

RIGHT TO PROTEST LTD

Rt Hon Shabana Mahmood MP
Secretary of State for the Home Department
Home Office
2 Marsham Street
London
SW1P 4DF

By email only: shabana.mahmood.mp@parliament.uk
public.enquiries@homeoffice.gov.uk

27th September 2025

Dear Secretary of State,

Re: Urgent: Formal Notice to the Home Secretary – Breach of Statutory Duties under the Counter-Terrorism and Security Act 2015, Police Act 1996, and Equality Act 2010

We write to raise an urgent matter concerning your statutory duties as Home Secretary. The Secretary of State has issued Prevent Guidance under section 29 of the Counter-Terrorism and Security Act 2015 ('CTSA'). Section 26(2) CTSA 2015 expressly requires that "*a specified authority must have regard to any such guidance in carrying out that duty.*" The Metropolitan Police are failing to comply with both that duty and their statutory obligations under section 26 CTSA 2015. In addition, despite clear evidence that the Defend Our Juries "Lift the Ban" campaign is misleading the public into committing terrorism offences, the police have failed to take action and are therefore failing to discharge their functions effectively. Notwithstanding these failures to act, and clear breach of statutory duties by the police, you have to date failed to exercise your enforcement powers under section 30 CTSA 2015 and section 40 of the Police Act 1996. This failure is unlawful.

(For the avoidance of doubt, references to the Metropolitan Police are to be read in accordance with Schedule 6 CTSA 2015 and section 40 of the Police Act 1996.)

Factual Background

Defend Our Juries Website

As you are aware, Defend Our Juries ('DoJ') has launched a campaign called, 'Lift the Ban' which seeks to call for the de-proscription of Palestine Action as a terrorist organisation by encouraging the mass arrests of people by holding a placard stating, "*I oppose genocide. I support Palestine Action.*" DoJ promotes this as lawful action in its Action Briefing Documents. Despite this call to break terrorism laws, the police have not sought to permanently remove the website, nor the Action Briefing Documents from the internet, despite having the ability to do so¹.

¹ <https://www.thecanary.co/uk/news/2025/08/07/amnesty-defend-our-juries/>

Such statements include:

“Campaigning to lift the ban is lawful

Campaigning to change the law is not unlawful. If it were, the laws banning women from voting, making it a crime to be gay, and permitting slavery could never have been changed. Our campaign aims to reverse Yvette Cooper’s crazy proscription, and that’s a perfectly lawful thing to do.”

“We know that in exposing the absurdity of the ban with our cardboard signs, we are acting lawfully, in accordance with our rights to freedom of expression and peaceful assembly, exposing the government’s violations of the Genocide Convention.”

(Please see: **Annex 2:** Action Briefing doc – Saturday 9 August – London;

Annex 3: Action Briefing doc – Saturday 6 September - London;

Annex 4: Action Briefing doc – Saturday 4 October – London).

DoJ’s Window Poster Campaign

On **12 September 2025**, DoJ began a ‘NEW – Display a poster at home!’ campaign² which encourages people to download DoJ’s posters which state *“I oppose genocide. I support Palestine Action”* and display them in their windows. The DoJ state on their website that this is lawful, and that Merseyside police has confirmed this to be the case. The website provides a link to a Times article³ whose headline claims the same. However, the article itself is behind a paywall, meaning everyone without a subscription to the publication is prevented from reading it.

The screenshot of the website and the screenshot of the paywalled Times article are reproduced below:

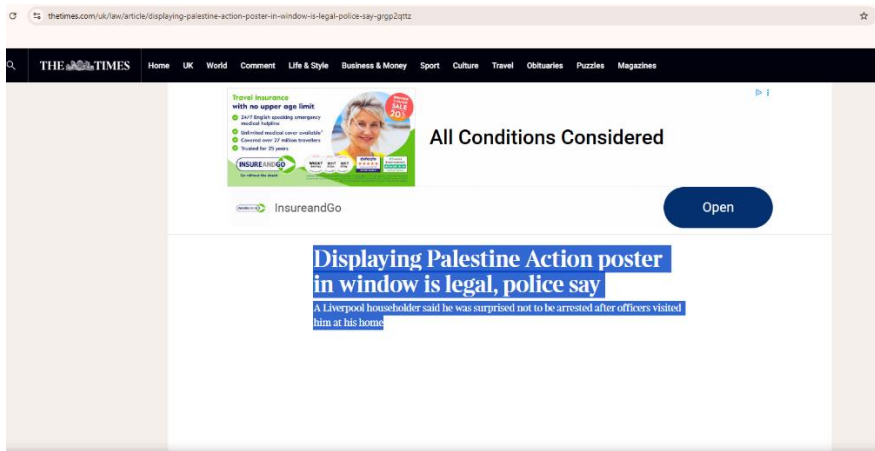
² <https://defendourjuries.net/lift-the-ban/>

³ <https://www.thetimes.com/uk/law/article/displaying-palestine-action-poster-in-window-is-legal-police-say-grgp2qttz>

A FURTHER 46 ARRESTS FOR SIGN-HOLDING PARLIAMENT SQUARE 12/07/25 (1:14)

NEW – Display a poster at home!

Disclaimer: Senior officers in the Merseyside Police confirmed that it is lawful to put up a version of our posters in the window of your house. The “displaying of an article” that “arouses reasonable suspicion that [a person] is a member or supporter of a proscribed organisation” is only an offence when it is committed in a public place. Police confirmed this after a resident in Liverpool displayed the message “I oppose genocide. I support Palestine Action” in their window. However, some police may take other approaches in the exercise of their duties, but it would be an abuse of process to prosecute someone for any other offences, contrary to public statements made by the police and prosecutors about the signs.



Continue reading

Enjoy unlimited digital access.

Subscribe now

Already a subscriber? Log in >

The Metropolitan Police are fully aware that it is not lawful to display an article in support of a proscribed organisation in a public place, and arrests have been made for displaying a poster in a window of a home accessible to the public⁴.

As you will of course be aware, the Metropolitan police regularly monitor the Defend Our Juries’ website. The police have statutory powers under **sections 3 and 4 of the Terrorism Act 2006** to request that the site should be taken down, and for it to be investigated. The Metropolitan Police has not only previously taken the site down⁵, but the Met’s CTIRU have intervened⁶ to prevent Zoom meetings⁷ advertised on the site from taking place, and subsequently arrested those involved in organising these meetings⁸ under s.12 Terrorism Act.

⁴ <https://www.bbc.co.uk/news/articles/cn0qn8vz00no>

⁵ <https://www.thecanary.co.uk/news/2025/08/07/amnesty-defend-our-juries/>

⁶ <https://x.com/DefendourJuries/status/1953543431990718609>

⁷ <https://www.theguardian.com/uk-news/2025/aug/07/three-charged-with-supporting-palestine-action-at-london-rally>

⁸ <https://www.standard.co.uk/news/crime/palestine-action-protests-zoom-court-charged-defend-our-juries-b1246044.html>

As such, their current failure to remove the website is a clear abdication of their statutory, legal duties – which is extremely alarming.

Failure to Act on Police Reports

This matter has been reported to the Metropolitan Police on several occasions recently by law-abiding individuals, including through the official online crime reporting system, including by Right to Protest Ltd on **23 September 2025** reference number: ROC-19528-25-0101-IR. Despite this, no substantive action has been taken and a formal reply has yet to be received. The website remains online.

Alarming, in one instance on **24 September 2025**, a member of the public attempted to raise a complaint via the Metropolitan Police's online chat system. The chat was closed abruptly while the complainant was still trying to report the Defend Our Juries website. Screenshots of this exchange are enclosed at **Annex 1**.

As the evidence at **Annex 1** makes clear, police officers refused to take the complaint seriously, and in doing so misrepresented their statutory responsibilities and powers under terrorism legislation. They incorrectly suggested that they had no authority to act, when in fact **sections 3 and 4 of the Terrorism Act 2006** confer on a constable, the power to serve a notice requiring service providers to remove or modify material contrary to terrorism legislation including the encouraging of terrorism offences. Should a service provider refuse to act, within 2 working days, they will be held to have given their endorsement to the terrorist material, exposing the provider to prosecution for the underlying offence of encouragement or dissemination of terrorist publications under terrorism legislation.

We also refer you to **s.38B of the Terrorism Act 2000** which imposes a clear statutory duty on the police to act on information about terrorism offences. Once officers are provided with information which they know or believe might be material assistance in preventing such an offence, they are under a legal duty to act. Failure to do so – including by refusing to take a complaint or misrepresenting their statutory powers – is not only a breach of their statutory duty, but also exposes the police to liability for committing an offence under section 38B and/or misconduct in public office.

Active Complicity, Not Passive Failure

The failure of the police to act is not passive, and these omissions amount to actions in law.

The Metropolitan Police's failure is especially grave as **Section 13 of the Terrorism Act 2000** is a strict liability offence. It does not require proof of intent or belief; liability arises simply from displaying an article in circumstances arousing reasonable suspicion of support for a proscribed organisation. By failing to ensure vulnerable individuals **are informed and understand** that the campaign has misled them as well as being informed that displaying a poster in a window accessible to the public **is a terrorism offence**, as well as failing to ensure that they are aware of the acts they are being asked to commit, and failure to explain the consequence of such requested acts, the police are actively allowing these vulnerable

members of the public to be misled into criminal liability regardless of their actual intentions or beliefs. These failures will of course, ensure mass arrests and convictions for the Metropolitan Police.

The central failure here lies not only in the Metropolitan Police actively allowing the DoJ website to remain online, thereby actively encouraging the public to commit terrorism offences, but also in the Metropolitan Police's abdication of their statutory safeguarding role.

The Metropolitan Police⁹ has a statutory responsibility to ensure that vulnerable people are not manipulated or exploited into terrorism offences through, confusion, coercion or duress, particularly when they are being explicitly told that the offence is lawful. However, the Metropolitan Police has done nothing to prevent this false message from being removed. By refusing to intervene with the DoJ website, they have abandoned that duty and become silent facilitators of the very criminalisation they are legally bound to prevent. As such, the Metropolitan Police are themselves, recklessly encouraging the commission of terrorism, an offence under **section 12 Terrorism Act 2000**.

The Metropolitan police are fully aware of their responsibilities and duties, and they must obey the law. They are not permitted to encourage the commission of crime. **Section 45 of The Serious Crime Act 2007** states:

Encouraging or assisting an offence believing it will be committed

A person commits an offence if—

(a) he does an act capable of encouraging or assisting the commission of an offence; and

(b) he believes—

(i) that the offence will be committed; and

(ii) that his act will encourage or assist its commission.

It is clear that the Metropolitan Police believe that their actions in failing to take steps to remove the website and ensure vulnerable people are protected as per their statutory duties under **Section 29 CTSA 2015**, will lead to a terrorism offence being committed and that their actions assist and encourage its commission.

This conduct by the Metropolitan Police is deeply troubling and gives rise to a reasonable inference of deliberate misconduct. The Metropolitan Police's failure to take decisive action strongly suggests that the police are purposefully permitting vulnerable individuals to be entrapped into committing terrorism-related offences under the false belief that their actions are lawful. Such conduct appears calculated to enable mass arrests of pro-Palestinian supporters, thereby interfering with their rights under **Articles 10 and 11 of the European Convention on Human Rights**.

It is also a clear breach of the police's **Public Sector Equality Duty under section 149 of the Equality Act 2010**. Pro-Palestinian supporters — who share a protected characteristic under

⁹ <https://www.met.police.uk/advice/advice-and-information/t/prevent/prevent/>

s.4 Equality Act 2010 — are being discriminated against where, instead of being afforded the protection of the law, the police knowingly allowing DoJ to mislead individuals into believing that displaying support for Palestine Action is lawful, only for it to be later treated as criminal. By deliberately omitting to exercise their statutory duties, the police are in effect permitting the entrapment of individuals into terrorism offences — a tactic not applied to others who do not share this protected characteristic.

This is not the lawful duty of the police. On the contrary, it is a gross abuse of power: unethical, unlawful, and unconstitutional. The police are under a duty to prevent criminal exploitation, not to facilitate it.

Relevant Legislation

Terrorism Act 2000:

s.1(5) In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.¹⁰

s.12 - Support

s.13 – Uniform and Publication of Images

s.38B - Information about acts of terrorism

Terrorism Act 2006:

s.2 – Dissemination of Terrorist Publications

s. 3 – Application of ss.1 and 2 to internet activity etc.

s. 4 – Giving of notices under s.3

Counter-Terrorism and Security Act 2015

s. 26 – General duties on specified authorities

s. 29 - Power to issue guidance

s. 30 - Power to give directions: general

Police Act 1996

¹⁰ <https://www.thenational.scot/news/national/25370718.protests-palestine-action-ban-continue-until-november/> (Huda Ammori, co-founder of Palestine Action, has explicitly endorsed Defend our Juries' campaigns as 'crucial' and thus as a benefit of a proscribed organisation.)

s. 40 - Power to give directions in relation to police force

Serious Crime Act 2007

s.44 - Intentionally encouraging or assisting an offence

s.45 - Encouraging or assisting an offence believing it will be committed

Equality Act 2010

s.149 - Public sector equality duty

European Convention on Human Rights (ECHR)

Article 10 – Freedom of expression

Article 11 – Freedom of assembly and association

Article 14 – Prohibition of discrimination

Article 13 – Right to an effective remedy

Met Police: Systematic Breaches of Statutory Duties

Police Duty to Protect Vulnerable Adults

The police have clear statutory obligations under the **Counter-Terrorism and Security Act 2015**¹¹ (*'CTSA 2015'*).

- **Section 26(1) CTSA 2015** provides:

“A specified authority must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism.”

- Schedule 6 defines “specified authorities” to include the police.

The duty explicitly encompasses preventing conduct that could amount to support for proscribed organisations. This includes the offence created by **Section 13 Terrorism Act 2000**.

The **Prevent duty guidance**¹², issued under **Section 29 CTSA 2015**, establishes the framework for compliance. It specifically recognises that:

¹¹ <https://www.legislation.gov.uk/ukpga/2015/6/contents>

¹² https://assets.publishing.service.gov.uk/media/65e5a5bd3f69457ff1035fe2/14.258_HO_Prevent+Duty+Guidance_v5d_Final_Web_1_.pdf

- *“A person can be vulnerable if they need special care, support or protection because of age, disability, risk of abuse or neglect.”*
- *“Prevent’s second objective is to intervene early to stop people from becoming terrorists or supporting terrorism.”*

Counter-Terrorism Policing’s own website¹³ on Prevent states:

- *“Prevent: We prevent vulnerable people from being drawn into extremism”*
- *“Police have a long history of working to prevent vulnerable people being drawn into criminal behaviour. The government-led, multi-agency Prevent programme aims to stop individuals becoming terrorists and police play a key role.*

We work with local authority partners and community organisations to help find solutions and work to support and protect vulnerable people.”

Police Motive: Maximising Arrests and Convictions of Pro-Palestinian Supporters?

The Met police’s conduct suggests that this is not negligence but purposely by design: a deliberate strategy to maximise arrests and convictions. By permitting and effectively facilitating DoJ to steer vulnerable protesters towards behaviour criminalised by terrorism law, counter-terrorism officers appear to be prioritising prosecution statistics over their statutory safeguarding duties.

This is not only **unlawful** under counter-terrorism legislation; it represents a perversion of counter-terrorism policing itself. The stated purpose of Prevent is *to stop people from becoming terrorists or supporting terrorism*. Here, police are facilitating the opposite: the criminalisation of the vulnerable.

This is not a minor oversight but a **fundamental and systemic breach** of the Met police’s statutory responsibilities.

- By permitting DoJ to continue steering citizens towards unlawful conduct, the Met police are not simply failing to act but are effectively complicit.
- Prevent is designed to protect vulnerable people from being drawn into terrorism. Yet, in this case, police inaction has done the opposite—placing vulnerable people directly into the path of criminalisation.
- The appearance is of a deliberate strategy: allowing vulnerable people to commit offences in order to then generate arrests and convictions, contrary to the stated purpose of Prevent and Parliament’s intention in enacting counter-terrorism law.

¹³ <https://www.counterterrorism.police.uk/what-we-do/prevent/>

Home Secretary's Statutory Duties

The Counter-Terrorism and Security Act 2015 places a clear responsibility on you, as Secretary of State, to ensure that specified authorities including police, comply with their statutory duties.

CTSA 2015

- **Section 29 CTSA 2015** provides:

*“(1) The Secretary of State may issue guidance to specified authorities about the exercise of their duty under section 26(1).
(2) A specified authority must have regard to any such guidance in carrying out that duty.”*

The Secretary of State has exercised this power and has published the **“Prevent duty guidance: Guidance for specified authorities in England and Wales”**. This statutory guidance is in force.¹⁴

The Metropolitan Police are failing to follow this guidance. Their failure to act, in response to DoJ material — despite clear evidence that it is misleading vulnerable people into committing strict liability offences under s.13 Terrorism Act 2000 — is a breach of both their s.26(1) duty and the Prevent guidance issued.

- **Section 30 CTSA 2015** provides an enforcement power for the Home Secretary:

“(1) Where the Secretary of State is satisfied that a specified authority has failed to discharge the duty imposed on it by section 26(1), the Secretary of State may give directions to the authority for the purpose of enforcing the performance of that duty.

(2) A direction given under this section may be enforced—

(a) in England and Wales, on an application made on behalf of the Secretary of State, by a mandatory order”

Further, the **Police Act 1996** empowers the Home Secretary to direct police forces where they are failing to discharge their functions effectively:

Police Act 1996

- **Section 40(4):**

¹⁴https://assets.publishing.service.gov.uk/media/65e5a5bd3f69457ff1035fe2/14.258_HO_Prevent+Duty+Guidance_v5d_Final_Web_1_.pdf

“If the Secretary of State is satisfied that a police authority or chief officer of police has failed to discharge any of its functions effectively, the Secretary of State may give directions to the police authority or chief officer requiring that the failure be remedied.”

- **Section 40(7):**

“A police authority or chief officer to whom a direction has been given under this section shall comply with it.”

Home Secretary’s Breach of Statutory Duties

The Home Office has issued statutory Prevent guidance under the **s.29 CTSA 2015**. The Metropolitan Police are failing to comply with it. Furthermore, the Met police are failing to discharge their functions in an effective manner under terrorism legislation and are in fact, by doing so, frustrating the objects and policy of those Acts of Parliament.

Despite this, you have failed to:

- Exercise your powers under **s.30 CTSA 2015** to issue directions to the police for the purpose of enforcing the performance of their s.26(1) duties; and
- Exercise your powers under **s.40 Police Act 1996** to direct the Metropolitan Police to remedy their failure to discharge counter-terrorism functions effectively.

Thus omission unlawfully frustrates the purpose of both Acts. As the House of Lords held in **Padfield v Minister of Agriculture [1968] AC 997**, the Secretary of State is not permitted to use their discretion to frustrate the objects and policy of Acts of Parliament. Lord Reid stated:

“[The] policy and objects of the Act must be determined by construing the Act as a whole, and construction is always a matter of law for the court. In a matter of this kind it is not possible to draw a hard and fast line, but if the Minister, by reason of his having misconstrued the Act or for any other reason, so uses his discretion as to thwart or run counter to the policy and objects of the Act, then our law would be very defective if persons aggrieved were not entitled to the protection of the court.”

Lord Upjohn concurred:

“...the Minister stands on quite a different basis; he is a public officer charged by Parliament with the discharge of a public discretion affecting Her Majesty’s subjects; if he does not give any reason for his decision it may be, if circumstances warrant it, that a Court may be at liberty to come to the conclusion that he had no good reason for reaching that conclusion and order a prerogative writ to issue accordingly.”

The objects and purpose of the terrorism legislation contained in the Terrorism Act 2000, the

Terrorism Act 2006, and the Counter-Terrorism and Security Act 2015 (together with the related statutory guidance) are to prevent the commission of terrorist offences, to prevent the encouragement or glorification of terrorist acts, and to protect members of the public—particularly those who are vulnerable—from being drawn into terrorism or terrorist offences. These are the policy and objects of these Acts of Parliament, reflecting Parliament’s intent in their enactment. The legislation is not there to entice people into committing terrorist offences, but to prevent them from doing so. Any action, omission, failure to act, or misuse of discretion which thwarts or runs counter to the policy and objects of these Acts is unlawful. Criminal law exists to prevent crime, not to promote it.

Your omission to exercise powers under the CTSA 2015 and Police Act 1996, despite the Metropolitan Police’s clear breach of Prevent guidance, is therefore unlawful.

The only way such inaction could conceivably be presented as lawful is if the Government’s position were that the policy and objects of these Acts are not to prevent terrorism, but to encourage individuals to commit terrorism offences in order to criminalise them. We seek your confirmation as to whether that is, in fact, the Government’s position.

Action Required

Given the seriousness of these failings, we require the Home Secretary to:

1. Confirm what immediate steps you will take under s.30 CTSA 2015 to issue directions to the Metropolitan Police to ensure compliance with their s.26(1) duty, including the removal of DOJ’s unlawful website content and Window Poster Campaign.
2. Confirm what steps you will take under s.40 Police Act 1996 to direct the Metropolitan Police to remedy their failure to discharge counter-terrorism functions effectively.
3. Confirm what steps will be taken to safeguard members of the public who have already been misled by DOJ material — making clear that they are victims of misinformation and coercion, not offenders.
4. Explain why you have so far failed to exercise your statutory powers under CTSA 2015 and Police Act 1996, despite clear evidence of Metropolitan Police non-compliance.
5. Provide assurance that you will not allow police omissions to be used as a strategy to entrap pro-Palestinian supporters into terrorism offences, contrary to the stated purpose of terrorism legislation.

The evidence points to the Metropolitan Police’s abdication of their duties as not an isolated error but to systemic complicity. Counter-terrorism police are failing to uphold the very duties Parliament has imposed upon them, and in doing so are exposing vulnerable citizens to strict liability offences that the law requires the Police to prevent. Vulnerable citizens are being

criminalised not through any deliberate intent of their own, but as a direct result of police omission. By knowingly allowing known actors involved in the Defend Our Juries campaign to mislead the public, the Metropolitan Police are facilitating conduct that places those individuals at risk of committing terrorism offences. Such dereliction is indefensible in law and wholly unacceptable in principle.

The Home Secretary has the statutory duty and obligation to ensure that the police follow the law and should they fail to, take the appropriate measures in **CTSA 2015** and **Police Act 1996**, as outlined above. Failure to exercise that discretion in order to frustrate the policy and objects of Acts of Parliament is unlawful.

We place you on notice that unless urgent corrective action is taken within 5 days—and in any event before the next mass protest scheduled for 4 October 2025 at Parliament Square, in which vulnerable people are being encouraged to participate—we will have no option but to escalate this matter formally through the courts, without further notice.

We look forward to your urgent reply.

Yours sincerely,

Right to Protest Ltd