

**Mandates of 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**

Ref.: AL GBR 13/2025  
(Please use this reference in your reply)

12 September 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 promotion and protection of the right to freedom of opinion and expression; 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, 52/9, 59/4, 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 **(1) the proscription of the direct action protest organization Palestine Action as a terrorist organization under section 3 of the Terrorism Act 2000; (2) mass arrests and criminal charges by United Kingdom authorities in relation to alleged support for Palestine Action since its proscription, including the arrest and detention of Ms. Heather Brunskell-Evans under section 13 of the Terrorism Act 2000; and (3) the unlawful exercise of police powers against protesters who were not supporting or identifying with Palestine Action but were simply protesting in relation to violence in Palestine.**

We are concerned that these facts, if true, would involve violations of the rights to freedom of expression and opinion, peaceful assembly, association, and movement, and the right to participate in public affairs, respectively under articles 19, 21, 22, 12 and 25 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 20 May 1976, with consequential violations of the right to liberty under article 9 of the ICCPR. We are further concerned that the unjustified stigmatization of individuals as terrorist would violate their right to reputation under article 17 of the ICCPR, that some of the offences under UK law do not satisfy the requirement of legality under article 15 of the ICCPR, and that some over-policing of protests could involve discrimination on the basis of political opinion, contrary to articles 2 (non-discrimination) and 26 (equality) of the ICCPR.

Special Procedures mandate holders previously expressed concerns about the proposal to proscribe Palestine Action in communication [GBR 9/2025](#) sent on 30 June 2025. The UN experts were concerned at the unjustified designation of a largely peaceful political protest movement as terrorist, on the basis that according to best practice international standards, acts of protest that damage property, but are not intended to kill or injure people, should not be treated as terrorism. They were further

concerned that proscription would criminalize actions relating to the group, including membership, inviting support for it, arranging a meeting in support of it and publicly wearing clothing or carrying articles associated with the group, where such conduct constituted the legitimate exercise of the rights to freedom of expression, assembly and association, and to participate in public affairs, and made no proximate contribution to the commission of terrorist violence as properly defined. The experts also warned that disproportionate penalties of up to 14 years in prison could apply. They were further concerned that proscription would have a chilling effect on political protest and advocacy generally in relation to defending human rights in Palestine. We note with regret that proscription appears to have resulted in precisely the violations of human rights that we predicted in the communication would occur.

We acknowledge your Excellency's Government's [reply](#) of 2 September 2025. We note your Excellency's Government's statement that it is committed to protect protest and dissent and that the UK's terrorism legislation does not infringe on legitimate protest. We appreciate the further explanations of the UK's approach to the definition of terrorism and the factual justification for proscribing Palestine Action. We note that we did not previously suggest that Security Council resolution 1566 is binding on the UK, but rather that it provides a best practice international standard which helps to ensure that restrictions on rights flowing from criminalization and strictly necessary and proportionate. We acknowledge your Excellency's Government's arguments about the proportionality of proscription, but for the reasons given previously and below we maintain that this measure is not proportionate under international human rights law, and we urge the UK to at least amend the definition of terrorism to exclude protest activity that does not intentionally kill or seriously injure people. We also emphasize that alleged violence against persons committed in the course of some direct actions by Palestine Action appear to have been incidental (such as to resist arrest) rather than the purpose of the actions.

In communication [GBR 13/2024](#) sent on 21 November 2024, several United Nations Special Procedures mandate holders expressed similar concerns about the misuse of counter-terrorism laws relating to the criminal prosecution of a number of individuals associated with Palestine Action following an incident at an Israeli weapons factory in Bristol. We acknowledge your Excellency's Government's [reply](#) of 24 January 2025.

We also raised 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 [reply](#) of 7 January 2025.

On 1 July 2025, several United Nations Special Procedures mandate holders had made a public statement on these issues.<sup>1</sup>

On 25 July 2025, the United Nations High Commissioner for Human Rights expressed concern about proscription,<sup>2</sup> mirroring the earlier concerns of the UN experts.

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<sup>1</sup> <https://www.ohchr.org/en/press-releases/2025/07/un-experts-urge-united-kingdom-not-misuse-terrorism-laws-against-protest>.

<sup>2</sup> <https://www.ohchr.org/en/press-releases/2025/07/uk-palestine-action-ban-disturbing-misuse-uk-counter-terrorism-legislation>.

He emphasized that the use of counter-terrorism legislation to prosecute individuals for acts of property damage, in the absence of intent to cause physical harm or endanger life, raises serious questions under international human rights law. He underscored that the proscription and its enforcement may unduly restrict the rights to freedom of expression, association, and peaceful assembly, risk criminalising peaceful protest, including individuals who are not members of Palestine Action, and result in arbitrary detention. He urged the UK to ensure that counter-terrorism powers are not applied in a manner that criminalizes lawful protest or dissent.

According to the information received:

#### *Proscription of Palestine Action*

On 7 July 2025, the UK Government proscribed Palestine Action under section 3 of the Terrorism Act 2000, based on allegations that Palestine Action had conducted campaigns of property damage against defence and aerospace companies with links to Israel. The UK Home Secretary asserted that proscription was necessary to protect national security and public order. The UK Parliament approved the proscription. The Palestine Action is the first organization to be proscribed as terrorist in the UK solely on the basis of acts of property damage, rather than for criminal acts intended to cause death or serious injury.

On 30 July 2025, the High Court of Justice granted a co-founder of Palestine Action permission to seek judicial review of the proscription decision, to consider whether the proscription order (1) involved a breach of natural justice, or the right to fair trial under article 6 of the European Convention on Human Rights (ECHR); and (2) constitutes a disproportionate interference with the rights to freedom of expression and freedom of association under articles 10 and 11 respectively of the ECHR. The High Court's decision to grant permission for review highlights the ongoing legal uncertainties regarding both the lawfulness and human rights compliance of the proscription and its enforcement. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism was granted leave to intervene as a third party in the judicial review proceedings. On 4 September 2025, the UK Home Office was given permission to challenge the High Court ruling.

#### *Arrests and charges since proscription*

Since the proscription, over 1,590 arrests have been reported at several peaceful protests across the country and over 70 have been charged with offences relating to support for the organization, with more charges expected as the authorities continue to process the cases of the many other people who were arrested.

In early demonstrations following the proscription, at least 29 individuals were detained and by late July 2025, the total number of persons arrested nationwide reportedly exceeded 70. The individuals were primarily accused of offences under sections 12 and 13 of the Terrorism Act 2000. Section 12 criminalizes the

invitation of support for a proscribed organization, while section 13 criminalizes the wearing, carrying, or displaying of items likely to arouse reasonable suspicion of support for a proscribed organization. Arrests reportedly involved persons displaying banners, placards, badges, or clothing bearing slogans or symbols associated with Palestine Action.

On 9 August 2025, a large demonstration entitled “Lift the Ban” took place in central London. The event attracted thousands of participants and was largely peaceful, with demonstrators carrying banners, placards, and flags expressing solidarity with Palestine Action or with Palestine more generally. At least 522 individuals were arrested, making it one of the largest mass arrest operations in London in the past 10 years. Police stated that the arrests were largely for “showing support” for a proscribed organization, typically through signs or other items bearing Palestine Action’s name. Many individuals were arrested and held for prolonged periods, with some held overnight due to the volume of arrests.

On 15 August 2025, the Metropolitan Police confirmed that at least 60 individuals from the 9 August demonstration would face prosecution for offences arising from support for Palestine Action, with further cases anticipated.

On 7 September 2025, a further 890 people were arrested in London, being perhaps the largest mass arrests in the UK in the past 10 years.

#### *The case of Heather Brunskell-Evans*

Ms. Heather Brunskell-Evans is a 75-year-old retired philosopher academic. She was arrested on 6 July 2025 while she was peacefully protesting in London’s Parliament Square against the proscription of Palestine Action as a terrorist group, and those who support it as terrorists. She was carrying a sign that read “I support Palestine Action. I oppose genocide.” Ms. Evans was arrested under section 13 of the Terrorism Act 2000 along with other protesters, and was held in a cell for approximately 9 hours. She was released on bail until 3 October 2025, pending investigation. Under her bail conditions, Ms. Evans is only allowed to stay at two addresses and she is prohibited from protesting about Palestine Action, and about any other topic in the Westminster borough.

#### *Unlawful or arbitrary exercise of police powers*

UK police have reportedly invoked the proscription of Palestine Action to threaten to unlawfully arrest peaceful protesters who were not supporting or identifying with Palestine Action in any way but simply wearing clothing or exhibiting symbols or flags referring to Palestine. On 17 July 2025, in Kent, armed police threatened to arrest a protester for holding a Palestinian flag. The individual asserted that they were not associated with Palestine Action, yet officers asserted that such conduct could constitute support for a proscribed organization. No charges were ultimately brought, however similar incidents have been reported elsewhere, including individuals wearing “Free Palestine” T-shirts or carrying general Palestinian flags being warned, moved on, or

threatened with arrest, despite not displaying Palestine Action symbols or identifying with Palestine Action. Similarly, at the 9 August 2025 demonstration in London, it is reported that the policing operation extended beyond those actively supporting Palestine Action. Some individuals were moved on or threatened with arrest despite not displaying any Palestine Action signs or symbols.

### *Other developments*

In August, the Scottish Human Rights Commission wrote to the Lord Advocate, the Chief Constable of Scottish Police and the Justice Secretary warning that the policing of Palestine Action in Scotland risks disproportionately restricting the right to peaceful protest under articles 10 and 11 of the ECHR and called for clear guidance to officers on proportionality in policing.

On 15 August 2025, the UK Equality and Human Rights Commission (EHRC) issued a formal warning<sup>3</sup> to the Home Secretary and the Metropolitan Police Commissioner concerning the policing of Gaza-related protests. The EHRC expressed concern that “[h]eavy-handed policing or blanket approaches risk creating a chilling effect,” deterring individuals from exercising their rights to freedom of expression and peaceful assembly. The Commission referenced a report of instances in which individuals were threatened with arrest under the Terrorism Act simply for displaying a Palestinian flag or carrying signs stating “Free Gaza” or “Israel is committing genocide”. The EHRC emphasized that “any interference with protest rights must be lawful and assessed case-by-case” and that police authorities must avoid blanket approaches that risk stifling lawful dissent. It further urged the Home Office and police to provide clear and consistent operational guidance to all officers to “ensure that the appropriate balance is maintained between public safety and the protection of essential human rights.”

Numerous UK-based human rights and legal organizations and leading public figures have condemned the proscription of Palestine Action and subsequent arrests and charges.

While we do not wish to prejudge the accuracy of these allegations, we are concerned at the seemingly unjustified use of counter-terrorism laws against protest activity in a democratic society. In particular, we are concerned that proscription and its consequences result in unnecessary and disproportionate restrictions on the rights to freedom of expression, peaceful assembly and association, and the rights to take part in public affairs and to liberty, due to the interrelated concerns that: (1) mere property damage is not sufficient to constitute terrorism according to international standards; (2) proscription of the whole of Palestine Action is not justified based on the isolated acts of a few associated individuals; and (3) overbroad Palestine Action-related offences are unnecessary and disproportionate restrictions on rights. We also warn against other adverse consequences of proscription, including the chilling effect on other protest movements, the potentially negative influence on the behaviour of other

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<https://www.equalityhumanrights.com/sites/default/files/2025/EHRC%20letter%20to%20the%20Home%20Secretary.pdf>

States towards protest movements, and potentially counter-productive security impacts. Separately, we are concerned that police powers may have been unlawfully or arbitrarily exercised to threaten protesters with arrest or direct them to desist from protesting in circumstances where individuals were not supporting or identifying with Palestine Action in any way but were merely exercising their legitimate right of protest in relation to the ongoing violence in Palestine.

### **Mere property damage is not terrorism according to international standards**

We regret that proscription has occurred and reiterate our concerns expressed in GBR 9/2025 that (1) mere property damage is not sufficient to constitute terrorism under best practice international standards; (2) where national law nonetheless criminalizes certain property damage as terrorist offences, it is best practice to exclude acts of advocacy, protest, dissent or industrial action where they do not cause death or serious injury; and (3) property damage should be prosecuted as other, more appropriate offences. 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, potentially violating freedoms of expression, peaceful assembly and association, and leading to consequential violations of the right to liberty. We refer your Excellency's Government to the analysis in GBR 9/2025.

In addition, we acknowledge that some international standards recognize certain forms of property damage as terrorism. However, these standards add vital qualifications that very substantially narrow the scope of terrorism. These include that acts against property:

- (a) Must have the effect of endangering life<sup>4</sup> or would implicitly have such effect, such as damage to a civilian aircraft or air navigation facilities, or to civilian shipping and fixed platforms on the continental shelf, that endangers the safety of those objects;<sup>5</sup>
- (b) Must meet a minimum gravity threshold for harm to property, such as a cumulative requirement of "extensive destruction" resulting in "major economic loss";<sup>6</sup> the notion of "extensive destruction" was transposed from the war crime of extensive destruction of property under international humanitarian treaty law of 1949, further signifying the severity of harm required. In the context of civil aviation safety, offences must "destroy" an aircraft or cause "damage" that would endanger its safety in flight.<sup>7</sup> Similar thresholds apply in the context of the safety of civilian shipping and fixed platforms;<sup>8</sup>

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<sup>4</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, article 3(1)(d) and (h).

<sup>5</sup> Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971; Protocol for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation 1988; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf 1988.

<sup>6</sup> International Convention for the Suppression of Terrorist Bombings 1999, article 2(1)(b); EU Counter-Terrorism Directive, article 3(1)(d).

<sup>7</sup> Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971, article 1.

<sup>8</sup> Protocol for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation 1988; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf 1988).

- (c) Must be targeted at property of public character, such as a place of public use, a State or government facility, a public transportation system or an infrastructure facility,<sup>9</sup> but not private property;
- (d) Are only offences where they are targeted at specified vulnerable objects, such as civilian aircraft and airports,<sup>10</sup> civilian ships and fixed platforms on the continental shelf,<sup>11</sup> nuclear facilities or transports,<sup>12</sup> or diplomatic premises;<sup>13</sup>
- (e) Are only offences where particularly dangerous means are used, such as explosives, incendiary weapons or devices, or weapons or devices that cause harm through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material;<sup>14</sup> or nuclear or radioactive material;<sup>15</sup>
- (f) Must constitute offences under the above-mentioned international counter-terrorism conventions, thereby importing their limitations on offences involving property damage.<sup>16</sup>

Security Council resolution 2341 (2017) calls on Member States to criminalize “terrorist attacks” intended to destroy or disable “critical infrastructure”. This provision is not binding, and there is no internationally agreed definition of critical infrastructure. Crucially, because the Security Council calls for the criminalization of “terrorist attacks” on critical infrastructure, this provision must be interpreted as being subject to all of the previously mentioned qualifications on the definition of “terrorism”. In other words, terrorist attacks on critical infrastructure are those which are intended to cause death or serious injury.

We note that because the definition of terrorism in UK law refers only to “serious criminal damage”, the seriousness of damage should be interpreted consistently with the above-mentioned international best practice standards on the definition of terrorism, in order to ensure that the restrictions on human rights flowing from proscription can be regarded as necessary and proportionate under international human rights law.

### **Proscription of the whole of Palestine Action is not justified**

Under section 3(4)-(5) of the Terrorism Act 2000, the Secretary of State must believe that the organization being proscribed is “concerned in” terrorism. In our view,

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<sup>9</sup> Terrorist Bombings Convention, article 2(1) offence read in conjunction with the definitions in article 1.

<sup>10</sup> Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971; Protocol for the Suppression of Unlawful Acts of Violence at Airports 1988).

<sup>11</sup> Protocol for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation 1988; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf 1988.

<sup>12</sup> International Convention for the Suppression of Acts of Nuclear Terrorism 2005.

<sup>13</sup> Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents 1973.

<sup>14</sup> International Convention for the Suppression of Terrorist Bombings 1999, article 1(3) (definition of a “explosive or other lethal device” for the purpose of the so-called “terrorist bombings” offences under article 2).

<sup>15</sup> Convention on the Physical Protection of Nuclear Material 1979, article 7 (where used to cause “substantial property damage”); International Convention for the Suppression of Acts of Nuclear Terrorism 2005, article 2.

<sup>16</sup> Security Council resolution 1566; Council of Europe Convention on the Prevention of Terrorism 2005 (CETS No. 196), article 1(1).

it is therefore impermissible to proscribe an organization based on the individual or isolated criminal acts of some members, when those acts do not show that the organization itself committed or was otherwise concerned in terrorism, and when most members are involved in legitimate non-terrorist political protest activity. To do so could amount to an unnecessary and disproportionate interference in human rights under international law. Definitions of “terrorist organization” and eligibility for proscription should require that the entity itself has the *substantial purpose* of intentionally committing or facilitating terrorist acts, as properly defined. We are concerned that in this case, compounding violations of human rights law arise from an over-broad definition of terrorism enabling an over-broad identification of a “terrorist organization”, which in turn triggers overbroad offences relating to that organization (discussed below).

We note further that even if an entity meets the formal legal criteria for proscription (including where they are overbroad, as in the UK), international practice suggests that restraint must be exercised by decision makers. Most responsible States globally, including in Europe and liberal democracies, have limited terrorism designations to extremist actors engaged in grave large scale atrocities, such as Al Qaeda or the Islamic State in Iraq and the Levant and their associates, groups involved in intense armed conflict against State authorities (e.g. Hezbollah, Hamas, PKK, LTTE and so on), or other organized campaigns of intense violence by separatist, socialist, far-right, religious or other causes. Protest movements claiming to defend human rights, that are an irritant to property rights or affect certain national security interests, but which do not engage in sustained campaigns of murder, are not typically treated as “terrorist”. Definitions are frequently over-inclusive, but good judgement and restraint also need to be exercised in a democracy committed to human rights and a substantive not merely procedural conception of the rule of law.

In the work of UN experts in monitoring counter-terrorism laws globally, abuse of laws to proscribe organizations as terrorist that are not genuinely so has more commonly occurred in States that are authoritarian and lack legal and political cultures of respect for human rights, legality, due process and independent judicial safeguards, in order to target civil society organizations, human rights defenders, political dissidents and minorities. It is deeply concerning that such practices appear to have spread to a number of liberal democracies. Organizations must never be listed as terrorist for engaging in protected speech or legitimate activities in defence of human rights.

### **Palestine Action -related offences are unnecessary and disproportionate restrictions on rights**

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. Thus, a very wide range of acts which would otherwise be legitimate protest against Israel’s activities in Palestine, would become offences, or at least ordinary members of the public may reasonably think such activities may be criminal. They include wearing clothing or holding signs that were worn by people who were

associated with Palestine Action; wearing a flag that might be associated with the Palestine Action or the broader protest movement; protesting in similar locations to where that organization did; or donating money to people formerly involved in the organization who have moved on to other groups protesting in favour of Palestine.

As a result, individuals in the United Kingdom can be prosecuted, convicted and sentenced for engaging in legitimate, peaceful activities in the exercise of their rights to freedom of expression and opinion, assembly and association, and the rights to participate in public affairs and to be free from arbitrary detention, protected respectively under articles 19, 21, 22, 25 and 9 of the ICCPR. Further, since criminal penalties may be greater for terrorism offences (up to 14 years imprisonment) than ordinary offences, there is a risk of imposing punishments that are disproportionate to the gravity of the conduct. Criminal conviction also carries serious stigma and harm to a person's human right to reputation under article 17 of the ICCPR and is likely to have life-long consequences for their careers, family and private life, and psychological well-being.

The fear of being subjected to a terrorism conviction and the very heavy sentences that are available for these offences are likely to have a widespread chilling effect, which is likely to dissuade many people from a range of what would otherwise be perfectly legitimate protest. Given the numbers of people in the UK who wish to protest in support of Palestine, this proscription is likely to adversely impact a very large number of people.

Some of the organization-related offences are also vague and overbroad and do not appear to satisfy the requirement 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, the classification of conduct and an organization as terrorist triggers special investigative and detention powers under UK law that could also unjustifiably interfere in a range of fundamental rights where the organization and connected offences cannot be genuinely or proportionately regarded as "terrorist".

### **Arbitrary or unlawful exercise of police powers**

We are deeply concerned that UK police have reportedly invoked the proscription of Palestine Action to threaten to unlawfully arrest peaceful protesters who were not supporting or identifying with Palestine Action in any way, or to direct them to move on and cease protesting. Such instances appear to constitute the arbitrary and unlawful exercise of police powers and violations of the rights to freedom of expression, peaceful assembly, association and movement, and potentially the right to liberty were threats to arrest be carried out. These cases also suggest that the proscription of Palestine Action as a protest movement has induced law enforcement authorities to stigmatize all Palestine-related protest as terrorism and to discriminate on the basis of the content of protests, that is, on the basis of political opinion contrary to articles 2 (non-discrimination) and 26 (equality) of the ICCPR. Moreover, these incidents expose a lack of training, guidance, discipline and professionalism among UK police in the application of exceptional terrorism powers in highly sensitive contexts.

## **Other adverse consequences**

We are also concerned that the proscription of Palestine Action sets a precedent for the proscription of other robust protest movements hitherto regarded as unruly but never as terrorist, such as certain climate change, anti-nuclear or peace activism groups. UK counter-terrorism law and practice can also influence other States and thus undermine fundamental rights in relation to protest movements in other countries. These developments also undermine the UK's commitment to human rights under pillar IV of the United Nations Global Counter-Terrorism Strategy 2006, adopted by the consensus of the General Assembly including the UK, which recalls that "effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing".

Further, the excessive suppression of political protest could even have the counter-productive effect of fuelling grievances that could undermine the UK's national security, as well as reducing community trust and cooperation with the authorities on counter-terrorism. Pillar I of the United Nations Global Counter-Terrorism Strategy emphasizes that State violations of human rights while countering terrorism can be conditions conducive to violence.

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.

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 indicate what steps will your Excellency's Government take to urgently lift the proscription of Palestine Action.
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.
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.
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 with a terrorist purpose.
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.

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 to freedom of movement.

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 arrests relating to protest in support 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 to clarify the issues in question.

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

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

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 the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication.

#### *Right to liberty and security of the person*

Article 9 of the ICCPR guarantees the right to liberty and security of the person. It prohibits arbitrary detentions and establishes that no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as established by law. Any detention due to the peaceful exercise of rights, including the rights to freedom of expression, freedom of assembly and freedom of association, is arbitrary (general comment No. 35, para 17). Additionally, detention is arbitrary where it is based on discrimination, including on the basis of political or other opinion (general comment No. 35, para. 17). Access to a lawyer, including immediately after arrest, is an essential safeguard of the right to challenge the legal basis of one's detention under article 9(4) of the ICCPR.

#### *Freedom of expression and opinion*

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). 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 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). The Special Rapporteur emphasized the weaponization of unjustified accusations of terrorism, facilitated by broad anti-terrorism laws, to stifle civic activism and civil society critical of government policies, including in relation to pro-Palestinian solidarity protesters (paras. 32-35).

#### *Right to take part 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”. The Human Rights Committee noted that “[c]itizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association” (general comment No. 25, para. 8).

#### *Freedom of movement*

Article 12 of the ICCPR guarantees the right of liberty of movement, providing that “[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement” and that any restriction on this right must be provided by law, be necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and be consistent with the other rights recognized in the ICCPR.

#### *Right to privacy*

Article 17(1) prohibits arbitrary or unlawful interferences with a person’s privacy, family, home or correspondence, and unlawful attacks on a person’s honour and reputation. Article 17(2) provides that “[e]veryone has the right to the protection of the law against such interference or attacks.” Any interference with the right protected

under article 17 must be strictly necessary and proportionate in pursuit of a legitimate aim.

The Human Rights Committee has emphasized the duty of States “not to engage in interferences inconsistent with article 17 of the Covenant and to provide the legislative framework prohibiting such acts by natural or legal persons” (general comment No. 16, para. 9). It noted that provision must be made for individuals to be able to protect themselves against unlawful attacks on their honour or reputation and to have an effective remedy where violations occur (para. 11).

### *Equality and non-discrimination*

Article 2 of the ICCPR requires that States respect and ensure to all individuals within their territory and jurisdiction the rights protected under the Covenant without distinction of any kind, including of political or other opinion. Article 26 of the ICCPR further provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. It requires that the law “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

### *Respect of 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>17</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)).

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>18</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).

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<sup>17</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>18</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).

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/listings*

The designation of “terrorist” individuals or organizations must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 35). 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.

In addition, to list an organization, it must have the substantial purpose of engaging in terrorist offences. It is not enough that some individuals commit isolated acts of terrorism while acting outside of the organization’s legitimate purposes and leadership. Even where an individual or organization meets the formal criteria, listing must still be necessary and proportionate in the circumstances, including by demonstrating that less invasive means, such as surveillance and criminal investigation, would be ineffective. Proportionality will also depend on the nature and scope of the restrictive measures that flow from designation, including whether they apply automatically or in a tailored manner, and whether any offences are overbroad. Where listing activates criminal liabilities, the link between the organization and any offences

must be articulated in a sufficiently narrow and precise manner, to avoid unjustified liability.