



From the Chair of the Joint Committee on Human Rights

The Rt Hon Shabana Mahmood MP

[Delivered by Email]

Secretary of State for the Home Department

cc. The Lord Chancellor

11 September 2025

Dear Home Secretary,

Government approach to proscription under the Terrorism Act 2000

The Joint Committee on Human Rights recognises the crucial importance of taking action to protect the public against terrorism. Terrorism represents a fundamental attack on democratic and human rights values. Those human rights, including the rights to freedom of expression and freedom of assembly, are also of vital importance in any democratic society. They must only be restricted when doing so is both necessary and proportionate to a pressing social need.

With the approval of Parliament, you have the power under the Terrorism Act 2000 to proscribe organisations on the basis that they are “concerned in terrorism”. The consequence of proscription is to make it a criminal offence *inter alia* to express support for a proscribed organisation, being reckless as to whether it will encourage others to support them, or to wear clothing or carry articles in public which arouse reasonable suspicion that you are a member or supporter of a proscribed organisation. Prosecution for these offences has been recognised by the courts to interfere with the right to freedom of expression, although such interference has so far been held to be justified given the importance of taking action to prevent terrorism.¹

On 23 June 2025 your predecessor announced her intention to proscribe the organisation Palestine Action. On 2 & 3 July 2025 the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2025, which proscribed Palestine Action along with two other groups, was approved by both Houses of Parliament. Since then, according to media reports, more than 1,500 people have been arrested for offences under the Terrorism Act 2000 related to apparently peaceful expressions of support for Palestine Action.² Most of those arrests took place in London and the Metropolitan Police have, as of 1 September, charged 114 of those arrested with Terrorism Act offences.³

This letter does not call into question the legality of the decision to proscribe Palestine Action. That is a matter that is the subject of challenge in the courts. However, we do have some questions about the basis for that decision and about the wider approach the Government is taking to the proscription of organisations under the Terrorism Act.

¹ See, for example, *PWR v DPP* [2022] UKSC 2

² <https://www.bbc.co.uk/news/articles/cm2vll77zzno>; <https://www.bbc.co.uk/news/articles/c8rvly00440o>

³ <https://news.met.police.uk/news/more-people-charged-with-terrorism-act-offences-linked-to-palestine-action-support-500541>



Joint Committee on Human Rights

Committee Office · House of Commons · London · SW1A 0AA

Tel 020 7219 4710 Email JCHR@parliament.uk Website www.parliament.uk



From the Chair of the Joint Committee on Human Rights

Proscription and “serious damage to property”

The definition of terrorism under section 1 of the Terrorism Act 2000 includes actions involving “serious violence against a person” and also actions involving “serious damage to property”, if either are designed to influence government or an international governmental organisation or to intimidate a section of the public and are for the purpose of advancing a political, religious, racial or ideological cause.

Your predecessor’s 23 June 2025 statement to Parliament setting out the justification for the proscription of Palestine Action focused on the organisation being involved in acts of serious damage to property, citing “direct criminal action against businesses and institutions, including key national infrastructure and defence firms that provide services and supplies to support Ukraine, the North Atlantic Treaty Organisation (NATO), “Five Eyes” allies and the UK defence enterprise.” She also referred to Palestine Action’s “willingness to use violence” and their actions causing “panic among staff who feared for their safety”.⁴ The Minister for Security who brought the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2023 before Parliament also stated that “Palestine Action’s attacks are not victimless crimes; employees have experienced physical violence, intimidation and harassment, and they have been prevented from entering their place of work.”⁵ However, neither your predecessor nor the Minister for Security expressly stated whether “serious violence against a person” formed part of the basis of the assessment that Palestine Action were “concerned in terrorism”.

- Was the assessment that Palestine Action were “concerned in terrorism”, which led to the decision to proscribe them, based on their actions satisfying any other elements of the definition of terrorism other than “serious damage to property”?
- More generally, is it the Government’s position that actions or threats involving serious damage to property alone may be sufficient to justify an organisation being proscribed under the Terrorism Act 2000? If so, can you explain in which circumstances serious damage to property carried out by organisations seeking to influence government and for a political or ideological cause amounts to terrorism and justifies proscription and when it can be adequately dealt with under the standard criminal law?
- It is not clear to us that the Government has previously proscribed an organisation on the basis of action which involves “serious damage to property” alone. Can you please confirm whether this is the case?
- Can you please explain to us how you assess whether damage to property is sufficiently serious to come within the s1 TA 2000 definition of terrorism. Is it based on the value of repairing that damage or some other factor?

Alternative measures?

⁴ [Security statement \(UIN HCWS279\) made on 23 June 2025](#)

⁵ [Prevention and Suppression of Terrorism - Hansard - UK Parliament](#)



From the Chair of the Joint Committee on Human Rights

In May 2024, Lord Walney, then the Government's independent adviser on political violence and disruption, produced a report entitled "Protecting our Democracy from Coercion".⁶ That report noted that "the consequences of proscription are severe" and recommended the introduction of:

"a mechanism to restrict the activity of organisations which have a policy of using criminal offences for which the penalty includes imprisonment (such as destruction of property) or causing serious disruption, or injury to persons (either intentional or reckless as to whether that occurs) to influence government or public debate where its policy and activities make this a necessary in a democratic society to protect the rights of others. Such a mechanism would be distinct from proscription on terrorism grounds ... Sanctions attached to this restriction would include restricting the group's right to assembly and its ability to fundraise."⁷

- The Committee draws no conclusions on whether such measures are necessary or appropriate, but we do ask whether the Government has considered the introduction of restrictive orders to be used in response to organisations like Palestine Action, rather than proscription under the Terrorism Act? What is the Government's position on Lord Walney's recommendation?

Sharing intelligence with Parliament

Lord Beamish, who chairs Parliament's Intelligence and Security Committee (ISC), registered during the House of Lords debate on the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2025 "a sense of disappointment that the Home Office did not see fit to give the intelligence assessment behind this, which he rightly says cannot be made public, to the ISC".⁸ He added that the ISC "was quite angry that the Government had not given it this information before this legislation was put forward".

- Parliament was asked to approve the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2025 without being privy to the intelligence justifying it. Why was the intelligence assessment behind the proscription of Palestine Action not, at least, shared with the Intelligence and Security Committee, whose members are subject to Section 1(1)(b) of the Official Secrets Act 1989 and are routinely given access to highly classified material in carrying out their duties?

Taking into account freedom of expression

The proscription of Palestine Action has led to many arrests on suspicion of peaceful expressions of support for the organisation.

- When assessing whether to exercise your discretion to proscribe an organisation, to what extent do you take into account the rights to free expression and free association (including under Article 10 and 11 ECHR respectively) not of the organisation itself but of the wider cohort who will be criminalised for expressing peaceful support for the proscribed organisation?

⁶ [Protecting our Democracy from Coercion](#), May 2024, HC 775

⁷ Ibid, Recommendation 31

⁸ [Terrorism Act 2000 \(Proscribed Organisations\) \(Amendment\) Order 2025, House of Lords debate, 3 July 2025](#)



From the Chair of the Joint Committee on Human Rights

Pressure on the courts

The recent arrests for offences related to showing support for Palestine Action will presumably lead to hundreds of prosecutions. According to figures published by the Ministry of Justice in June, covering the first quarter of 2025, there were already over 310,000 open cases in the magistrates' court (up from approximately 273,000 in March 2024) and almost 77,000 open cases in the Crown Court (up from around 69,000 cases in March 2024).⁹ Under Article 6 ECHR, defendants are entitled to a trial "within a reasonable time".

- To what extent, before coming to decisions on proscription, including the decision to proscribe Palestine Action, do you or did your predecessor take into account (a) the potential for hundreds of prosecutions for offences relating to expressions of support and (b) their impact on the backlog of cases in the criminal courts and on the timeliness of future criminal trials?

We would be grateful for a response to this letter by 10 October 2025.

Yours

Lord Alton of Liverpool

Chair, Joint Committee on Human Rights

⁹ [Ministry of Justice, Criminal court statistics quarterly: January to March 2025, published 26 June 2025.](#)