

RIGHT TO PROTEST LTD

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Re: Confirmation of Unlawful Arrests and Criminality by Senior Officers at the Defend Our Juries 'Lift the Ban' Protests

Dear Commissioner and Assistant Commissioner,

We refer to Assistant Commissioner Adelekan's letter of 2 October 2025¹ to Defend our Juries ('DoJ') and the subsequent public remarks of Commissioner Rowley on the 'timing'² of the DoJ event, scheduled to take place at 1pm 4th October 2025 in Trafalgar Square.

Assistant Commissioner Adelekan states in his letter to DoJ, *"This weekend we would ask you to consider pausing your activity and postponing it for another weekend."*

He further states, *"We are happy to meet virtually or otherwise to discuss this matter further."*

The Assistant Commissioner's letter confirms all beyond doubt that Defend Our Juries gatherings are lawful assemblies and/or protests under Articles 10 and 11 ECHR. The letter confirms that the DoJ event is planned and the Assistant Commissioner seeks only postponement of the event, not prevention or prohibition. By doing so, the Metropolitan Police Service ('MPS') has openly accepted that these are legal protests, not terrorism.

¹ <https://x.com/DefendourJuries/status/1973833891145527520/photo/1>

² <https://x.com/SaulStaniforth/status/1974162495633043892?t=UX3WC5aqw5wNfCOvQWQwoA&s=09>

It follows that all arrests to date and all future planned arrests of DoJ protestors are thus unlawful. They are without legal foundation and amount to abuse of power, entrapment, and discrimination against people whose protected belief is opposition to genocide and the misuse of terrorism law.

1. Duty to prevent crime — not to reschedule it

Section 17(1) of the Crime and Disorder Act 1998 imposes a positive duty on the MPS and its senior officers, as *relevant authorities*, to “*exercise their various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that they reasonably can to prevent, (a) crime and disorder in its area.*”

Accordingly, if the MPS genuinely believed that participation in the forthcoming demonstration would amount to the commission of offences under section 13 of the Terrorism Act 2000, its statutory duty is to prevent those crimes - not to reschedule them for a more convenient day.

By instead seeking a postponement, the MPS has implicitly accepted that no crime is reasonably anticipated. Acknowledging that the event can proceed lawfully at another date confirms that the protest falls within the scope of Articles 10 and 11 ECHR (freedom of expression and assembly).

Moreover, by expressing willingness to meet with Defend Our Juries to agree a new date, the Assistant Commissioner and Commissioner have affirmed that they are prepared to facilitate the event. If the police in fact believed terrorism offences were to be committed, then facilitating and knowingly permitting such an event to go ahead would render the MPS and its senior officers complicit in those offences - specifically under section 12 Terrorism Act 2000, which criminalises support for or facilitation of proscribed organisations and related activity.

It follows that either:

1. the event is lawful, and the MPS’s actions confirm this; or
2. if the MPS truly believed offences were intended, its conduct in permitting and facilitating the event would itself constitute a breach of section 17 Crime and Disorder Act 1998 and complicity in offences under section 12 Terrorism Act 2000.

2. Acceptance of Article 10 ECHR Rights of Protestors

In *Pwr (AP) v Director of Public Prosecutions [2021] UKSC 31*, the Supreme Court held that Article 10 ECHR rights are lawfully restricted where conduct falls within section 13 of the Terrorism Act 2000.

In this case, however, the MPS has accepted that the protestors’ Article 10 rights are not limited. By permitting the assemblies and engaging with organisers over scheduling, the MPS has necessarily and expressly accepted that section 13 is not engaged. It follows that *Pwr v DPP* is not relevant to these demonstrations: the statutory basis for restricting Article 10 rights is absent, and the police’s own conduct recognises the protests as lawful and protected.

3. Absence of Reasonable Suspicion

Section 13 requires public display *“in such a way or in such circumstances as to arouse reasonable suspicion”* of being a member or supporter of a proscribed organisation. DoJ’s own public statement is explicit:

“The objective of this campaign is to lift the ban on Palestine Action, i.e. for Palestine Action to be de-proscribed as a ‘terrorist organisation’.”

Their demonstration is unequivocally in support for de-proscription – which is completely lawful - not support for a proscribed organisation. Your operational choice to treat DoJ as planned events to be postponed – and engaging in the timing of demonstrations - confirms the same: the MPS has no reasonable suspicion that participants are supporters of a proscribed organisation. The offence under section 13 is therefore not made out, and all arrests are unlawful.

4. Entrapment and abuse of power

The MPS is further abusing its powers by:

- (a) recognising DoJ demonstrations as lawful “planned events” capable of being postponed through engagement with MPS;
- (b) encouraging postponement rather than exercising its statutory duty of prevention if genuine offences were anticipated; and yet
- (c) unlawfully arresting attendees under section 13 of the Terrorism Act 2000.

This conduct amounts to entrapment of the public and a clear abuse of police powers. It is unlawful. Moreover, this entrapment is directed against individuals who share a protected characteristic within the meaning of the s.10 Equality Act 2010.

Further, Section 149 imposes a Public Sector Equality Duty, requiring the MPS to have due regard to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act.

By targeting protestors because of their shared protected characteristic, the MPS is in breach of sections 4, 10 and 149 of the Act, and thereby engaging in unlawful discrimination.

5. In the alternative: s.12 Terrorism Act 2000: Commissioner and Assistant Commissioner

In the alternative and should the Commissioner and Assistant Commissioner disagree with points 1-3 above, then their actions clearly amount to offences under s.12 of the Terrorism Act 2000.

S.12 Terrorism Act makes the following offences:

(1) A person commits an offence if—

(a) he invites support for a proscribed organisation, and

(b) the support is not, or is not restricted to, the provision of money or other property (within the meaning of section 15).

(2) A person commits an offence if he arranges, manages or assists in arranging or managing a meeting which he knows is—

(a) to support a proscribed organisation,

By attempting to work with DoJ as the organisers of the planned event – to schedule a later date for the event and not prevent nor prohibit it - the Assistant Commissioner and Commissioner are inviting protestors to support a proscribed organisation by allowing mass section 13 crimes to be planned, scheduled and committed, with their facilitation and help. This clearly also falls into s.12(2) of the Act also, as such planned event is a meeting which the Assistant Commissioner and Commissioner are helping to arrange through request of postponement and rescheduling.

6. Confirmations and immediate consequence

Accordingly, the Assistant Commissioner’s MPS letter and Commissioner Rowley’s statement of ‘timing of that event’, it is confirmed that:

- i. Your statutory duty is to prevent crime (CDA 1998, s.17); asking for postponement is an operational admission that no crime is anticipated.
- ii. DoJ gatherings are lawful assemblies within Articles 10 and 11, as accepted by the MPS through its “planned event / postponement” stance;
- iii. All arrests and prosecutions to date are unlawful, and any further arrests at any DoJ events will be unlawful;
- iv. Should any of the above be denied, this will be taken as confirmation by the MPS that both the Commissioner and Assistant Commissioner have committed offences under section 12 Terrorism Act 2000, and the MPS has engaged in entrapment and abuse of power.

In light of the above, we require the immediate opening of a criminal investigation into the conduct of the Commissioner and Assistant Commissioner under the Terrorism Act 2000. Failing such investigation and acknowledgement, we will have no choice but to pursue proceedings to obtain appropriate relief and to hold those responsible to account.

We look forward to your reply within 7 working days.

Yours sincerely,

Right to Protest Ltd