

27 February 2025

Right to Protest Ltd

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DIRECTORATE OF LEGAL SERVICES

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Re: MPS policy relating to Palestine Action support

I write on behalf of the Commissioner of the Metropolitan Police (MPS) in response to your letter dated 24 February 2025. As with previous letters received, it is unclear whether your correspondence was intended as a 'letter before claim', in accordance with the Pre-Action Protocol for Judicial Review. If it were intended as such, the lack of coherence, clarity and conformity with the Pre-Action Protocol means it is not possible for this response to engage meaningfully with any grounds of claim; grounds which are insufficiently particularised within your letter. The MPS reserves the right to make further, more detailed or alternative representations if a claim is pursued.

Your letter contains a lengthy rehearsal of your previous correspondence, but its central complaint is understood to be the MPS 'policy' outlined in a press statement published on 13 February 2026; this response will endeavour to focus on that issue.

The MPS statement referred to and reproduced in your letter makes clear that Palestine Action remains a proscribed organisation and that expressing support for Palestine Action is a criminal offence. It sets out that, in light of the relevant High Court judgment (and now the order of the High Court made on 25 February), where individuals are identified expressing support for Palestine Action, MPS officers' "focus" will be on evidence gathering rather than making arrests at the time.

1. Unlawful entrapment including of vulnerable members of the public

The claim that MPS' conduct amounts to entrapment has no basis in law and is unarguable; it also defies logic. The MPS statement clearly explains that expressing support for Palestine Action remains a criminal offence and outlines the MPS approach to enforcement – it is denied that, on any reading, the MPS statement (or the approach it outlines) could reasonably be characterised as an attempt to "maximise arrests" or "manufacture aggravated criminal liability".

2. Systematic breach of statutory duties under the Terrorism Act 2000, Counter-Terrorism and Security Act 2015, and Serious Crime Act 2007

Your letter articulates no actionable grounds to challenge the MPS approach to enforcement. For avoidance of doubt, it is denied that suspicion of an offence imposes a positive obligation on MPS officers to arrest or otherwise removes the discretion of an officer in this regard. It is also denied that the approach outlined constitutes a breach of any duty to which the Commissioner is subject.

3. Unlawful discrimination contrary to the Equality Act 2010 and Articles 10, 11, and 14 ECHR

It is denied that this approach to enforcement is discriminatory. The approach is clearly objectively justified. The MPS statement, and the High Court decision to which it refers, is concerned with the proscription of Palestine Action. The MPS approach that the statement articulates reflects the High Court ruling which found that the decision to proscribe Palestine Action was contrary to the Human Rights Act 1998 because it amounted to a disproportionate interference with the rights protected by the European Convention on Human Rights under Article 10 (freedom of expression) and Article 11 (freedom of association and peaceful assembly). Such a ruling is a relevant consideration in the balancing of competing rights when determining MPS policy and individual officers' exercise of police powers. That this is a relevant factor in respect of expressions of support for Palestine Action that is not present in respect of other proscribed organisations is simply a reflection of the substance of the court judgment.

4. Abuse of facial recognition technology as a discriminatory surveillance tool contrary to the Equality Act 2010 and Articles 10, 11 and 14 ECHR.

This element of your letter appears to be a more general objection to alleged use of Facial Recognition (FR) technology by MPS, as opposed to specific concern about the MPS enforcement approach to expressions of support for Palestine Action. Your letter conflates a number of key concepts; accordingly, further detail about the MPS' use of FR (including links to relevant policy documents) can be found on the webpage linked below:

<https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/facial-recognition-technology/>

Conclusion

If your letter is intended to outline grounds for a claim, it is misconceived in fact and in law and totally without merit. If proceedings are commenced the MPS will defend them vigorously and seek to recover from the Claimant the costs of doing so.

The MPS approach to Palestine Action and enforcement of associated suspected offences will be kept under review, taking account of any relevant court rulings and orders.

Address for further correspondence

Any further correspondence should be directed to me at Andrew.Holt@met.police.uk. Electronic service of proceedings is preferred, provided it is forwarded in accordance with any 'out of office' automated response received.

Yours faithfully,



Andrew Holt
Solicitor