a UK military air base, Brize Norton, on 20 June 2025. Allegedly, activists sprayed red paint in the engines of two military aircraft and damaged them with crowbars, causing criminal damage, to impede the UK’s alleged military support for Israel’s attacks in Gaza. In her statement to Parliament, the Home Secretary alleged that this was “the latest in a long history of unacceptable criminal damage committed by Palestine Action”, including the alleged targeting of military infrastructure and the defence industry, causing “serious damage to property with the aim of progressing its political cause and influencing the Government”, thus satisfying the Terrorism Act 2000. Its activities have allegedly increased in frequency and severity since the start of 2024.

While we do not wish to prejudge the accuracy of these allegations, we express our concern regarding the seemingly unjustified use of counter-terrorism laws against protest activity by political activists in a democratic society. Treating “direct action” against property interests as “terrorism” over-classifies the nature of the conduct, contrary to best practice international standards. While there is no binding definition of terrorist acts in international law, “best practice” international definitions limit such conduct to criminal acts intended to cause death, serious personal injury or hostage taking, in order to intimidate a population or compel a government or an international organization to do or to abstain from doing any act, and where constituting an offence under international counter-terrorism instruments or a serious crime under national law (Security Council resolution 1566 (2004); model definition of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, A/HRC/16/51, para. 28). Accordingly, mere property damage, without endangering life, is not sufficiently serious to qualify as terrorism.

Where national law nonetheless criminalizes certain property damage as terrorist offences, as in the UK, it is international “best practice” to exclude acts of advocacy, protest, dissent or industrial action *where they do not cause death or serious*

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<sup>2</sup> <https://palestineaction.org/about/>.

<sup>3</sup> <https://questions-statements.parliament.uk/written-statements/detail/2025-06-23/hcws729>.

*injury*, as recommended by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Security Council's Counter-Terrorism Executive Directorate,<sup>4</sup> and found in the law of various common law States. This ensures that terrorism-related offences do not unjustifiably criminalize acts committed in the context of the exercise of the rights to freedom of expression, opinion, assembly, association and political participation in a democratic society. Where such acts damage property, they should be more appropriately prosecuted as ordinary or public order offences. At present, the overbroad definition of terrorism in UK law potentially enables the application of counter-terrorism powers to violent political protest that is not genuinely terrorist in nature.

Over-classification of the conduct of members of an organization as terrorism may result in unnecessary and disproportionate interferences in human rights under international law. Proscription triggers criminal liability for various forms of conduct relating to the organization that do not of themselves proximately contribute to the commission of any criminal offence (such as property damage), let alone genuinely terrorist violence against persons. These include acts such as membership, inviting support, arranging a meeting in support, and publicly wearing clothing or carrying articles in public in such a way or in such circumstances as to arouse reasonable suspicion of membership or support. As a result, individuals in the United Kingdom could be prosecuted for engaging in legitimate, peaceful activities in the exercise of their rights to freedom of expression and opinion, assembly, association and participation in public affairs, protected under articles 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 20 May 1976. This would have an inevitable chilling effect on the exercise of human rights in relation to political protest, not only in connection with Palestine Action. The excessive suppression of political protest could also have the counter-productive effect of fueling grievances that could undermine the UK's national security.

Some of these offences are also vague and overbroad and do not appear to satisfy the principle of legality under article 15 of the ICCPR, particularly the offence of publicly wearing clothing or carrying articles merely where it arouses "reasonable suspicion" of membership or support. Further, since criminal penalties may be greater for terrorism offences (up to 14 years imprisonment) than ordinary offences, there is a risk of imposing criminal punishments that are disproportionate to the gravity of the conduct relating to a proscribed organization.

We underscore that protest action that is not genuinely terrorist according to international standards, but which involves alleged criminal damage to property, should appropriately be investigated and prosecuted as ordinary criminal offences or any specific security offences against defence installations or national security. Terrorism should not be legally conflated with other categories of offences with different policy rationales.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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<sup>4</sup> See also Counter-Terrorism Executive Directorate, "Analytical Brief: A Commentary on the Codification of the Terrorism Offence" (2024), p. 17.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please confirm that Palestine Action will not be proscribed under the Terrorism Act 2000. Alternatively, please indicate how proscription and the consequential criminal liabilities would be consistent with the UK's international obligations under articles 19, 21, 22 and 25 of the ICCPR.
3. Please explain whether the definition of terrorism in UK law will be amended to exclude mere property damage, without danger to life, as constituting terrorism.
4. Alternatively, please indicate whether the definition will be amended to exclude acts of advocacy, protest, dissent or industrial action in a democratic society where they are not intended to cause death or serious injury with a terrorist purpose.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the proscription of Palestine Action under the Terrorism Act 2000.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

We respectfully request that your Excellency's Government transmit a copy of this communication to both houses of the UK Parliament prior to its decision on affirming the proscription of Palestine Action.

Please accept, Excellency, the assurances of our highest consideration.

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Gina Romero

Special Rapporteur on the rights to freedom of peaceful assembly and of association

George Katrougalos

Independent expert on the promotion of a democratic and equitable international order

Francesca Albanese  
Special Rapporteur on the situation of human rights in the Palestinian territory  
occupied since 1967

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards.

#### *Respect for human rights while countering terrorism*

Many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirm that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.<sup>5</sup> Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. Disregard for these principles can have exceptionally harmful effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society. States must ensure that measures to combat terrorism do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights (A/HRC/RES/22/6, para. 10(a)).

#### *Definition of terrorism*

Although no universal treaty generally defines "terrorism", States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the international counter-terrorism instruments,<sup>6</sup> the General Assembly's Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004). Based on these authoritative sources, the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provides clear, "best practice" guidance, by identifying conduct that is genuinely terrorist in nature and precisely defining the elements (A/HRC/16/51, para. 28).

The principle of legality under article 15(1) of the ICCPR requires that criminal laws are sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and what would be the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, including to target civil society on political or other unjustified grounds (A/70/371, para. 46(b)) and suppress the exercise of fundamental rights and freedoms (A/HRC/40/52).

#### *Designation/listing*

The designation of "terrorist" individuals or organizations must meet the requirements of due process and judicial protection under international human rights

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<sup>5</sup> Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others

<sup>6</sup> See [https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\\_en.xml](https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml).

law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Specifically: (a) there must be reasonable grounds to believe that the person or entity has knowingly engaged in terrorism, as properly defined according to international standards, including the requirement of legality; (b) the listed person or entity must be promptly informed of the listing and its factual grounds, the consequences of such listing and the applicable procedural rights; (c) there must be a right to apply for de-listing and to have it reviewed within a reasonable time, and a right to judicial review of any resulting decision, in both cases affording due process, including sufficient disclosure of evidence and access to a lawyer; (d) the listed individual or entity must be afforded the right to make a fresh application for de-listing or lifting of sanctions in the event of a material change of circumstances or the emergence of new evidence relevant to the listing; (e) listings must lapse automatically after 12 months unless renewed afresh; and (f) reparation, including compensation, must be available for any wrongful listing (A/HRC/16/51, para. 35).

### *Freedom of opinion and expression*

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (para. 11). The Committee further noted that States parties to the ICCPR “shall put in place effective measures to protect against attacks aimed at silencing those who exercise their right to freedom of expression” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the ICCPR. Restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (ordre public), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (general comment No. 34, para. 35). The relation between right and restriction and between norm and exception must not be reversed. A restriction must be “the least intrusive instrument among those which might achieve their protective function” (para. 34).

With respect to invoking counter-terrorism and counter-extremism justifications to restrict the legitimate exercise of freedom of expression, any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect

of protecting a legitimate national security interest (general comment No. 34).

In her report on “Global threats to freedom of expression arising from the conflict in Gaza”, the Special Rapporteur on freedom of opinion and expression noted that “the most fundamental principle of human rights – that all persons have an equal right to enjoy all human rights – has been endangered by an extensive pattern of unlawful, discriminatory and disproportionate restrictions and repression of freedom of expression, primarily of Palestinian activists and their supporters in Western Europe and North America” (A/79/319, paras. 83 and 85). She made the following recommendations:

- States must respect, protect and fulfil the right to freedom of opinion and expression without discrimination against any individual or groups on the grounds of race, religion, political beliefs or other protected characteristics. Any restriction of expression, including in relation to counter-terrorism laws or antisemitism, must follow strictly the criteria set out in articles 19(3) and 20(2) of the ICCPR (para. 92).
- States must refrain from blanket prohibitions of demonstrations, slogans, symbols or other forms expression in support of the Palestinian people. Any decision to prohibit such acts or expressions on the grounds of incitement must be done on a case-by-case basis, taking into account international legal standards as well as specific contextual and other factors, as articulated in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (para. 93).
- In the light of the advisory opinion of the International Court of Justice issued in July 2024, States should repeal – or refrain from adopting – laws and policies that penalize opposition to or impede advocacy against Israeli occupation and segregation, such as laws against the boycott, divest and sanctions movement (para. 94).

#### *Freedom of peaceful assembly and freedom of association*

Article 21 of the ICCPR states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”.

Article 22 of the ICCPR protects the right to freedom of association with others. States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66 and A/HRC/29/25/Add.1). Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a

legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose.

The Human Rights Committee stated that “the imposition of any restrictions should be guided by the objective of facilitating the right, rather than seeking unnecessary and disproportionate limitations on it. Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect” (general comment No. 37, para. 36). In addition, the Special Rapporteur on the rights to freedom of peaceful assembly and of association highlighted that “negative and hostile narratives increasingly used to vilify and criminalize civil society and activists deepen the stigmatization of those exercising their rights to peaceful assembly and association. Stigmatization, whether intentional or not, especially when propagated by authorities, effectively denies these fundamental rights. It misrepresents legitimate exercises of freedom as illegal and those involved as criminals or threats to national security, public order or morals. This fuels harmful stereotypes, fosters hostility, justifies punitive measures and triggers undue restrictions on these rights” (A/79/263, para. 11).

*Right to participate in the conduct of public affairs*

Article 25(a) of the ICCPR provides that: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions... [t]o take part in the conduct of public affairs”.