



PRESS RELEASE: LEGAL CHALLENGE TO END UK BAN ON HAMAS LAUNCHED

[EMBARGOED UNTIL 09 APRIL 2025, 12:00 (12 pm) BST]

Wednesday 09 April 2025 — London, UK — A legal application to remove the Islamic Resistance Movement (Hamas) from the UK's proscribed organisations list has been submitted to the Home Secretary today by London-based law firm, Riverway Law.

The application, made on behalf of Dr Mousa Abu Marzouk, the Head of International Relations and Legal Office of the Political Bureau of Hamas, seeks to challenge the designation of Hamas as a terrorist organisation in the UK. The 106-page application has been informed by the expertise of 20 scholars hailing from a range of academic, journalistic, political and cultural backgrounds. Among the experts is former *ad hoc* judge of the International Court of Justice (ICJ), Professor John Dugard.

Hamas was added to the UK's list of proscribed organisations in its entirety in November 2021 by then-Home Secretary Priti Patel. Prior to 2021, only Hamas's military wing – the al-Qassam Brigades – had been proscribed (since 2001). Proscription makes it a criminal offence to belong to Hamas, express support for it, or display its symbols.

The Home Secretary has the discretion to add or remove any group engaged in armed conflict from the list of proscribed organisations. The challenge to Hamas' proscription is grounded in several key arguments under both domestic and international law, including that the UK is obliged under international law to take all steps to end and prevent genocide and apartheid. The application deals extensively with questions of international law, including the right to self-defence.

The application argues that proscription unlawfully infringes fundamental rights, such as a disproportionate impact on freedom of speech and freedom of assembly, as protected by Articles 10 and 11 of the European Convention on Human Rights, including open debate and political expression, creating a chilling effect on academia, journalism and public discourse about the Israeli occupation of Palestine,

going beyond simply the proscription of the organisation. Notably, the designation targets only those voices the government politically disagrees with, raising concerns of the restriction being applied in a discriminatory manner in breach of Article 14 of the Convention.

The application also asserts that proscription undermines the possibility of a peaceful settlement and draws historical analogies in that regard with South Africa and Ireland. The application evidences that Hamas does not pose any specific threat to the UK or British nationals overseas, has no presence in the UK, and has never operated outside the territory of historical Palestine. In addition, Hamas won a free and fair election in 2006 and the application argues that proscription undermines a commitment to democratic principles by denying the right of Palestinian people to self-determination.

The application is made under Section 4 of the Terrorism Act 2000. Should the Home Secretary refuse the application, the law provides for an appeal to the Proscribed Organisations Appeal Commission (POAC), where the decision can be challenged on judicial review grounds.

Fahad Ansari, Director of Riverway Law, said:

"The application invites the Secretary of State to change course from Britain's longstanding complicity in settler colonialism and apartheid dating back to the Balfour Declaration until the present day genocide."

Franck Magennis, Barrister at Garden Court Chambers, who has been instructed as counsel on the case, commented:

"It is well established that dignity is the foundation of all systems of human rights law. Arguments about Palestinian dignity are central to this application and I look forward to seeing how the Home Secretary engages with them."

Daniel Grütters, Barrister at One Pump Court Chambers, noted:

"There is an urgent need for honest, intelligent, and nuanced conversations about the situation in Palestine. Regardless of your opinion on Hamas, a policy which has the effect of stifling discussion is unhelpful and acts as a substantial hurdle to reaching a long-term political settlement."

- ENDS -

Riverway Media Contact (Riverway Law): press@riverwaylaw.co.uk | +44 (0)7367115235 (Media enquiries only)

Website: www.riverwaylaw.co.uk (Press release and background briefing available for download)

Notes to Editors:

1. Riverway Law: A London-based law firm known for its work in complex cases involving immigration, human rights, and national security. Riverway Law is led by solicitor Fahad Ansari who has a track record of representing clients in high-profile civil liberties cases, including challenges to government national security designations.
2. A diverse panel of 20 expert witnesses – including eminent scholars, historians, and a former Judge ad hoc of the International Court of Justice – have provided reports in support of the application. These expert testimonies offer in-depth analysis of Hamas's evolution and policies, the history of the Palestinian liberation struggle, and the impact of the proscription on the Palestinian population.
3. Hamas is a sanctioned organisation and therefore, it is prohibited to receive any sum of money from it, even in exchange for goods or services, without a license from the Treasury. As such, all lawyers and expert witnesses involved in this application have not received any payment for their services or expenses from Hamas or any third party.
4. A dedicated website will host the full legal submission including all annexes, expert witness reports, and supporting documentation referenced in this case. These materials will be made available for review upon the lifting of the embargo at 12:00 (12pm) BST on 9 April 2025.
5. Nothing in this press release should be understood as encouragement or support for Hamas, which remains a proscribed organisation until and unless it is deproscribed.