

# Hamas uses ECHR to challenge terror group status

*Riverway Law sound like a [right bunch](#) of Fifth Columnists. They describe themselves as “a niche immigration and nationality law practice . . . Our mission is to secure people’s right to enter and reside in the UK with dignity. . . Like every [river, we will help you find your way](#) across the many obstacles that you may come across. ” Entering and residing in my country is a privilege and any rights should lie with US to determine who is allowed that privilege.*

*From the [Telegraph](#)*

Hamas is using [the European Convention of Human Rights \(ECHR\)](#) to challenge its proscription as a terrorist organisation in the UK.

British lawyers acting on behalf of [Hamas](#) have submitted a 106-page legal application to Yvette Cooper, the Home Secretary, appealing against the Government’s designation of the organisation as terrorists.

It claims the ban breaches Hamas supporters’ human rights under [the ECHR](#) by “unlawfully restricting” their freedom of speech and rights to protest.

It also says it is disproportionate and claims Hamas poses “no threat to the UK people”, and that banning it breaches Britain’s obligations under international law to be “not complicit in a [genocide](#)”.

In 2021, Dame Priti Patel, then the home secretary, [outlawed Hamas in its entirety](#) as a terrorist organisation by adding its political wing. The Qassam Brigades, its military arm, had been proscribed two decades earlier.

The ban made it a criminal offence for anyone to belong to or invite [support for Hamas](#), or wear clothing that could be seen to back the group. The maximum penalty is 14 years in prison. *Not that it gets enforced as robustly as it should be.*

The appeal, believed to be the first of its kind, is being fronted by Dr Mousa Abu Marzouk, Hamas's head of international relations and its legal office. It was submitted by Fahad Ansari, the director of Riverway Law, a practice based in south London that is leading the challenge, and two London-based barristers.



One of the barristers, Daniel Grutters, of One Pump Court, represented pro-Palestinian students who set up a camp in LSE buildings last May before the university secured [a court order barring them](#).

The lawyers involved in the case have said Hamas has not paid them or the experts and lawyers who provided evidence for its submission, as it was illegal to receive funds from a group designated as a terrorist organisation.

Ms Cooper has 90 days to respond to Hamas's application. Under section four of the Terrorism Act, any group proscribed as a terrorist organisation can appeal to remove its name from the Government's list of banned organisations.

The Home Secretary also has the discretion to add or remove any group engaged in armed conflict from the list.

If Ms Cooper rejects the application, Hamas could launch an appeal to the Proscribed Organisations Appeal Commission, under which the decision can be challenged on judicial review grounds.

The Home Office said it could not comment.