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Item 7(a)

11th December 2025

Our Reference: 202500488861

Your Reference: Designation of the group Palestine Action as a terrorist organisation

24 October 2025

Dear Susan,

Thank you for your letter dated 10 October 2025 regarding the right to protest and the designation of the group 'Palestine Action' as a terrorist organisation.

The decision to proscribe any organisation is a Reserved matter and is taken by the Home Secretary. Following the proscription of 'Palestine Action', which came into effect on 5 July 2025 under the Terrorism Act 2000, it is now an offence to be a member, support or display symbols which indicate support for the proscribed group.

However, it is important that we live in a society where groups and organisations have the democratic right to campaign, express their views, and set out their disagreements on particular issues or public policy in a democratic, respectful and lawful manner. It is also important that such activity is not affected by the Home Secretary's decision. The right to peaceful protest is fundamental to our democracy and guaranteed by Articles 10 and 11 of the European Convention on Human Rights (ECHR). We must ensure that the use of Terrorism legislation is proportionate and does not dissuade people from feeling they can assemble peacefully or express their views lawfully.

The operational policing of any Proscription is a matter for Police Scotland, and decisions on prosecutions are for the Crown Office and Procurator Fiscal Service (COPFS). Both Police Scotland and the Crown Office and Procurator Fiscal Service are rightly operationally independent of Scottish Government and operate to uphold the rule of law, respecting human rights in their decisions. They continue to exercise this commitment independently. As rights-based organisations, Police Scotland and the Crown Office and Procurator Fiscal Service are committed to ensuring that rights to peaceful assembly and protest are protected while minimising disruption to communities.

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Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot



You ask if I intend to engage with the Lord Advocate around the issuing of non-prosecution guidance. You may be aware that the Lord Advocate issued a [public letter](#), published on the COPFS website in August 2025, reaffirming support for protest within legal boundaries. This letter followed the Lord Advocate's [guidelines](#) to Police Scotland on the arrest and liberation of individuals involved in protest, also published on the COPFS website, which make clear that "The right to peacefully protest is protected by law and it is anticipated that peaceful protest will be facilitated by any police response."

The Home Secretary's decision is specific to 'Palestine Action'. It should not be used to curtail the support for Palestine or the wider Palestinian community who wish to demonstrate peacefully and lawfully. Showing or expressing support for Palestine or the Palestinian community is an entirely legitimate position and should not be conflated with support for 'Palestine Action' or terrorism more broadly.

Yours sincerely,

ANGELA CONSTANCE

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