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Dear Ofcom,

### **High Court ruling on Palestine Action ban and online censorship**

Open Rights Group is calling on Ofcom to provide immediate guidance to tech platforms following the High Court ruling that the UK Government's proscription of Palestine Action under the Terrorism Act 2000 was unlawful.

The Government has announced it will appeal the decision, leaving significant uncertainty over how online content should be moderated. In the meantime, people may continue to face censorship, surveillance and in some cases, referrals to the Prevent Duty or even criminalisation for political speech online.

From the outset, the proscription of Palestine Action raised serious concerns about the criminalisation of political expression. When the ban first came into force, [we wrote to Ofcom](#) outlining concerns about how both Ofcom and social media platforms would interpret and enforce it.

Since then, we have seen an escalation in content removals across platforms such as Instagram, TikTok and X, including the [use of algorithms to hide Palestine solidarity](#)

[posts](#) and cases in which [people have faced police action for expressing political views online](#). This represents a dangerous expansion of counter-terror powers, coupled with the Online Safety Act, being used to censor lawful political speech and suppress dissent.

The High Court Ruling makes these concerns more urgent, not less. The harms already caused do not disappear simply because the legal basis for the proscription has now been called into question. The proscription remains in place, and the Government intends to appeal.

In fact, the risks may increase as [new Online Safety Act duties](#), such as proactive scanning for illegal content, pre-publication filtering, algorithmic suppression and emergency take-down powers are introduced. Automated systems cannot understand context, political nuance or fast-changing legal realities, yet they are increasingly being used to make decisions that shape what the public can speak about online. Without clear guidance, platforms will continue to over-remove lawful content to avoid regulatory consequences.

When support for a non-violent protest movement can be interpreted as support for terrorism, the boundary between dissent and criminality becomes dangerously blurred. The result is a system in which political speech can be filtered or hidden before it is even published and where individuals may face real world consequences for lawful expression. Ultimately, the High Court's judgment shows how dangerous it is to build online regulatory frameworks on legal foundations that may not withstand scrutiny.

In light of this ruling, there are four urgent questions that Ofcom need to answer:

1. Will Ofcom expect platforms to continue to remove content that they identify as supportive of Palestine Action?
2. If new Online Safety duties are introduced before the Government's appeal is concluded, will content relating to Palestine Action be identified as 'Terrorism' content given that Section 12(1A) of the Terrorism Act 2000 makes it a criminal offence to express support for a proscribed organisation?
3. If the Government loses its appeal, will Ofcom require platforms to restore content that has been removed and dismantle algorithms that suppress the sharing of content?
4. Does Ofcom expect that content be removed for Europeans as well as UK citizens?

The High Court ruling should be a turning point. It demonstrates how easily counter-terror powers and platform regulation can be used to silence debate and suppress dissent and how difficult it is to undo those harms once systems of censorship and surveillance are put in place.

Ofcom now has an opportunity and a responsibility: to provide clear guidance that protects lawful expression, prevents disproportionate censorship, and ensures that regulation of online platforms does not become another tool for suppressing political speech.

Yours sincerely,

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