The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Respondent	Mr Ousman Noor
Case reference	2024/1681/D3
Inn of Court	Lincoln's Inn (July 2010)
Status at hearing	Unregistered
Hearing date/s	14-15th September 2026
Tribunal Type	3 Person Tribunal

Tribunal members

Chair	Zoe O'Sullivan KC
Barrister member	Sanaz Saifolahi
Lay member	Rhona Stevens

Representatives

Bar Standards Board	Philip Stott
Respondent	Franck Magennis

Outcome

Findings	The charge was dismissed.
Sanction	N/A.
Costs	£ to the Bar Standards Board

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 27 August 2026 The Tribunal sat on 14th -15th September 2026 to hear and determine 1 charge of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against, Mr Ousman Noor, barrister of the Honourable Society of Lincoln's Inn.

Charges

2. The following charge was made and denied.

Charge

Statement of Offence

Professional Misconduct contrary to Core Duty 5 of the Code of Conduct (Part 2 of the Bar Standards Handbook Version 4.6-4.8)

Particulars of Offence

Ousman Noor behaved in a way which is likely to diminish the trust and confidence which the public places in him or the profession, in that on or around 20 June 2024, Mr Noor posted content on the platform "X" (formerly Twitter), as set out in Annex 1, in which he expressed an opinion or belief that was supportive of a proscribed organisation, and that in doing so, he was reckless as to whether a person to whom the expression was directed will have been encouraged to support the proscribed organisation and/or which was seriously offensive.

Parties Present and Representation

3. Mr Noor attended the hearing and was represented by Mr Franck Magennis of counsel. The BSB was represented by Mr Philip Stott of Counsel. The BSB's Case Officer, Ms Vicky McCarthy, was also present.

4. The Tribunal was provided with a bundle by the BSB and with a further bundle by Mr Noor, with each party producing a bundle of authorities. Each counsel produced several rounds of written opening and closing submissions. They were questioned by the Chair and made oral submissions at the hearing on 14 and 15 September 2026.

Decision and Reasons

5. Mr Noor is a barrister who was called by Lincoln's Inn to the Bar of England and Wales on 22 July 2010. He undertook pupillage at Garden Court Chambers and has since practised for over 14 years, specialising, inter alia, in human rights law.

6. At approximately 06.23 on 20 June 2024, Mr Noor published a post on the social media platform X (formerly Twitter) ("the Initial Post"), which stated, in full:

> *"After 14 years of working in human rights law & peace building in London & Geneva, I have no hesitation in saying: Hezbollah[1] is justified, both legally and morally, to use military force to destroy the IDF and I wish them every success."*

The reference to the "IDF" is to the Israeli Defence Forces.

7. Later the same day, at 21.01, Mr Noor published a further and much longer post on X ("the Second Post") in which he clarified the basis of his views and stated that his support was "*for the specific act of targeting & destroying the IDF, which is Hezbollah's legal right, and should not be equated with support for Hezbollah as an entity in itself."*

8. On 13 October 2024, Mr Noor made a third post on X which included a video ("the Third Post"). The content of the Third Post was similar to that of the Second Post.

9. No criminal investigation or charges against Mr Noor resulted from the Initial Post. However, on 21 June 2024 an anonymous member of the public submitted an Online Reporting Form to the BSB making a complaint about the Initial Post. The *complainant* suggested that the Initial Post expressed "*open support for Hizbollah, a proscribed terrorist organisation."*

10. A case was created on the BSB's case management system ("CMS") the same day. The CMS recorded the allegation made as being that "*in saying that Hezbollah is* justified*…to use military force to destroy the IDF….I wish them every success*", Mr Noor was demonstrating support for a terrorist organisation, and posted content which was "*seriously offensive, in potential breach of CD5*".

11. On 7 October 2024 the BSB wrote to Mr Noor to inform him of the allegation and their investigation. Mr Noor responded in writing on 7 October and 29 October 2024, in which he submitted that there was no breach of CD5. In his first response, he stated:

> *"It should be noted that I deleted* [the Initial Post] *during August, and only* [the Second Post] *remains publicly viewable online. As stated in the Factual Summary above, the reason for this was to diminish the risk of potential misunderstandings by ensuring that* [the Initial Post] *was not read without the necessary clarification contained within* [the Second Post]."

12. On 9 December 2024, a further complaint was submitted by a group called UK Lawyers for Israel. A witness statement was later filed on 10 September 2025 by Hannah Truman, a legal consultant for that organisation, confirming that she had filed the complaint. This complaint was long and detailed and also cited a number of further posts by Mr Noor on social media in addition to the three

[1] There are a number of transliterations of the Arabic name of this organisation. This Report of Findings will use the common spelling "Hezbollah".

referred to above, which the complainant said were "*extremely inflammatory in nature*". It alleged a number of breaches of the Core Duties, including CD3 and CD8 in addition to CD5.

13. On 20 January 2025, Mr Noor made a further written submission to the BSB.

14. On 28 January 2025, a five person Independent Decision Making Panel("IDP") decided to refer Mr Noor's case to a three person Disciplinary Tribunal. Their reasons were, in summary, as follows:

    (1) There was sufficient evidence, on the balance of probabilities, to determine that Mr Noor had made the Initial Post.

    (2) The BSB had a regulatory interest in the matter.

    (3) The following comments were "seriously offensive":

        (a) "Hezbollah is justified, both legal and morally, to use military force to destroy the IDF.

        (b) *"I wish them every success*."

    (4) It was justified and proportionate to interfere with Mr Noor's right to freedom of expression under Article 10 ECHR.

    (5) The appropriate risk level was Red (high).

    (6) An administrative sanction could not appropriately address the conduct which was the subject of the allegation, nor was the Determination by Consent procedure appropriate.

    (7) Having regard to the culpability and harm, the sanction range was likely to be a medium level fine and/or up to 12 months' suspension.

    (8) The matter could appropriately be heard by a three person Disciplinary Tribunal.

    (9) The proposed interference with Mr Noor's Article 10 rights was in pursuit of a legitimate aim within the meaning of Article 10(2).

15. Mr Noor was notified of the IDP's decision on 4 February 2025. He asked for the decision to be reviewed by an Independent Reviewer. On 14 April 2025, the Independent Reviewer recommended that the decision by the IDP to refer the allegations to the Disciplinary Tribunal should be upheld, holding that she had not found any material mistake or fact or law or serious procedural error in the IDB's decision, nor seen any new information which might have led to a different decision, nor any other concerns amounting to a "good reason" justifying a recommendation that the decision be looked at again. The BSB accepted the Independent Reviewer's recommendation.

16. On 2 April 2025, the BSB issued its Charge Sheet, charging Mr Noor with a single offence of professional misconduct contrary to Core Duty 5, based solely on the publication of the Initial Post. The Charge Sheet included, for the first time, the allegation that Mr Noor was guilty of professional misconduct because

in making the Initial Post and expressing an opinion supportive of a proscribed organisation "*he was reckless as to whether a person to whom the expression was directed will have been encouraged to support the proscribed organisation*". This allegation was made in addition to the allegation recorded in the BSB's case management system that the Initial Post gave rise to a potential breach of CD5 because it was "seriously offensive". The Charge Sheet was sent to Mr Noor on 4 April 2025.

17. The wording of the allegation of recklessness is taken directly from section 12(1A) of the Terrorism Act 2000 ("TACT 2000"), which provides as follows:

> *"A person commits an offence if the person-*
>
> *(a) expresses an opinion or belief that is supportive of a proscribed organisation; and*
>
> *(b) in doing so is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation."*

18. On 15 May 2025 the original anonymous reporter informed the BSB that they were not prepared to give evidence unless their name was withheld both from Mr Noor and from the public.

19. On 24 June 2025, Mr Noor asked the BSB to disclose the identity of the reporter. The BSB declined to do so, but by email dated 25 June 2025 it advised Mr Noor that there were two other reports concerning the Initial Post and provided redacted copies, stating that these would form part of the BSB's evidence. In fact, only one such report, from a Caroline Turner of UK Lawyers for Israel, appears to have been attached. This, despite being signed by Ms Turner, actually seems to be the same report as that made by Hannah Truman on behalf of UK Lawyers for Israel on 9 December 2025. The BSB redacted all the allegations save for those relating to the Initial Post, presumably because none of those allegations formed the subject of any charge against Mr Noor.

20. Mr Noor made a witness statement on 16 September 2025.

21. On 3 July 2026 Mr Noor made a further witness statement in which he referred to experiencing treatment for recent health issues. To safeguard the privacy of Mr Noor, the Tribunal does not set out any of the details given.

22. A directions hearing took place on 27 July 2026 before Nicholas Davidson KC as directions judge. Directions were issued by the directions judge on 5 August 2026. The directions included an order for Mr Noor to supply to the BSB by 7 August 2026 a document identifying the areas of fact and law in dispute, and for the BSB to provide a similar document by 14 August 2026. Compliance with these directions has led to the production of a consolidated document comprising Mr Noor's issues of fact and law marked up by the BSB to indicate the extent to which Mr Noor's formulations are agreed. That consolidated document is reproduced at Schedule 1 of this Report of Findings.

23. On 18 August 2026, Mr Noor's legal representatives asked the BSB whether people had written to the BSB expressing support for him. On 20 August 2026, the BSB confirmed that a check of its generic contact inbox contained 575 emails supportive of Mr Noor with identical content. The emails were said to have been sent between 14 January 2026 and 19 February 2026 save for one sent on 15 May 2026. The content was quoted in full as being the following:

> "*To the Bar Standards Board,*
>
> *I am writing to you as a concerned global citizen who believes in the need to uphold International Law and those who defend it. I demand the immediate dismissal of all proceedings against Barrister Ousman Noor. This case is not about terrorism. It is about whether the UK will now punish lawyers for defending international law and speaking out against war crimes.*
>
> *Barrister Noor is facing charges (https://www.thecanary.co/opinion/2025/12/05/uk-barrister-on-trial/) made by the Bar Standards Board (BSB) relying entirely on the Terrorism Act 2000 for expressing a legal opinion on the right of armed resistance to military occupation and genocide by the Israeli Defense Force. These proceedings arise not from a police investigation or criminal conduct, but from a politically motivated complaint by UK Lawyers for Israel (https://www.uklfi.com/), a Zionist lobby organization, based on a tweet and an accompanying legal analysis (https://x.com/ousmannoor/status/1803850612582551904?s=20) by Barrister Noor which set out the rights to armed resistance under international law.*
>
> *Ousman Noor has never been arrested or charged with any crime under this act; however, the UK Lawyers for Israel are using this as the basis of bringing this in front of the Bar.*
>
> *The BSB claims that Ousman Noor has brought the legal profession into disrepute, while citing his alleged support of a "terrorist" organization as the basis for this charge against him.*
>
> *Noor argues that his critique was always directed at Israel's army for committing human rights abuses and adheres to the established standards of International Law including:*
>
> - *The right to self-determination (UN Charter Art. 1(2); ICCPR Art. 1; ICESCR Art. 1)*
> - *The right to resist foreign occupation (UNGA Res. 3314, 37/43, 3246)*
> - *International Humanitarian Law including the Geneva Conventions*
>
> *Let us be clear: prosecuting a barrister for expressing a legal interpretation of international law signals that lawyers are no longer safe to speak freely where*

their analyses conflict with ideologically based political positions. This is not merely an attack on Mr. Noor, but on the very independence of the legal profession itself. At its core, the issue is whether the UK Bar Standards Board will stand with lawyers who uphold International Law equally for all nations, or instead choose to disregard it for certain countries and criminalize those who insist that International Law must apply without exception.

This prosecution does not exist in isolation; it unfolds amid a wider international campaign to persecute, censor, arrest, and professionally destroy those who speak out against Zionism, Israel's genocide and other criminal acts in Gaza and all the Occupied Territory—from journalists and doctors, to students, academics, and now lawyers. While Israel acts with near-total impunity for mass civilian killing, starvation, and collective punishment, those who defend Palestinian rights under international law are muzzled through intimidation, surveillance, job loss, and prosecution. This inversion of justice—shielding the powerful while criminalizing those who challenge them—is the political context of this case.

Political pressure, as in Noor's case, has led to the misuse of terrorism legislation to muzzle, intimidate, and punish a legal professional in the absence of a police investigation. The word 'terrorism' has no agreed-upon international definition, yet it is powerful enough to silence an entire country. If the prosecution succeeds, Noor will face a severe financial penalty and the risk of professional ruin without a criminal charge.

Will the Bar Standards Board defend the rule of law, or will it submit to political pressure designed to criminalize legal advocacy in defence of Palestinian lives and upholding the principles of international law? If this prosecution succeeds, no lawyer will be safe to challenge state violence, war crimes, or illegal occupation. The chilling message will be unmistakable: Defend international law and your career is forfeited.

There is only one decision consistent with justice, professional integrity and democratic principles: Drop the case against Barrister Ousman Noor immediately."

24. The Directions issued on 5 August 2026 provided that the hearing would be in public. However, on 21 August 2026, Mr Noor made an application for an order, pursuant to rE127, that the hearing listed for 14-15 September 2025 be held in private, the judgment be anonymised, and the Respondent treated as a vulnerable witness. The application was opposed by the BSB, save that it indicated that it was "neutral" on the question of Mr Noor being treated as a vulnerable witness. As the Tribunal and the BSB's counsel did not have sufficient availability to determine this application prior to the hearing, the Tribunal directed that it be heard at the beginning of the first day, 14 September 2026.

25. On 26 August 2026, Mr Noor's legal representatives asked the BSB to discontinue the proceedings on the following grounds:

    (1) The BSB is not competent to prosecute terrorist offences.

(2) The BSB is unlikely to secure a conviction.

(3) The case was not in the public interest having regard to Mr Noor's documented health problems.

26. The BSB declined to discontinue the proceedings.

27. On 7 September 2026, Mr Noor issued an application to strike out the proceedings on four grounds:

(1) that the continuation of the proceedings is contrary to the public interest and incompatible with Mr Noor's rights under Article 3 ECHR[2] in the light of medical advice (comprising two letters from a Dr ET and a Dr SR).

(2) that the proceedings are an abuse of process because the BSB's prosecution was tainted by a real risk of actual or apparent bias.

(3) that the proceedings are discriminatory and incompatible with the Human Rights Act 1998 because the BSB has opened and maintained the proceedings on the basis that Mr Noor's philosophical belief in anti-Zionism is objectionable; and

(4) that there is no realistic prospect of the charge being made out.

Preliminary Matters

28. The Tribunal heard and determined the two applications by Mr Noor at the outset of the hearing.

The privacy application

29. The first application was a combined application for the hearing to be conducted in private, for the decision to be anonymised, and for Mr Noor to be treated as a vulnerable witness within the meaning of rE176 such that the Tribunal should put in place appropriate measures under rE179. The application for anonymisation of the decision was not pursued at the hearing and it was accepted by Mr Noor that the decision would have to name him.

30. The basis of the application was that there would be a serious risk to Mr Noor's health if the proceedings were heard in public. Mr Noor's counsel also submitted that the Tribunal had inherent jurisdiction to make orders restraining the press from reporting the proceedings.

31. Mr Noor relied upon letters dated 28 July 2026 and 14 August 206, the first from Dr ET, a consultant who had seen Mr Noor on a single occasion in July 2026,

[2] Article 3 provides "*No one shall be subjected to torture or to inhuman or degrading treatment or punishment*".

and the second from Dr SR, his GP. It is not necessary for the Tribunal to go into the details of the letters save to note that neither of them suggested that the bringing of these proceedings has had any adverse effect on Mr Noor's heath.

32. During the hearing, it transpired that there was an earlier letter dated 13 April 2026 from Dr ST, a consultant who was actively involved in Mr Noor's care in early 2026. She expressed the view that Mr Noor was clinically fit to participate in disciplinary proceedings before a Tribunal. She asked the Tribunal to consider putting adjustments place by allowing regular breaks in the proceedings when needed.

33. In view of Dr ST's letter, the Tribunal declined to treat Mr Noor as a vulnerable witness. There was no evidence to suggest that the test laid out in rE176 was met.

34. However, the Tribunal indicated that it was content to allow regular breaks in the proceedings when needed by Mr Noor and also to minimise any reference to his personal circumstances in its decision. The BSB did not oppose this course.

35. The Tribunal rejected the application for the hearing to take place in private, save that it indicated that it would sit in private to hear any evidence about Mr Noor's personal circumstances. The BSB indicated that it was content with this course.

36. The Tribunal did not consider that the strong public interest in open justice was outweighed by any potential risk to Mr Noor's health from the proceedings otherwise being heard in public. rE156 states, '"*The hearing before a Disciplinary Tribunal must be in public, unless it has been directed that all or part of the hearing is not to be held in public and that direction has not been over-ruled by the Disciplinary Tribunal."* The courts have made clear that the open justice principle applies to professional regulatory tribunals: see **L v Law Society** [2008] EWCA Civ 811 at [41] and **Andersons Solicitors v Solicitors Regulation Authority** [2012] EWHC 3659 (Admin) at [79]. In the former case, Clarke MR said at [41]:

> *"Part of ensuring that public confidence is maintained is that proceedings such as this, or such as those which take place in the Solicitors Disciplinary Tribunal in respect of solicitors who seek readmission following a strike off, are held in public. Public confidence in the profession and its reputation is to my mind protected by hearings such as this being held in public. It not only ensures that matters are open to proper scrutiny such that the proper administration of justice in this domestic setting is done, but it enables the public to see what steps are taken to ensure that only those who it can properly be said have a suitable character are admitted into the profession."*

37. In reaching its decision, the Tribunal had regard to Dr ST's letter expressing the clinical view that Mr Noor is fit to participate in these proceedings. It also had regard to the fact that Mr Noor himself previously publicised the fact that the BSB was bringing disciplinary proceedings against him by a post on his website on 25 November 2025, although that is no longer live. He has also crowdfunded his legal costs of the proceedings via a website called CrowdJustice which was still

publicly accessible at the date of the hearing. Having chosen to publicise the proceedings for his own purposes, it seems to the Tribunal that it is not open to Mr Noor to say now that they should be heard in private, especially as he now accepts that the ultimate decision will need to name him.

The strike-out application

38. Mr Noor also made an application to strike out the proceedings on the four grounds set above, which was served on 7 September 2026, less than one week before the hearing. His counsel fairly admitted that the application could have been made at the directions hearing in July 2026 or earlier, but that it had only occurred to him during the course of his preparation for the main hearing.

39. Grounds 1 and 3 of the application were not pursued at the hearing.

40. Ground 2 alleged that the proceedings should be struck out as an abuse of process because "*the BSB's prosecution is tainted by a real risk of actual and/or apparent bias*." The allegation relied upon a number of circumstances, including the introduction of a "recklessness" element to the charge in the Charge Sheet served on 2 April 2025 and the revelation on 2 June 2025 that the BSB had received a complaint from UK Lawyers for Israel.

41. The Tribunal decided that it would be contrary to the requirements of natural justice for Mr Noor to be permitted to pursue his strike-out application on this ground, because the BSB had not had a fair opportunity to respond (if appropriate by calling evidence) to these serious and very late allegations, which were made for the first time less than one week prior to the hearing.

42. Ground 4 alleged that there was no realistic prospect of the charge being made out. This relied partly on two discrete allegations:

    (1) a submission that these proceedings required the authorisation of the Director of Public Prosecutions ("DPP") under section 117 of the Terrorism Act, which had not been obtained; and

    (2) a submission that pursuant to section 25 of the Counter-Terrorism and Border Security Act 2019, the onus is on the BSB to prove that Hezbollah was a proscribed organization at the time of the Initial Post.

43. Counsel for the BSB accepted that these were discrete issues of law and said that he was in a position to deal with them. On that basis, the Tribunal gave permission for Mr Noor to rely upon these arguments by way of defence to the charge. However, the Tribunal did not consider it appropriate to determine either point as a strike-out point, given the lateness of the strike-out application.

44. Ground 4 also depended on submissions as to the meaning of the Initial Post and that there was no evidence that Mr Noor knew that there existed any risk that a person to whom the Initial Post was directed would be encouraged to support Hezbollah. Again, the Tribunal did not consider it appropriate to determine these

arguments as strike-out points, but indicated that Mr Noor would be allowed to make them in the course of his submissions for the hearing.

45. Accordingly, the strike-application was dismissed, but on terms that Mr Noor would be allowed to advance the particular arguments identified above as part of his general defence to the charge.

The jurisdiction issue

46. The Tribunal also heard submissions on a further issue raised by it of its own motion with the parties in an email dated 9 September 2026, albeit originating in a submission made by Mr Noor's counsel in the strike-out application. The Tribunal's email said:

> *"The Tribunal also wishes to put the BSB on notice that it expects to be addressed as to why it has jurisdiction to decide whether Mr Noor, in making the Initial Post, "*was reckless as to whether a person to whom the expression was directed will have been encouraged to support the proscribed organisation" *given that it appears that no such allegation was before the Independent Decision-Making Body which made the decision to refer the case to the Tribunal on 28 January 2025 and that the referral was made solely on the basis that the Initial Post constituted professional misconduct because it was "seriously offensive".*

47. The BSB served further submissions addressing this point on the morning of the first day of the hearing.

48. The Tribunal asked the parties to make oral submissions as to whether to decide this point as a preliminary issue or as part of the arguments in the main hearing. The BSB's preference was not to treat it as a preliminary issue. Mr Noor's counsel submitted that the Tribunal was obliged to determine the issue of jurisdiction as a preliminary issue because it lacked jurisdiction to determine an allegation which had not been referred to it, and that such a course would be compliant with the overriding objective.

49. The Tribunal decided not to determine this issue as a preliminary issue, in order to give both parties an opportunity to make further written submissions on it, particularly given that the point had been raised by the Tribunal itself late in the day. The Tribunal considers that it has jurisdiction to determine whether it has jurisdiction in respect of a charge or allegation at the main hearing itself, and is not obliged to determine this as a preliminary matter. Further, given the late stage at which the point has arisen, there would be no saving in cost and effort in deciding it as a preliminary issue.

Agreed Facts

50. It is apparent from the statement of agreed facts that the following facts are common ground:

(1) Mr Noor posted the Initial Post on X at about 06.23 on 20 June 2024 using an account in his own name.

(2) At the time of the Initial Post, Mr Noor was in Amman, Jordan.

(3) In the Initial Post, Mr Noor expressed his opinion or belief.

(4) At the time of the Initial Post, Hezbollah was a proscribed organisation under TACT 2000.

51. Hezbollah is an organisation proscribed by the United Kingdom under the name *"Hizballah (Party of God")* under section 2 of TACT 2000, as amended. It was first added to the list of proscribed organisations in 2001 under the name "*Hizbollah External Security Organisation*" by the Terrorism Act 2000 (Proscribed Organisations)(Amendment) Order (SI 2001/1261). The entry was changed in 2008 to "*The military wing of Hizballah, including the Jihad Council and all units reporting to it (including the Hizballah External Security Organisation*". The entry was amended again in 2019 to "*Hizballah (Party of God)"* by the Terrorism Act 2000 (Proscribed Organisations) Order 2019.

52. The Explanatory Memorandum to the 2019 Order states the following in relation to Hezbollah:

> *"Hizballah was established during the Lebanese civil war and in the aftermath of the Israeli invasion of Lebanon in 1982. Hizballah is committed to armed resistance to the state of Israel and aims to seize all Palestinian territories and Jerusalem from Israel. It supports terrorism in Iraq and the Palestinian territories. Hizballah continues to amass an arsenal of weapons in Lebanon, in direct contravention of UN Security Council Resolutions 1701 and 1559, putting the security of the region at risk. Its involvement in the Syrian civil war, since 2012, continues to prolong the conflict and the regime's brutal and violent repression of the Syrian people - violating the Lebanese government's policy of disassociation from regional conflicts, and increasingly destabilising and undermining the region's long-term stability.*
>
> *"Hizballah, as a political entity in Lebanon, has won votes in legitimate elections and forms part of the Lebanese Government. It has the largest non-state military force in the country.*
>
> *"The UK Government proscribed Hizballah's External Security Organisation in 2001. In 2008, the proscription was extended to include the whole of Hizballah's military apparatus, namely the Jihad Council and all the units reporting to it.*
>
> *"Hizballah itself has publicly denied a distinction between its military and political wings. The group in its entirety is assessed to be concerned in terrorism.*
>
> *"The US, Canada, Netherlands, Israel, Gulf Co-operation Council and Bahrain also designate the group in its entirety as a terrorist organisation."*

The "jurisdiction" issue: determination

53. Neither party addressed submissions to the Tribunal as to the basis of the jurisdiction of a Disciplinary Tribunal and so the Tribunal has not heard full argument on the issue.

54. Pursuant to rE12 of the Enforcement Regulations (Part 5 of the BSB Handbook), the BSB may treat a *report* to it as an *allegation* where the report discloses a potential breach of the Handbook by an applicable person. Part 6 of the BSB Handbook defines "allegation", for the purposes of the Enforcement Decision Regulations 2019, as:

> *"a report, or part of a report, that is treated by the Commissioner as an allegation under Part 5.A".*

55. The BSB has power to investigate the allegation, following which it has power under rE19 to refer the allegation to an IDP for a decision. The powers of the IDP under rE22, upon the referral of the allegation, include the power to decide whether:

    (a) there is a realistic prospect of a finding of professional misconduct being made; and

    (b) having regard to the regulatory objectives, it is in the public interest to pursue Disciplinary Action.

56. If the IDP makes a positive finding under both heads, the allegation must form the subject matter of *Disciplinary Action,* which means either by the determination by consent procedure or by reference to a Disciplinary Tribunal. A Disciplinary Tribunal "*means a Tribunal convened pursuant to E.132 of the Disciplinary Tribunal Regulations 2017 to consider an allegation of professional misconduct against an applicable person…and/or an application for disqualification against an applicable person."*

57. Where the IDP determines to refer the allegation to a Disciplinary Tribunal it must at the same time decide whether a three person or a five person panel is to be constituted: rE46. Where the IDP has directed that an allegation shall form the subject matter of a charge or application before a Disciplinary Tribunal, the BSB is responsible for bringing the charge and prosecuting it before the Tribunal: rE51.

58. In the present case the BSB received an initial report from an anonymous member of the public on 21 June 2024. The initial report raised concerns that "*this barrister has been expressing open support for Hizballah, a proscribed terrorist organisation…"* The report, unsurprisingly given that it was made by a member of the public, did not allege a breach of CD5 in terms or that there was a breach of CD5 because the post was "seriously offensive". It was interpreted by the BSB as making an allegation in those terms and an entry made on the Case Management System noted that the "allegation" was that in making the Initial Post, "*Mr Noor posted content which was seriously offensive, in potential breach of CD5*".

59. The BSB conducted an investigation into that allegation, including requesting and receiving representations from Mr Noor, and decided that the allegation should be referred to an Independent Decision Making Panel under rE19.5.

60. The IDP's Decision Sheet dated 28 January 2025 recorded the sole allegation made in the following terms:

> *"It is alleged that in saying that "Hezbollah is justified....to use military force to destroy the IDF... I wish them every success", demonstrating support for a terrorist organisation, B posted content which was seriously offensive, in potential breach of CD5 of the Bar Standards Board Handbook."*

61. This wording was the same as that recorded by the BSB in its Case Management System.

62. The IDP's Decision Sheet records its deliberations on the allegation and its decision to refer the allegation to a three person Disciplinary Panel. It is evident from the Decision Sheet that the IDP was focusing on the question whether the Initial Post was "seriously offensive". It said:

> *"The Panel considered that the commenting on the war was an important and valid part of public discourse but concluded that this did not apply here in relation to the allegation. The Panel bore in mind that Article 10 applies to posts that shock, offend or disturb.*
>
> *"However, after careful assessment, the Panel considered that the crucial distinction in this case was that the post was capable of being interpreted as showing support for a proscribed terrorist organisation in the destruction of another group, without any context or explanation for a period of around 15 hours. The Panel concluded this had the potential to diminish public trust and confidence in both B and the profession. In the Panel's view this was where the gravamen of the allegation lay. For these reasons the Panel determined that it was both justified and proportionate to interfere with B's rights of freedom of expression under Article 10*."

63. Nothing in the Decision Sheet suggests that the IDP was invited to consider, or did consider, any suggestion that in making the Initial Post Mr Noor was reckless as to whether a person reading the Initial Post would be encouraged to support Hezbollah, or *that* his conduct amounted to the constituent elements of the offence contrary to section 12(1A) of the Terrorism Act 2000. Mr Noor was not asked to make representations on that suggestion and did not do so. (The IDP's Decision Sheet also contains no reference to the complaint lodged by UK Lawyers for Israel on 9 December 2024, and it appears that the IDP was unaware of that complaint).

64. However, in formulating the charge in April 2025 the BSB chose to add an allegation that in making the Initial Post Mr Noor "*expressed an opinion or belief that was supportive of a proscribed organisation, and that in doing so, he was reckless as to whether a person to whom* the *expression was directed will have*

been encouraged to support the proscribed organisation." The Tribunal will refer to this as the "recklessness allegation".

65. In **R v ABJ** [2026] UKSC 8, the leading case on the offence under section 12(1A) of TACT 2000, the Supreme Court has explained at [76] that recklessness in respect of a result requires two elements. The first is the defendant is aware of a risk that the result would occur. The second is that it was, in the circumstances known to the defendant, objectively unreasonable to take the risk. The BSB's formulation of the charge thus added two factual elements which had not been referred to or considered by the IDP.

66. The BSB submits that it was entitled to add these two elements, relying upon its own policy and guidance on "*Disciplinary Action-settling, reconsidering and withdrawing charges and applications to disqualify*". That guidance provides at paragraph 2.3 that under rE51.1, where an IDP has directed that an allegation form the subject matter of a 'charge' before a Disciplinary Tribunal, *"the Commissioner may appoint counsel to settle the charge and present the case before the Disciplinary Tribunal".* It also provides at paragraph 3.3 that the Case Officer "*has authority to settle the charges or application*" and may, prior to the point of service "*amend the wording of the charges or application in order to ensure that they accurately* reflect *the provisions of the Handbook and the available evidence*" and/or "*add additional charges or grounds for disqualification, but only in relation to the aspects of the allegations that were referred by the IDP…"*

67. The BSB submits that the "gravamen" of the IDP's decision to refer the allegation to the Tribunal was that the Initial Post "*showed support for a proscribed terrorist organisation in the destruction of another group* [in a manner which had the] *potential to diminish public trust in both B and the profession*". It submits, in effect, that in settling a charge which included the recklessness allegation, the BSB was simply giving effect to the IDP's finding as to the allegation which it is referring.

68. In the Tribunal's view, that is a misreading of the IDP's finding. The IDP said nothing about the recklessness allegation which is now made. The gravamen of its finding, as quoted above, was that the Initial Post was capable of showing support for a proscribed terrorist organisation and was live *without any context or explanation for a period of around 15 hours.* It is the absence of context or explanation which seems to have led the IDP to conclude that the Initial Post went beyond valid public discourse.

69. The BSB explained, in submissions, that the reason why it had decided to add the recklessness allegation to the charge was that if the factual elements of the offence under section 12(1A) were found by the Tribunal to be made out, no further assessment of proportionality under Article 10 ECHR needed to be carried out (by contrast with the alternative allegation that the post was "seriously offensive" , which was accepted to require a proportionality assessment). The BSB took the view, following the decision of the Supreme Court in **R v ABJ**, that a finding that Mr Noor demonstrated support for Hezbollah would not be enough

to support a finding that the factual elements of the section 12(1A) offence were made out. The BSB even submits that the addition of the recklessness allegation is in Mr Noor's favour because it adds an additional element to the charge which the BSB needs to prove.

70. However, the BSB now concedes, in its closing submissions, that even if the Tribunal were to find the factual elements of the criminal offence made out, a proportionality assessment would now be required, albeit one in which the requirement of proportionality is relatively easily satisfied.

71. Mr Noor submits that the IDP referred the case to the Tribunal on the narrow basis that the Initial Post constituted professional misconduct because, objectively, it was "seriously offensive". However, the charge as formulated added the far more grave allegation of recklessly encouraging support for Hezbollah. He points out that paragraph 3.4 of the Guidance provides that:

> "*Case Officers are able to authorise amendments to the charge or application sheet based on clear advice from the prosecutor without reference to anyone else, as long as the amendments do not substantially affect the gravity of the overall charge or application sheet* [emphasis added]"

72. He submits that the IDP at no point decided that there was a realistic prospect of proving the recklessness allegation, and that the BSB has bypassed the IDP's "gatekeeper function" by importing matters into the charge which simply did not feature in the IDP's decision, usurping the IDP's statutory authority under the Regulations to determine the scope of the prosecution. He submits that the expansion of the charge to include the recklessness allegation violates the principles of procedural fairness and natural justice. He also submits that there has been a violation of his right to be informed promptly of the charges against him.

The Tribunal's view

73. It seems to the Tribunal that the recklessness allegation formed no part of the *allegation* (as defined in the BSB Handbook) which was the subject of the initial report made to the BSB and referred by it to the IDP. Similarly, the recklessness allegation was not an allegation referred by the IDP to this Tribunal. In the Tribunal's view, this is not a case in which the charge simply "settles" the allegation which the IDP has decided to refer: the BSB is adding entirely new factual elements to the allegation which was referred. Because the recklessness allegation was never referred to the Tribunal by the IDP, the Case Officer lacked authority to add it to the charge within the terms of paragraph 3.3 of the BSB Guidance.

74. Whether or not this is strictly a matter of its jurisdiction, the Tribunal considers that it would be inappropriate in all the circumstances for the Tribunal to determine the reckless allegation because that allegation:

(1) did not form any part of the initial report;

(2) was not referred by the BSB to the IDP; and

(3) was not referred by the IDP to this Tribunal.

75. The Tribunal rejects the suggestion that Mr Noor has not been given prompt notice of the allegations against him. The Charge Sheet was sent to him in April 2025. However, the giving of notice does not, in the Tribunal's view, remedy the problem that the recklessness allegation was never considered by the IDP.

76. The Tribunal wishes to make clear that in its view the BSB and counsel acted in good faith at all times in deciding how to formulate the charge against Mr Noor and did not act improperly in including the recklessness allegation.

77. However, the decision to include the recklessness allegation in the charge has given rise to real difficulties in this case, irrespective of the question whether it was referred to this Tribunal. Mr Noor submits that that in including wording from the section 12(1A) offence in the charge, the BSB has effectively charged him with that offence and is asking the Tribunal to find that he has committed such an offence without the benefit of any of the protections afforded to him by the criminal law, including the right to trial by jury, the application of the criminal standard of proof, and the requirement for the DPP to consent to the prosecution. Mr Noor goes so far as to submit that a civil disciplinary tribunal should never hear serious criminal allegations of this sort, particularly allegations of terrorism offences.

78. The Tribunal considered Mr Noor's submissions with care. There seemed to the Tribunal to be considerable force in the submission that the Tribunal was being asked to decide, applying the civil standard of proof, that the factual elements of the section 12(1A) offence of supporting a proscribed organisation were made out, in circumstances where no criminal proceedings had been brought. If the Tribunal made a determination to that effect, it could have serious adverse consequences for Mr Noor. For example, it might be said on social media by people holding different views to Mr Noor that he had in effect been found guilty by the Tribunal of the section 12(1A) offence and the CPS ought now to commence criminal proceedings. It might well not be understood by persons reading the decision that the Tribunal had approached the issues in a very different way from a criminal court.

79. The BSB submitted that it is common for the same conduct to give rise both to criminal charges and disciplinary proceedings, relying on **Ashraf v General Dental Council** [2014] EWHC 2618 (Admin). That case is not precisely on point, since it concerned (and rejected) an argument that it is an abuse of process to bring regulatory proceedings against a practitioner after criminal charges based on the same matters have been dismissed. That is not the case here. Nevertheless, the Tribunal accepts that there are cases where it is appropriate for there to be both regulatory and criminal proceedings against a practitioner. Very serious allegations, such as allegations of dishonesty, may be brought in regulatory proceedings which could equally form the subject of criminal

charges for fraud and theft, as was the case in **Ashraf**. The rule against double jeopardy does not apply, as **Ashraf** makes clear.

80. Ultimately, the Tribunal came to the conclusion that there is nothing inherently improper in the BSB framing a charge of professional misconduct in terms which, if made out, would amount to a finding that a barrister's conduct constitutes the factual elements of a serious criminal offence. However, it seems to the Tribunal that the BSB's decision to take that course has created real difficulties in the present case. The BSB has insisted on viewing the charge of professional misconduct through the lens of the criminal offence under section 12(1A). The BSB indicated that it did so because of the decision in **R v ABJ** that demonstrating support for a proscribed organisation is insufficient for the section 12(1A) offence without the additional element of recklessness. In other words, because proof of the criminal offence requires proof of recklessness, the BSB assumed that proof of professional misconduct would also require proof of recklessness as to support for the proscribed organisation. That seems to the Tribunal to come perilously close to an assumption that the BSB could not prove professional misconduct by Mr Noor without proving all of the elements of the section 12(1A) offence. However, the question whether conduct is lawful is not necessarily the same as whether the conduct amounts to professional misconduct. Unlawful conduct is likely to be professional misconduct if it is sufficiently connected to the barrister's profession, but it is not necessary to establish in all cases that the professional misconduct is also unlawful in the eyes of the criminal law.

81. Although the BSB acted in good faith in taking this course, it has had the unfortunate effect of greatly increasing the complexity and sensitivity of the case and of raising the temperature, because Mr Noor has understandably formed the view that he is being accused in a civil tribunal of committing a terrorist offence. With the benefit of hindsight, it would have been preferable for the BSB to have limited itself to the allegation initially considered by it and referred by it to the IDP, namely that the Initial Post gave rise to a breach of CD5 because it was "seriously offensive".

82. For the reasons already given, the Tribunal considers that it cannot and/or should not determine the recklessness allegation. If, however, the Tribunal turns out to be wrong on that issue, it considers that in any event the recklessness allegation is not made out on the facts, to the civil standard.

83. Mr Noor's counsel asked the Tribunal to consider whether both limbs of the recklessness test had been put in cross-examination to Mr Noor, in accordance with the rule in **Browne v Dunn**. In fact, only the first element needed to be put to him, namely whether Mr Noor was subjectively aware that there was a risk that a person reading the Initial Post might be encouraged to support Hezbollah. The Tribunal is satisfied that it was properly put to Mr Noor that he was so aware. However, Mr Noor's response was only to acknowledge a risk in relation to support for the use of military force to destroy the IDF, not in relation to support for Hezbollah as an organisation: "otherwise *I would have said Hezbollah as an organisation*". The Tribunal accepts his evidence and finds that he was not

subjectively aware of a risk that the Initial Post might encourage support for Hezbollah per se.

84. The Tribunal is also not satisfied that the second limb of the test, namely that it was objectively unreasonable for Mr Noor to take the risk, is met on the civil standard of proof. This is a matter for the Tribunal to assess in the light of all the circumstances. The Supreme Court has said in **R v ABJ** at [80] that "*not all risk taking is reckless*" and that the reasonableness of the decision "*must be assessed objectively in the* light *of the relevant circumstances, including the degree of risk of which the defendant was aware*." The Tribunal has found that Mr Noor was not subjectively aware of a relevant risk when he made the Initial Post: in the circumstances, it concludes that even if there was such a risk, it was not objectively unreasonable for Mr Noor to take that risk.

The section 117 TACT 2000 argument

85. Mr Noor raises a discrete argument that these proceedings are not properly brought because the consent of the DPP to bring them has not been obtained. This point does not strictly arise because the Tribunal is not resolving the recklessness allegation, but since both parties addressed it, the Tribunal sets out its conclusion.

86. Section 117 TACT 2000 requires the consent of the DPP to the bringing of "*proceedings to which this section applies*". By section 117(1), the section applies generally to any offence under the Act save for those specifically identified, which do not include the offence under section 12(A1). The further consent of the Attorney General ("the AG") is required where the offence appears to have been committed outside the UK or "*for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom*". It is common ground that the consent of the DPP to these regulatory proceedings has not been sought. It is not common ground that the consent of the AG would also have been required for a prosecution, but it is not necessary for the Tribunal to determine this issue.

87. Mr Noor submits that these disciplinary proceedings are "proceedings" to which section 117 applies. That appears to be based on the premise that the wording of the charge is taken in part from the wording of section 12(1A).

88. The BSB submits that the consent of the DPP for these regulatory proceedings is not required because they are not proceedings within the meaning of section 117. The BSB submits the words 'proceedings for an offence' plainly refer to *criminal* proceedings, that is to say proceedings where the relevant penalty for contravening the section in question could be imposed, under s.12(6), on a person guilty of an offence under that section. Mr Noor is not being prosecuted for any criminal offence. The BSB further submits that the DPP (and the AG) has no role to play in the institution of regulatory proceedings by the BSB, and that if

that were the case, there would be anomalous differences between the Bar and other professions.

89. The Tribunal accepts the BSB's submissions. The present disciplinary proceedings did not require the consent of the DPP, notwithstanding the fact that the charge incorporates wording taken from the offence under section 12(1A), because they are not proceedings for an offence under TACT 2000 and therefore are not proceedings to which section 117 applies.

The section 25 C-TBSA argument

90. Mr Noor also argues that the charge cannot be made out in view of the terms of section 25 of the Counter-Terrorism and Border Security Act 2019 ("C-TBSA"). Again, this point strictly does not arise for determination, but the Tribunal will set out its finding.

91. Section 12(1A) was inserted into TACT 2000 by section 1 C-TBSA following the decision of the Court of Appeal in R v Choudary [2017] EWCA Crim 1606. Section 25 C-TBSA provides:

> *"An amendment made by any of sections 1, 2, 3, 5 or 6 applies only in a case where every act or other event proof of which is required for conviction of the offence in question takes place on or after the day on which the amendment comes into force."*

92. The statutory instrument under which Hezbollah is currently proscribed came into force on 1 March 2019, whereas the amendments to TACT 2000 inserting section 12(1A) came into force on 12 April 2019. Mr Noor's argument is that the proscription of Hezbollah is a relevant "act or event" which took place prior to the amendments which established the section 12(1A) offence.

93. The BSB submits, in reliance on citations from **Hansard**, that this was not the intention of section 25, whose intention was rather to ensure that acts which occurred prior to the new offence coming into effect would not retrospectively treated as giving rise to criminal liability. It submits that if Mr Noor is right, Parliament must have intended the Government to reissue proscriptions of Hezbollah and all the other 73 proscribed organisations, which would be an absurd result.

94. The Tribunal accepts the BSB's submissions. It considers that the proscription of Hezbollah is not an act or event which the BSB must prove took place after 12 April 2019 in order to establish professional misconduct on the part of Mr Noor. Even if section 25 applies to these disciplinary proceedings (which it does not, as these are not proceedings for an offence under TACT 2000), the natural reading is that it is referring to the acts and events which are the subject of the offence charged, not the fact of proscription of the organisation in question. In this case, the relevant act was the publication of the Initial Post in June 2024.

Did the making of the Initial Post constitute professional misconduct?

95. The Tribunal will now proceed to consider whether the Initial Post was "seriously offensive" so as to constitute professional misconduct and give rise to a breach of CD5. It is common ground that the Tribunal is required to carry out the exercise of determining whether a finding of breach would be a proportionate interference with Mr Noor's ECHR rights, in particular his right of freedom of speech under Article 10.

96. Core Duty 5 provides:

> *"You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession."*

97. CD5 applies at all times and thus potentially applies to a barrister's non-professional conduct.

98. Guidance in the BSB Handbook at gC25 provides that conduct which is likely to be treated as a breach of CD3 and/or CD5 includes "*seriously offensive conduct towards others*."

99. The BSB published its "*Guidance on the regulation of non-professional conduct*" in September 2023. The purpose of this Guidance was to clarify the circumstances in which the BSB was likely in principle to consider that it had a regulatory interest in such conduct.

100. Article 10 ECHR provides:

> *"(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*
>
> *(3) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of … the …rights of others"*

101. Paragraphs 7 to 11 of the BSB's Guidance on Non-Professional Conduct state:

> *"We recognise that our regulation of the profession needs to strike the right balance between the public interest in preserving public confidence in the profession and individual barristers, and a barrister's rights which are guaranteed under the Human Rights Act 1998 and the European Convention on Human Rights (ECHR)….*
>
> *"In some cases, Article 10 (the right to freedom of expression) may also be engaged where reported conduct involves the barrister exercising their right to express themselves, for example, by*

expressing their views on social media (although Article 10 may be engaged in relation to conduct in professional life as well."

"Article 8 and Article 10 are both qualified rights, which means that we may take regulatory action in circumstances where a barrister's conduct is potentially in breach of the standards set out in the BSB Handbook and such action can be justified."

"For example, Article 10 may protect a barrister's right to hold and express an opinion, but the manner in which it is expressed could be a potential breach of the BSB Handbook and therefore we may have a regulatory interest in it."

102. At paragraph 32, the BSB sets out the questions which it asks in considering whether the BSB has a regulatory interest in conduct which has not resulted in a charge or conviction of a criminal offence. These are:

"Is the conduct sufficiently relevant or connected to the practice or standing of the profession such that:

-it is likely to diminish public trust and confidence in the barrister or the profession; and/or

-it could reasonably be seen by the public to undermine the barrister's honesty, integrity, or independence.

In determining whether the conduct is sufficiently relevant or connected to the practice or standing of the profession, we will take into account:

The nature of the alleged conduct; and

The context and environment in which the conduct is said to have occurred."

This is a question that requires careful assessment according to the particular facts and circumstances of each case. It is not possible to set a firm line between the types of conduct in which we will or will not have a regulatory interest."

103. The BSB also published guidance for barristers using social media in September 2023 ("Guidance on Social Media"). The Guidance on Social Media notes, at paragraph 8, that the BSB is more likely to have a regulatory interest in social media use where the *manner* of expression is inconsistent with the barrister's obligations under the BSB Handbook than in the *substance* of the views expressed.

104. Paragraph 19 explains how the BSB considers whether conduct on social media gives rise to a potential breach of the BSB Handbook. It states that the BSB will take into account (among other things):

"how a hypothetical, ordinary reasonable person would be likely to respond to your conduct, having regard to the wider context in which it

occurred. This will involve an objective assessment based on the 'natural and ordinary meaning' *of what you post. The social media platform which you use may also be relevant. The views and/or reaction of any individual who reported the conduct to us, while potentially relevant, is unlikely to be determinative"*[3]*.*

105. The BSB also published Guidance on Article 10 (Right to Freedom of Expression) on 30 November 2024 ("the Article 10 Guidance"). The Article 10 Guidance explains how the BSB approaches the question of whether interference with a barrister's Article 10 rights is justified. It contains a number of pertinent observations on the protection of free speech derived from case law, including the following, at paragraphs 2.2 to 2.4:

> *"Case law suggests that there is a hierarchy of free speech values. Political speech or speech which contributes to a debate in the public interest is at the top of the hierarchy. By contrast, mere gossip and pornography, for example, both sit significantly lower in the hierarchy. The higher the speech in the speech hierarchy, the greater the weight which the interest of the speaker will carry, and the more difficult it will be to justify the inference."*
>
> *"Article 10 also applies to expressions that shock, disturb or offend the deeply held beliefs of others. In Redmond-Bate v DPP (1999) 7 BHRC 375, Lord Justice Sedley observed that: "*Free speech includes not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative…Freedom only to speak inoffensively is not worth having."
>
> *"However, context is everything. In Vainal v Hungary, the ECthR commented that "*it is only by a careful examination of the context that one can draw a meaningful distinction between shocking and offensive language which is protected by Article 10 and that which forfeits its right to tolerance in a democratic society*."*

Case law on interpreting social media posts

106. In **Stocker v Stocker** [2019] UKSC 17, Lord Kerr, delivering the judgment of the Supreme Court, made relevant observations about construing the content of a social media post at [41] to [45]:

> *"41. The fact that this was a Facebook post is critical. The advent of the 21st century has brought with it a new class of reader: the social media user. The judge tasked with deciding how a Facebook post or a tweet on Twitter would be interpreted by a social media user must keep in mind the way in which such postings and tweets are made and read.*

[3] Paragraph 19(a)

"42. In Monroe v Hopkins *[2017] EWHC 433 (QB); [2017] 4 WLR 68, Warby J at para 35 said this about tweets posted on Twitter:*

> "The most significant lessons to be drawn from the authorities as applied to a case of this kind seem to be the rather obvious ones, that this is a conversational medium; so it would be wrong to engage in elaborate analysis of a 140 character tweet; that an impressionistic approach is much more fitting and appropriate to the medium; but that this impressionistic approach must take account of the whole tweet and the context in which the ordinary reasonable reader would read that tweet. That context includes (a) matters of ordinary general knowledge; and (b) matters that were put before that reader via Twitter."

"43. I agree with that, particularly the observation that it is wrong to engage in elaborate analysis of a tweet; it is likewise unwise to parse a Facebook posting for its theoretically or logically deducible meaning.

"44. That essential message was repeated in Monir v Wood *[2018] EWHC (QB) 3525 where at para 90, Nicklin J said, "Twitter is a fast moving medium. People will tend to scroll through messages relatively quickly." Facebook is similar. People scroll through it quickly. They do not pause and reflect. They do not ponder on what meaning the statement might possibly bear. Their reaction to the post is impressionistic and fleeting. Some observations made by Nicklin J are telling. Again, at para 90 he said:*

> "It is very important when assessing the meaning of a Tweet not to be over-analytical. … Largely, the meaning that an ordinary reasonable reader will receive from a Tweet is likely to be more impressionistic than, say, from a newspaper article which, simply in terms of the amount of time that it takes to read, allows for at least some element of reflection and consideration. The essential message that is being conveyed by a Tweet is likely to be absorbed quickly by the reader."

"45. And Nicklin J made an equally important point at para 92 where he said (about arguments made by the defendant as to meaning), "… these points only emerge as a result of close analysis, or someone pointing them out. An ordinary reasonable reader will not have someone by his/her side making points like this."

107. In **Diggins v BSB** [2020] EWCH 467 (Admin) Warby J considered whether a post on Twitter (now X) amounted to professional misconduct in breach of Core Duty 5. He said at [59] to [62}:

> *"59. The appellant submits, as Mr Simpson did below, that the identity of the complainant was a vital fact. Mx Diggins now contends, on the basis of what he says is inadvertent disclosure by the BSB, that the complainant was a Cambridge University Student possessed of "snowflake" characteristics, typical of a generation of "hyper-sensitive liberal fascists that infest University campuses". The complainant,*

says Mx Diggins, is over-sensitive to criticism, easily upset, and hence incapable of counting as an "ordinary reasonable reader" when applying the test identified in Stocker*.*

"60. This is muddled. The question for the Panel was whether the Tweet was "likely" to undermine the trust and confidence reposed by others in the appellant and the Bar. That is a question about the tendency of the Tweet. It was common ground between the parties that the way to determine that question was to apply the principles in Stocker*. These require the tribunal to assess how a hypothetical "ordinary reasonable reader" would be likely to respond to the social media statement under consideration. This is an objective process. It does not require evidence of the reactions of actual readers. Indeed, it is well-established in defamation law that evidence of that kind is irrelevant for the purposes of assessing meaning, and defamatory tendency.*

"61. The Panel's task was to read the Tweet, consider such evidence as there was of its context and, applying their common-sense and knowledge of the world, to make an assessment of how the Tweet would be likely to affect the attitudes of ordinary reasonable readers to the Bar or to the appellant, or both. The BSB was therefore right to take the view that the identity of the complainant, and other information about the complainant, was wholly irrelevant. By the same token, the appellant is wrong to complain of the BSB's non-disclosure of such matters, or its attempts to withhold them. His case, that the actual response of the unidentified "snowflake" undermines the BSB's case or tends to support his own case, is misconceived.

"62. For the same reasons, the contention advanced below and before me, that the appellant's fair trial rights were infringed by the BSB's failure to identify the complainant and make him or her available for cross-examination, must be rejected The content of the Tweet, and such matters of context as could affect the response of the ordinary reasonable reader, were agreed. The complainant could not provide any evidence relevant to any of those matters. Nor could the complainant give relevant and hence admissible evidence about the likely reaction of the hypothetic al reasonable reader. Cross-examination designed to establish the alleged "snowflake" characteristics of the complainant, and any prejudice or other flaw in the complainant's own views, would not have gone to any issue in the case. The same applies to any motive for complaining that the complainant may have had. Such motive would be irrelevant to the issues."

108. In **R v ABJ,** the Supreme Court said at [67]:

"Whether a person has expressed an opinion or belief which is supportive of an organisation is judged objectively. It depends on

> *how the words would naturally and reasonably be understood in the circumstances in which they were spoken or written. That is a question of fact. For example, a responsible discussion of the conflict in Gaza, which sought to place the events of 7 October 2023 in the context of the history of Israel's treatment of the Palestinians, would not constitute the expression of an opinion which was supportive of Hamas, even if it tended to make their actions more understandable."*

109. In **Holbrook v BSB** (Case No 2021/4441), a panel of BTAS overturned a decision by an IDP to impose an administrative sanction on a barrister in respect of a single tweet. The panel said:

> *"given the importance ascribed to freedom of expression by the authorities…it follows that for the expression of a political belief to be such that it diminishes the trust of the public in the particular barrister or the profession will require something more than the mere causing of offence*…[it would need to have] *gone beyond the wide latitude allowed for the expression of a political belief, particularly where the speech was delivered without any derogatory or abusive language and the objection was taken to the political belief or message being espoused, rather than the manner in which that belief or message was being delivered."*

110. At [45]-[46] the panel said that any guidance given by the by the regulator had to be read "*bearing in mind the hierarchy of free speech values".* At [47], it said that the case law on free speech dictated that "*the baseline for a breach of CD5 should be set higher than merely that a comment would simply offend*". The IDP's finding that the tweet would cause offence therefore fell short of establishing the type of conduct that was necessary for a breach of the relevant professional duty.

111. This passage was cited and endorsed by Chamberlain J in **Husain v SRA** [2025] EWHC 1170 (Admin) at [81]. Chamberlain J also said at [34], with reference to the decision of the SRA under appeal to him:

> *"The Tribunal noted the terms of Article 10 ECHR and referred to the decision of the Court of Appeal in Adil v GMC [2023] EWCA Civ 1261, [2024] ICR 445. At [27.11], the Tribunal held that its task was:*
>
> > 'not to make any decision upon the Respondent's right to freedom of expression per se but to making findings of fact as to whether the Respondent's specific mode and manner of that expression had crossed from legitimate debate into antisemitism and/or the use of offensive, or inappropriate, language, resulting in a breach of his professional duties and responsibilities, and if so found, whether the seriousness of such a breach required sanction.'"

112. The Tribunal has found the principles expressed in the above cases to be of great assistance and has sought to apply them in reaching its decision in this case.

The evidence

113. Mr Noor provided two witness statements on which he was briefly and courteously cross-examined by counsel for the BSB.

114. Mr Noor's written evidence was that since completing pupillage in 2011 he has worked as a barrister specialising in immigration law. In 2015 he founded the Habeas Corpus Project, an entity regulated by the BSB providing pro bono legal representation to immigration detainees, for which he was awarded best pro bono partnership by the Public Interest Lawyers' Network in Rome. Between 2017 and 2019 he was also a Senior Teaching Fellow in immigration and asylum law at SOAS. He moved to Geneva in 2019 where he worked as a UN lobbyist for an international disarmament campaign called "Stop Killer Robots". In December 2024 he moved to Jordan, where his wife is a senior Palestinian diplomat. He moved back to the UK permanently in January 2025 with the intention of recommencing full-time practice as a barrister, but as a consequence of these disciplinary proceedings he deregistered himself as a barrister in May 2025. He also describes himself as the founder and co-ordinator of Protect Palestine, an international campaign which advocates for military intervention against Israel.

115. Since October 2003, Mr Noor says that his full-time focus and energy has been vested in work and activism to stop what he describes as the Gaza genocide. He has published a work entitled "The Case for a Military Intervention to Stop the Gaza Genocide". As well as posting on social media, he is regularly invited to appear as a legal expert on a number of international media outlets and speaks at and organises grass roots events. As a result of his activism, he has received repeated and consistent online harassment, including death threats made on social media. He says that he deleted the Initial Post in August 2024 in response to these threats, at the request of his wife.

116. In his second statement, Mr Noor categorically states that he does not support Hezbollah. He says that in writing the Initial Post, his intention was not to endorse Hezbollah as an organisation or to support its ideology, activities or methods, and that his statements in the Initial Post reflected his belief at the time that "*military action by any actor capable of stopping what I believed to be a humanitarian disaster might bring an end to civilian suffering*." He says that he no longer holds the view that military action by Hezbollah or anyone else "*is the answer to the question of how to stop the genocide. I wish only to see an end to violence, destruction and civilian suffering on all sides*."

117. In his second statement, Mr Noor also expressly accepts that the BSB has a responsibility to regulate the profession independently and in accordance with its statutory duties. He retracts the suggestion in his earlier statement that the BSB, in bringing these proceedings, is acting as an enforcer of Zionist demands.

118. Mr Noor's oral evidence was thoughtful and moderate in tone. He chose his words carefully. He answered questions fully, without any defensiveness. He explained that the Initial Post was one of many tweets and videos posted by him on Twitter/X since October 2023 expressing opinions advocating for the right to use military force against the IDF in accordance with international law. He said that he had consciously distinguished between the IDF and the State of Israel and that not all his posts were about Hezbollah.

119. Mr Noor said that he had between 10,000 and 15,000 followers at the date of the Initial Post on 20 June 2024. The Initial Post was not limited to his followers but was public. At the time of the Initial Post, he said, a fierce debate was raging amongst his family and friends about the rights and wrongs of the use of force against the IDF in Lebanon: Binyamin Netanyahu, the Israeli Prime Minister, had recently said that Israel would turn Lebanon into "another Gaza". He had posted it at 6.23 Amman time, taking a few minutes to draft it. That day he went out to lunch to celebrate his brother's birthday, and so it was only later in the day that he became aware that the tweet had attracted a large number of responses, and therefore decided to post a longer tweet and video clarifying the Initial Post. He denied that he had made the Second Post solely because of the degree of attention attracted by the Initial Post, and said that he had always intended to post some form of clarification of the Initial Post, as was his common practice.

120. Mr Noor called expert evidence from Dr Ralph Wilde, who is Professor of International Law at University College London. Professor Wilde's report, which was given in a personal capacity only, expressed the legal opinion that in cases of aggression, a legal right to use force in self-defence is vested in the State of Palestine and in non-state resistance groups who assist the Palestinians such as Hezbollah, that Hezbollah had such a right at the time of the Initial Post, and that such rights are not affected by the proscription of Hezbollah in UK law. He also expressed a view as to the morality of the acts of the IDF in the Gaza Strip and the West Bank. Professor Wilde rightly did not express any view on the meaning of the Initial Post.

121. Professor Wilde was not cross-examined on his report and the Tribunal had no questions for him. It was common ground that Professor Wilde's evidence shows the existence of a current debate about the rights and wrongs of the actions of Israel in relation to Gaza and Lebanon, and that some people, including academics and lawyers, share Mr Noor's view that Hezbollah has a right under international law to use military force against the IDF.

The meaning of the Initial Post

122. The Tribunal is very conscious of the intense sensitivity of the issues raised by these proceedings and the potential for different members of the public to form bitterly opposed views on them.

123. The Tribunal is not concerned to determine whether or not Hezbollah has rights under international law to use military force to destroy the IDF. The Tribunal is also not concerned to determine whether Mr Noor reasonably held an opinion to that effect at the time of the Initial Post. These are matters which it would be utterly inappropriate for the Tribunal to venture into. As Chamberlain J said in **Husain v SRA**, above, at [17]:

> "*there are very few contexts in which it would be appropriate for a domestic court to opine on any of these matters. The present appeal is certainly not one. What matters here is whether the things Mr Husain said fell within the bounds of permissible political speech, not whether the criticisms levelled against Israel by Mr Magennis and Mr Husain are justified."*

124. The Tribunal's task is to "*read the Tweet, consider such evidence as there was of its context and, applying their common-sense and knowledge of the world, to make an assessment of how the Tweet would be likely to affect the attitudes of ordinary reasonable readers to the Bar or to the [Respondent], or both" (***Diggins***, above).* In doing so, the Tribunal should be guided by the observations in **Stocker** and bear in mind that the ordinary reasonable reader is likely to read a tweet quickly and form an impression of what it is saying, rather than to reflect on its meaning in detail at leisure.

125. The views of any complainant, including UK Lawyers for Israel, are irrelevant to that assessment. So are the views of the 575 people who emailed the BSB to express support for Mr Noor in identical terms. Both constitute groups with a particular interest in the case, and their views are not to be treated as those of the ordinary reasonable reader. The subjective views of Mr Noor himself as to his intended meaning are also irrelevant.

126. It is specifically agreed, in the Agreed Statement of Facts and Issues, that:

> *"if Mr Noor believed there to exist a respectable body of legal opinion that the use of necessary and proportionate military force by state and non-State actors against the Israeli Defence Force is legal under public international law, the reasonableness of that opinion (as distinct from his belief in the existence of that body) is irrelevant."*

127. The Tribunal is satisfied, having heard Mr Noor give evidence, that he held such a belief. The Tribunal also considers that Professor Wilde's report evidences the existence of such a respectable body of legal opinion. The Tribunal expresses no view as to whether such a view is reasonable and it does not need to do so.

128. The authorities set out above make clear that it is critical to interpret a tweet in its context. The Tribunal therefore asked the parties to make submissions

as to the relevant context of the Initial Post. The BSB produced a helpful list of the matters of which it contends that the ordinary hypothetical reader would have been aware as follows:

- The existence of the Israel/Palestine conflict generally.
- In broad terms, the events of and since 7 October 2023.
- The fact that some consider Israel's actions in Palestine to constitute genocide, and to contravene international law.
- The fact that others disagree with that characterization of Israel's actions.
- The existence of Hezbollah.
- In broad terms, Hezbollah's status in Israel/Palestine as a non-state entity/group violently opposed to the state of Israel;
- Hezbollah's status as a terrorist organisation in this and other countries.

129. Mr Noor's counsel stated that he did not disagree with any of the above. He suggested further matters including specifically:

- The fact that in January 2024, following an application by South Africa brought in December 2023, the International Court of Justice ("ICJ") issued an interim ruling ordering Israel to take all measures within its power to prevent acts of genocide in Gaza.
- The fact that in July 2024, the ICJ issued an advisory opinion stating that Israel's occupation of the Palestinian territories is unlawful and that Israel is committing apartheid.

130. The issue of the ICJ's interim ruling and opinion is a matter of fact. The Tribunal is prepared to accept that the hypothetical reasonable reader would have been aware of these matters. The Tribunal expresses no view as to the correctness or otherwise of the ICJ's views.

131. However, the Tribunal does not accept all the further suggestions made by Mr Noor as to relevant context, including the fact that his wife is a Palestinian diplomat (which the Tribunal does not accept would necessarily have been known to the hypothetical reasonable reader). His submissions also included an inappropriate suggestion that the context should include "*the UK government's collaboration with Israel these last three years and at the relevant time*". The Tribunal is not willing to proceed on the basis of an assumption which is expressed in such tendentious terms.

132. In the Tribunal's view, the hypothetical reasonable reader includes Mr Noor's relatively limited number of followers but, given that the Initial Post was public and was viewed more than three quarters of a million times, the inquiry as to context goes beyond matters known to Mr Noor's followers. In the Tribunal's

view, Mr Noor's followers would have been aware of previous tweets in which he advocated for a military intervention against the IDF in Gaza, but such tweets would not necessarily have been known to the hypothetical reasonable reader.

133. In his first statement Mr Noor suggested that the hypothetical reasonable reader would not be a British man (sic) but a man from a country which does not view Hezbollah as a "terrorist organisation". However, the Tribunal considers that it has to proceed on the basis that Mr Noor has been called to the Bar of England and Wales and charged with a regulatory offence by the regulator of that Bar. Further, although Mr Noor was in Jordan when he made the Initial Post, he wrote it in English and posted it publicly on Twitter/X which is a digital medium without borders. He must have intended and expected that at least some readers in the UK would see the Initial Post. In the UK, Hezbollah is a proscribed organisation and Mr Noor expressly accepts that it is not open to the Tribunal to go behind the fact of the proscription.

134. One question which arises is as to whether and to what extent the context includes the Second and Third Posts. The BSB invites the Tribunal to consider only the Initial Post without reference to the clarification provided by the Second Post later the same day. Mr Noor asks the Tribunal to consider the Initial Post together with the Second Post as though they were contemporaneous and inseparable. The Tribunal considers that the right approach lies between the two. The Initial Post was live for approximately 15 hours without any clarification. The screenshot provided by the initial anonymous complainant to the BSB on 21 June 2024 indicated that at that time the Initial Post had received 764,800 views. However, the Tribunal cannot ignore the fact that clarification and explanation was provided later on 20 June 2024.

135. The evidence is inconclusive as to how many of the viewers of the Initial Post also viewed the Second Post and attached video. There is a screenshot of the Second Post indicating that it received 175.8k views, considerably fewer than the Initial Post. However, the date of the screenshot is unclear. Mr Noor's representations to the BSB indicated that the Second Post was "posted immediately below" the Initial Post. Mr Noor's counsel invites the Tribunal to fill the gap by inference, in favour of Mr Noor. The Tribunal cannot infer that all the viewers of the Second Post saw the Initial Post, but considers that a proportion of them are likely to have done so. The Initial Post was then deleted in August 2024.

136. No charge has been brought in respect of the Second or Third Posts. The Tribunal asked counsel for the BSB whether, if the Initial Post and the Second Post had been posted in a single consolidated post, this would have amounted to professional misconduct. He declined to answer on the basis that this was speculative. However, it seems to the Tribunal to be a critical part of the BSB's case that the Initial Post remained live online for approximately 15 hours before it was clarified by the Second Post. The fact

that the Initial Post remained unclarified for a time also seems to have been the deciding factor in the IDP's decision to refer this case to the Tribunal.

Whether the Initial Post is sufficiently connected to the practice or standing of the profession

137. Mr Noor made the Initial Post outside the scope of his professional practice as a barrister. However, CD5 also applies to non-professional conduct. The BSB's Guidance on the Regulation of Non-Professional Conduct, cited above, indicates for the conduct to fall within the proper scope of professional regulation, it must be sufficiently relevant or connected to the practice or standing of the profession. The Guidance indicates that the ability to identify someone as a barrister strengthens the link between the conduct and the profession.

138. Mr Noor referred in the Initial Post to "14 years working in human rights law." He did not specifically identify himself as a barrister but he was clearly offering his views from the perspective of a lawyer. The post was published in his own name. A person who Googles his name can ascertain easily that he is a barrister called to the Bar of England and Wales. In **Diggins**, the fact that the respondent's Twitter handle directly took the user to a website in which he identified himself as a barrister was treated by the tribunal as crossing the public/private divide so that the BSB were correct to regard it as a matter which in principle called for investigation: see [20]. The present case is very similar.

139. The Tribunal considers that there is a sufficient link between Mr Noor's status as a barrister and the Initial Post to bring the post within the scope of professional regulation. Mr Noor did not contend otherwise.

Did the Initial Post express support for Hezbollah?

140. In the Tribunal's view, following the approach in **Stocker** and **Diggle**, the hypothetical ordinary reasonable reader would read the Initial Post as expressing support for Hezbollah. That is what "I wish them every success" means, as a matter of ordinary language.

141. Mr Noor argued, basing himself on **R v ABJ,** that he was expressing support for an outcome or objective of Hezbollah but not for the organisation itself. The Supreme Court made clear in **R v ABJ,** in the context of the section 12(1A) TACT offence, that "*expressing an opinion or belief which coincides with the aims or beliefs of the organisation is not sufficient. For example, a person can express support for a united Ireland without expressing support for the IRA*" (see [60]).

142. However, in the Tribunal's view the Initial Post, objectively construed, does express support for Hezbollah and not simply for its aims or outcomes. The Initial Post wishes "them" (ie Hezbollah) every success in using military force against the IDF. It sets out Mr Noor's opinion that Hezbollah itself is legally and morally justified in using such force to destroy the IDF. It is not simply

expressing an objective which is shared by Hezbollah, but supporting the very entity which is to carry out the action of using military force.

143. Mr Noor may well not have subjectively intended to express support for Hezbollah as an organisation, but in the Tribunal's view that is what the hypothetical reasonable reader would have understood him to be saying. The Tribunal notes that Mr Noor himself considered it appropriate to clarify his position in the Second Post by stating following:

> *"My support is for the specific act of targeting and destroying the IDF, which is Hezbollah's legal right, and should not be equated with support for Hezbollah as an entity in itself*."

This suggests that Mr Noor appreciated by the time of the Second Post (rightly in the Tribunal's view) that the Initial Post expressed support for Hezbollah as an entity.

The proportionality exercise

144. It is common ground that a heightened degree of protection is accorded under Article 10 ECHR to political speech. That is well established both by English cases such as **R (ProLife Alliance) v BBC** [2004] 1 AC 185 and by Strasbourg jurisprudence such as **Alekhina v Russia** (2019) 68 EHRR 14, the "Pussy Riot" case. It is also common ground that political speech does not lose its protection because it conveys ideas that are offensive, disturbing or shocking.

145. A finding of professional misconduct in respect of protected speech is an interference with the maker's right to freedom of expression which must be justified pursuant to Article 10(2) ECHR. It is also an interference with the maker's Convention rights under Article 8 which requires justification pursuant to Article 8(2). An interference with ECHR rights can only be justified if it is prescribed by law and pursues a legitimate aim, and it is established that the measure in question is necessary and proportionate in pursuit of that aim: see **Diggins** at [74], citing **Khan v Bar Standards Board** [2-18] EWHC 2184 (Admin) at [58].

146. Mr Noor does not contest that a finding of professional misconduct would be prescribed by law or that it pursues a legitimate aim. But he submits that the Tribunal must conduct an assessment as to whether such a finding would be a proportionate interference with his ECHR rights. This was initially contested by the BSB, as far as the recklessness allegation was concerned, on the basis of the Supreme Court's decision in **R v ABJ** that no separate assessment is required in a criminal case where the elements of the section 12(1A) offence are found to be proven. But the BSB has always accepted that a proportionality assessment is required in relation to the "seriously offensive" limb of the charge.

147. Mr Noor's counsel submitted that the Tribunal needed to carry out the proportionality assessment twice: first when deciding whether the elements of the section 12(1A) offence were made out, and secondly when deciding whether, if so, the making of a disciplinary finding would be proportionate. This submission was not particularly easy to understand and in any event the Tribunal understands it to relate to the "recklessness" limb of the charge, which the Tribunal has determined was not referred to it. As noted above, it is common ground that the Tribunal must conduct a proportionality assessment in relation to the "seriously offensive" limb.

148. Mr Noor submits that the proportionality assessment requires the Tribunal to weigh up competing factors. He accepts that those factors include the need for robust regulation of professionals and the protection of the reputation of the profession. But he submits that there are countervailing factors, including the fact that the Initial Post was "political speech" protected by Article 10, expressing a legal opinion and contributing to a geopolitical debate about the status of Hezbollah and the legality of armed resistance to the IDF under international law. Counsel listed no fewer than 24 such countervailing factors in paragraph 64 of his closing submissions. Without addressing each one individually, the Tribunal considers that many of them are potentially relevant to the proportionality assessment, and they were mainly agreed by the BSB.

149. The BSB submits that there is an overlap between the proportionality assessment and the question whether the Initial Post was seriously offensive. The Tribunal agrees that these questions are closely intertwined. If the Tribunal considers that the Initial Post was seriously offensive, it is likely to conclude that regulatory interference with freedom of speech is proportionate, and vice versa.

150. The Tribunal proposes therefore to consider first whether the Initial Post was seriously offensive, and then to consider whether, if so, it would be proportionate to make a finding of professional misconduct.

151. For a tweet comprising political speech to lose the protection of Articles 10 and/or 8 and be the subject of a finding of professional misconduct, it must be not merely offensive, but "seriously offensive" or "seriously discreditable" as suggested in the BSB Handbook: see **Holbrook**, above.

152. The Initial Post, like the tweet in **Holbrook**, does not use offensive or abusive language. The question is therefore whether its *content* crosses the threshold of being "seriously offensive".

153. The BSB's submissions focused in particular on the words "Hezbollah is justified…*morally*" and "I wish them every success". The BSB accepted that if Mr Noor had limited himself to expressing an opinion that Hezbollah had the *legal* right to use military force to destroy the IDF, that would not be seriously offensive. Counsel submitted that it was the reference to *moral* justification, together with the expression of support, which took it over the threshold. However, the Tribunal is not persuaded that the hypothetical reasonable

reader, reading the Initial Post quickly as a matter of impression, would have made such a clear and precise distinction. Rather, the reader would have formed an impression of the overall post as a whole.

154. The Tribunal has given very careful and anxious thought to the question of how the hypothetical reasonable reader would react to the Initial Post, bearing in mind that this is an exceptionally fact-sensitive exercise. The Tribunal has done its best to apply the guidance in the authorities set out above and to bear in mind the context of the Initial Post.

155. The Tribunal has paid particular regard to the fact that the Initial Post was very short and did not contain the careful and detailed qualifications and explanations set out in the Second Post (and later in the Third Post). There were well over three quarters of a million views of the Initial Post, and although some of those viewers will also have seen the Second and Third Posts, it is unclear how many of them did so.

156. As the Tribunal has found, the Initial Post did, as read by the hypothetical reasonable reader, express support for Hezbollah as an organisation even if that is not what Mr Noor intended (as he made clear in the Second Post). Support was expressed both as to the legality and the morality of Hezbollah's right to use military force. Hezbollah is an organisation which has been proscribed by the UK as a terrorist organisation, and Mr Noor knew that. He expressly wished Hezbollah success in its use of military force to destroy the IDF. Some readers will undoubtedly have been offended by that expression of opinion while others will have agreed with it.

157. On the other hand, the Tribunal bears in mind that the Initial Post was posted in the context of an active public debate about the actions of the IDF in Gaza and Lebanon and about the legality of the use of armed force to resist the IDF. There was a public interest in a contribution by a lawyer with human rights experience to that debate, even if some readers would have found it provocative. The Initial Post did not use abusive or derogatory language. The Tribunal also accepts Mr Noor's submission that members of the public do not expect barristers to have uniform political views and the BSB's concession that they do not expect barristers to be nice and inoffensive to everybody.

158. The Tribunal finds the issue to be finely balanced but has ultimately reached the conclusion that, weighing up all the circumstances, the Initial Post does not cross the threshold of being "seriously offensive". The Tribunal also does not consider that the Initial Post, read in context, was likely to diminish the trust and confidence placed by a hypothetical reasonable member of the public in the English Bar or of Mr Noor as a barrister.

159. Accordingly, the question of proportionality does not arise. Alternatively, if it does arise, the Tribunal considers that it would be a disproportionate interference with Mr Noor's ECHR rights to make a finding of professional

misconduct arising out of the Initial Post, given that it does not reach the threshold of being "seriously offensive."

160. For the reasons given above, the charge of professional misconduct is dismissed.

161. The Tribunal indicated at the hearing that it would consider any consequential matters arising after the publication of this Report of Finding. However, neither party raised any further matters for decision.

Dated: 6th November 2026.

Zoe O'Sullivan KC
Chair of the Tribunal

SCHEDULE 1: BSB MARK UP OF MR NOOR'S LIST OF FACTS AND ISSUES

IN THE BAR TRIBUNAL AND ADJUDICATION SERVICE

B E T W E E N:-

Case No.: 2024/1681/D3

THE BAR STANDARDS BOARD

Prosecutor

V

OUSMAN NOOR

Respondent

RESPONDENT'S STATEMENT OF

AREAS OF FACT AND LAW IN DISPUTE

For ease of reference, the BSB replies to the Respondent's statement of area of facts and law in dispute as follows. A 'clean' version of the statement reflecting the BSB's submissions is also attached.

Uncontested factual and legal issues

The following factual and legal issues are not in dispute between the parties:

1. If the Respondent believed there to exist a respectable body of legal opinion that the use of necessary and proportionate military force by state and non-State actors against the Israeli Defence Force is legal under public international law, the reasonableness of that opinion (as distinct from his belief in the existence of that body) is irrelevant. *Agreed, albeit the reference to 'state' actors is otiose in the circumstances of this case.*

2. The Respondent posted the Tweet on or around 06:23 on 20.06.2024 via 'X' (formerly 'Twitter') in an account in his own name. *Agreed.*

3. The exact text of the Tweet is: "After 14 years of working in human rights law & peace building in London & Geneva, I have no hesitation in saying: Hezbollah is justified, both legally and morally, to use military force to destroy the IDF and I wish them every success." *Agreed.*

4. No criminal charges, convictions or contact of any kind with any Police force resulted from the publication of the Tweet. *Agreed.*

5. The tweet constituted 'political speech' as that term is defined in the case law on Article 10 of the European Convention on Human Rights ('ECHR'). *It is agreed that the Respondent's Article 10 rights are engaged. It is not necessarily agreed that the heightened protections referred to are engaged, but even if they are, the BSB would submit that any proposed interference is still justified/proportionate.*

6. The Respondent was outside the United Kingdom, namely in Amman, Jordan, when he published the tweet. *Agreed.*

7. At 21:01 on 20.06.2024, the same day, the Respondent published a second tweet stating that he did not support Hezbollah and clarifying why he believed that Hezbollah was justified in using military force to destroy the IDF. *Agreed, albeit the content of the second social media post will be in evidence.*

8. At the time of sending the tweet, the State of Israel along with its armed forces:

   (a) stood, and at the time of drafting still stands, accused by South Africa and other national governments before the International Court of Justice ('ICJ') of committing genocide in breach of the UN Convention on the Prevention and Punishment of the Crime of Genocide ('the Genocide Convention');

   (b) stood accused of breaching, and at the time of drafting has been confirmed by the ICJ's July 2024 Advisory Opinion to be in breach of, the obligation against racial segregation and apartheid created by Article 3 of the UN Convention on the Elimination of Racial Discrimination; and

   (c) had recently been added to the UN Secretary General's list of organisations that intentionally targets children.

   Not agreed, this is irrelevant both as a general matter and particularly given the BSB's concession at 1 above.

9. In April 2025 a war crimes complaint against 10 Britons who served with the Israeli military in Gaza was submitted to the Metropolitan Police by Michael Mansfield KC and other lawyers. *Not agreed,* this *is irrelevant both as a general matter and particularly given the BSB's concession at 1 above.*

10. After the Respondent published the tweet, in April 2025, the International Criminal Court ('ICC') issued an arrest warrant for *current* Israeli Prime Minister Benjamin Netanyahu and the former Israeli Defence Minister Yoav Gallant. *Not agreed, this is*

irrelevant both as a general matter and particularly given the BSB's concession at 1 above.

11. At the time the Respondent published the tweet, the states of Israel and Lebanon were engaged in a military conflict that began in October 2023. *Not agreed, this is irrelevant both as a general matter and particularly given the BSB's concession at 1 above.*

12. In 1917 then British Foreign Secretary Lord Balfour made a Declaration expressing his Government's support for the Zionist colonial project of creating a Jewish national home in Palestine. N*ot agreed, this is irrelevant both as a general matter and particularly given the BSB's concession at 1 above.*

13. Shortly after the Balfour Declaration, the British Empire assumed the role of colonial administrator of the so-called 'Palestine Mandate', using that position of power and authority to *facilitate* large scale immigration of Jews to Palestine in support of the Zionist colonial project. *Not agreed, this is irrelevant both as a general matter and particularly given the BSB's concession at 1 above.*

13. The British state stands accused of actively participating in the alleged genocide of Palestinians that commenced in October 2023, including through arms sales to, diplomatic support for, and flying military reconnaissance flights from its military bases in Cyprus and sharing the resulting military intelligence with, the State of Israel. *Not agreed, this is irrelevant both as a general matter and particularly given the BSB's concession at 1 above.*

<u>Factual issues</u>

14. Did the Respondent publish the tweet for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom? *This is not in fact in issue and should be moved to the above section.*

15. Did the Respondent express an opinion or belief? *This is not in fact in issue and should be moved to the above section.*

16. Was the Respondent's opinion or belief objectively supportive of an organisation? *Agreed, this may be in issue, albeit the remainder of this paragraph is a matter for the Tribunal following proof and/or legal argument as to relevance.* That is a question of fact, depending on how the words written by the Respondent would naturally and reasonably have been understood in the circumstances in which they were spoken or written. Those circumstances include the following related factual issues:

    a. Did the Respondent believe there to exist a respectable body of legal opinion that the use of necessary and proportionate military force by state and non-State actor against the Israeli Defence Force is legal under public international law?

    b. Did their [*sic*] exist a wider advocacy campaign in support of military intervention to stop genocide based on states' obligations under the Responsibility to Protect doctrine, directed towards a range of states such as Colombia, South Africa, Namibia, Malaysia and Cuba, and modelled on the

military intervention by NATO member states to stop the Bosnian genocide? If so, was the Respondent a public participant in that wider advocacy campaign?

c. Had the Respondent spent 14 years working in human rights law and peace building in London and Geneva?

d. Such of the uncontested factual issues as may be relevant to the issue of the circumstances of the tweet.

15. Did the Respondent know that he was expressing an opinion or belief which was supportive of the organisation? *Agreed, this may be in issue.*

16. Was the opinion or belief expressed at a time when the organisation was proscribed? *This is not in fact in issue and should be moved to the above section.*

19. Was there a risk that a person to whom the Respondent's expression of opinion or belief was directed would be encouraged to support that organisation? *Agreed, this may be in issue.*

20. Did the Respondent know of that risk? *Agreed, this may be in issue, albeit that the wording of the relevant test in the leading case (R v G [2004] UKHL 50 at para. 41) refers to a need that the individual 'was aware' of the risk (if that is a difference).*

21. Was it objectively unreasonable for the Respondent to take that risk, in the circumstances known to him? *Agreed, this may be in issue.*

22. Was the tweet seriously offensive or seriously discreditable? *Agreed, this may be in issue.*

Legal Issues

23. Was the consent of the DPP required to bring a regulatory prosecution alleging an offence under the Terrorism Act 2000 ('TA 2000', (per s. 117(2)(a) TA 2000)? If so, was that consent obtained? *Agreed, this may be in issue, albeit it is incorrect to refer to a regulatory 'prosecution*'.

24. Was the permission of the Attorney General required to bring a regulatory prosecution alleging an offence under TA 2000 had been committed outside the United Kingdom (per s. 117(2A)(a) TA 2000)? If so, was that permission obtained by the DPP? *Agreed, this may be in issue.*

25. Was the permission of the Attorney General required to bring a regulatory prosecution alleging an offence under TA 2000 had been committed for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom? If so, was that permission obtained by the DPP? *Agreed, this may be in issue.*

26. Was the decision to add Hezbollah to the list of proscribed organisations a disproportionate interference with the rights of people in the United Kingdom to freedom of expression under Article 10 ECHR? *This is not in issue on the basis that it is not a relevant consideration for the Tribunal.*

PHILIP STOTT 10 August 2026

QEB Hollis Whiteman