

The Lessons of Bondi Beach: Terrorism, Hatred and the Law

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Part 1

1. After the murders at Bondi Beach, attention is being given to the meaning of “Globalise the Intifada”, “Death to the IDF”, “From the River to the Sea” and similar chants used by anti-Israel demonstrators. The precautionary principle, a central feature of national security law, suggests that this renewed attention is well-merited. The precautionary principle was described by our own Supreme Court last year as preventative – about deciding to act, rather than waiting until directly harmful (or in the case of attacks against Jews, even more directly harmful) activities have taken place.
2. The current targeting of Jews for murder coincides with two years-worth of public calls for death, if those calls are read literally. The parallel with Abu Hamza’s calls for jihad and martyrdom outside Finsbury Park Mosque over two decades ago is chilling. You will remember that Abu Hamza, the so-called hook-handed cleric and former imam of that mosque, preached that it was acceptable to kill non-Muslims (Kafirs) and necessary to go after the blood of Jews. His public words should have been understood much sooner as a genuine call to deadly action.
3. Immediately following Hamas’ deadly attack on 7 October 2023 many, like me, were willing to apply a different sort of precautionary principle. We believed that free speech and the right of protest were too important to curtail, despite the occasional disorder, rabid hostility, and sheer inconvenience of repeated marches. The protestors should be taken at their word: they were drawing attention to the Palestinian cause and instances of real suffering, and their noisy disruptive protests were a necessary feature of democratic life. They could not be written off merely as “hate marchers”.
4. In a paper I published in November 2023 called ‘Terrorism and Protests’ I responded against the pressure, then emanating within government, to extend terrorism laws. I concluded that there was no need to add to or amend terrorism legislation, and good reason for caution. I added that there may well be other mischiefs arising from the marches such as anti-Semitism, but those were not a subject for terrorism legislation.

5. Even the fact that the marches started suspiciously soon after the Hamas attack, and have continued after the Trump-brokered ceasefire, do not and should not call the principle of free speech and free protest into question.
6. But any precautionary principle is provisional and capable of responding to evidence. The first evidence that suggested to me that this was not always protest, or not protest worth protecting, came in the persistent invocation of the red triangle - the symbol used in Hamas propaganda to show physical targeting of Israelis in the combat zone. This was a direct support for violence. Others will have equally valid alternative examples such as the sectarian cry of “Death to the IDF” and the call to “Globalise the Intifada”.
7. No longer were these demonstrations polluted by the odd individual reference to Hamas but were steered deliberately near places of Jewish life. The dial moved again when pro-Palestine protests were conducted at Liverpool Street Station in London, hours after the Heaton Park synagogue attack in October. By breaking the convention that any terrorist attack on British soil is a time for solidarity and mutual support, the protestors’ view must have been that the Heaton Park murders were just further deaths compared to - they would say - the death and suffering in Gaza. Terrorist deaths in the UK were thereby normalized.
8. In fact, it sometimes seems to me that it is not so much extremism as normalisation that we have to fear. If sectarian calls to violence are normalized, then the risk to national security is too great and the first precautionary principle of national security comes into play.
9. The risk of allowing the public sphere to be infected by sectarian calls for violence is palpable. It is well understood from our own history that domestic and international terrorism have been inspired by mere words, as the cases of Abu Hamza, and Anjem Chaudary and Al Muhajiroun clearly show. It will be recalled that Al Muhajiroun, notoriously in their 2010 Remembrance Day protest, called for British soldiers to burn in hell. They were seeking to move the dial about the acceptability of violence, and in too many cases their rhetoric succeeded. Who can forget the murder of Fusilier Lee Rigby on the streets of London by followers of Al Muhajiroun?
10. In the next parts of this lecture, I consider firstly the relevance of hate speech to terrorism; secondly, I observe that conventions concerning collective hostility on the basis of race or nationality have been ignored in the case of Jews and Israelis; thirdly and finally I suggest what the law might do about it.

Part 2

11. A core feature of UK counter-terrorism practice is disruption of mounting risk by any lawful means. To take a hypothetical example, it may be effective to stop a car carrying a suspected terrorist for a traffic violation where the grounds of suspicion are based on sensitive intelligence. Another way of saying this is that we don't exclusively rely on terrorism legislation to preserve national security.
12. I remain of the view that terrorism legislation is unlikely to be the solution in the great majority of protest-related cases. Indeed, the late Professor Conor Gearty was of the view that terrorism laws were so exceptional as to be illegitimate; that they so perverted the ordinary principles of criminal and administrative law, that they should be abolished in their entirety.
13. I don't agree with this view, but there are two related principles of some relevance to the marches. Firstly, that terrorism legislation should be used as little as possible and only where ordinary law is insufficient to deal with the threat. Secondly, the need to use terrorism legislation can be kept at bay if ordinarily laws are properly enforced.
14. What I mean is that if laws and standards are disregarded so that that a situation conducive to terrorism arises, it is more likely that terrorism laws will one day be needed. If the law fails to intervene when protestors openly call for death, if strong and regular and violent hatred becomes the norm, then violence, terrorist violence, even genocidal violence (as in Rwanda and Myanmar) is a plausible consequence. Hatred is distinct from terrorism, but it raises the risk. It invites a state of psychological extremism in which conspiracies make sense and violence seems the only solution.
15. Support for this proposition is not hard to find at a level of principle:
 - In 2014, the then UN Special Rapporteur on minority issues, Rita Izsak, said that "Hate speech in public spheres, in mainstream and social media and by influential figures, including religious leaders, public officials or political groups, can lead directly or indirectly to violence against minorities. Increasing levels of hate speech can be an important indicator of possible violence".
 - In March 2021, her successor, Fernand de Varennes observed that "Dehumanising language, even reducing minorities to pests, normalizes violence against them and makes their persecution and eventual elimination acceptable".

- In June 2025, Antonio Guterres, the Secretary General of the United Nations said, “Hate speech is poison in the well of society. It has paved the way for violence and atrocities during the darkest chapters of human history.”

16. Of course, individual States will find different ways of minimizing hate speech. Sometimes it will require the use of the general criminal law below the level of terrorism legislation, or the placing of restrictions on what can be said in the public domain. We can question whether individual instances of hate speech will in fact lead to individual acts of violence. It is true that most people who hear violent chants will reject them. But doing nothing is not an option, especially where hate becomes normalized.

17. There is another set of international experts we can and I suggest we should learn from: the terrorists themselves. Terrorists spend much time and effort in disseminating hateful material to encourage attacks against the West, or against its chosen targets worldwide be they Jews, Christians, Ahmadis, or whomever. Jihadists, and extreme right-wing terrorists, have whole apparatus dedicated to producing terrorist propaganda and then broadcasting it. They often do this online, using what analysts describe as beacons sites, aggregators and content stores.

18. They believe propaganda works and it does. At some stage the Heaton Park killer and the Bondi Beach killers must have encountered Islamic State propaganda and decided that they were soldiers, called to carry out violence in support of their hateful agenda.

19. And what do we find when we consider Islamic State’s online propaganda?

20. On 18th December 2025, Islamic State published an edition of their official magazine, Al Naba, days after the Bondi massacre. Having celebrated the attack it said this: “Even though the Islamic State has not yet had the circumstances to clash with the Jews, the attempts of its soldiers, delegations, and supporters [that is, the soldiers, delegations and supporters of Islamic State] have not stopped planning to strike the Jews everywhere in a fierce, invisible war between the soldiers of the Caliphate and the global intelligence agencies harnessed to protect the Jews.”

21. This online rhetoric vindicates the view, expressed by analysts such as US official Seb Gorka, that anti-Semitic hate speech is central to jihadists’ cosmic war narratives, and is used as a grievance to recruit, radicalise and inspire violence.

22. The simple point is to ask, if this narrative is damaging online, why would we allow it onto our streets? Islamic State must be rubbing their hands when they hear of “Death to the IDF”, “Globalise the Intifada”, and see the red triangles of death presented with the directness and proximity of street protest.

23. In short, terrorism and hate are distinct but often symbiotic. Mere hatred often lacks the political, religious, racial or ideological cause which is needed for terrorism. But hatred can be harnessed by the terrorists for their grander purpose.

Part 3

24. In my line of work, it is essential to draw a distinction between individual terrorists and groups. Muslims are not to blame for terrorist attacks by individual Muslims. The fact that many (perhaps up to a third of) children arrested as Extreme Right-Wing Terrorists have autism does not mean that autistic people are suspect. This also applies to my other line of work – State Threats – where I have cautioned on the need to use powerful national security laws carefully to avoid the impression that individuals are being targeted because of their nationality or family background.

25. The evils of Putin’s regime do not mean that we hate Russians. We distinguish between the people of Iran and the Ayatollahs. The Chinese people are not the Chinese Communist Party. There is a long-standing distinction between governments or states and people that reflects common humanity.

26. This care to distinguish between individuals and groups is a strong feature of academic terrorism studies. So much so that anxiety is expressed over potentially ambiguous terms in common use. It is frequently argued, for example, that the official term “Islamist Extremist Terrorism” unfairly implicates Islam and therefore all Muslims.

27. For similar reasons, there is a proposal under active consideration in Australia (at least there was before Bondi) to remove the phrase “religious cause” from their definition of terrorism lest it be used to stigmatise religions in general and Islam in particular. Care is taken about groups. A key paradigm of modern terrorism studies is that counter-terrorism risks creating ‘suspect communities’.

28. Human rights-informed literature in the terrorist field is therefore replete with the desire to avoid stigmatising by an incautious use of language, to avoid negative

stereotypes or tropes, and the need to bring a sensitive ear to pick up any trace of ‘othering’ minorities or of disguised racial insults.

29. In this vein, and in the wake of Bondi, the current UN Rapporteur on terrorism, Professor Ben Saul, has called on authorities to ensure that Muslim Australians and migrant communities are not stigmatized in debate. This care is also apparent in political discourse and, as far as I am aware, protests by Jews pro-Israeli supporters in the UK.
30. But there is an exception to this rule. When it comes to demonstrations against Israel, we witness a delight in words that spread hatred incautiously. Hatred expressed to Zionists invites hostility to every Israeli and to Jews worldwide. Contrary to all good practice, Zionist is a term that invites stigma and othering. Even if the term is ambiguous, as its defenders might say, I have seen no caution expressed about this term by those who use it, or fears that Jews are becoming, in the jargon, a suspect community. Those who use this term resort to technicalities – look, there are some Jews who are not Zionists – and overlook the rest. The silence from swathes of academia, and from rapporteurs, about the risk of stigmatizing Israelis and Jews is deafening.
31. Alongside a marked reluctance to avoid prejudice to Jews in the use of language, has been a refusal to consider the targets of hatred as bearers of individual rights. It is well established that even convicted terrorists have rights against physical mistreatment. Attributing rights to terrorists is a way of testing whether rights are truly universal.
32. But this consideration appears wholly absent even on the part of many who like to be described as human rights defenders. The possibility that destroying Israel will result in the deaths of individual citizens is neither acknowledged nor regretted.
33. This brings me to the recent arrival of Alaa Abd Al Fattah. It seems to me that we have much to learn from Mr Al Fattah. One genuine service he could perform for his fellow Brits is to explain why human rights defending like his went hand in hand with the most hateful violent rhetoric. Was it necessary for Mr Al Fattah to write these things in order prove his credentials with his peers? Is this type of hatred so endemic in Egyptian or Middle Eastern society that he didn’t pause for thought about the targets of his hatred or see his targets as individual human beings?

34. I would ask the same questions of the marchers who hold or march alongside or tolerate banners of hatred towards Zionists.

35. I would hope the answer would be more than: Well wouldn't you be full of hatred and anger if your people were being exterminated or oppressed? I genuinely wish to know why it is that some protests on Israel and Gaza appear to be inseparable from violent hatred of people. But whatever their explanation might be, it seems to me that the law will have to intervene to reduce the risk of real-world violence.

36. To summarise my argument so far: terrorism legislation should be used as sparingly as possible against protestors; anti-Semitic hatred is real and as Bondi shows, can have real world consequences, engaging the precautionary principle; despite this risk, the importance of not stigmatizing groups of people has not been applied equally. And although it is interesting to speculate why this might be the case, allowing hatred to be normalized is not an option.

37. I now turn to what the law can do about it.

Part 4

38. It is often the case that there is no need for new laws – it is simply that existing laws are not being properly enforced. There is no need to reach for terrorism legislation, if existing non-terror laws are properly understood and brought to bear.

39. Let us look in more detail at some of the tactics that have emerged on the part of anti-Israel protestors and consider the implications.

40. The well-documented removal of pictures of Israeli hostages, and the trashing of 7 October memorials are consistent with only one thing – that Israeli feelings are illegitimate and therefore they, uniquely, cannot be allowed to show grief or commemorate suffering.

41. For some, any signs of Israeli life are illegitimate. There have been protests against Israeli-owned restaurants and bakeries in London and Australia and the United States. In Australia a restaurant with Israeli ownership was attacked by protestors shouting, “Death to the IDF.”

42. Why does it matter if Israelis are demonized, and become objects of legitimate hatred?

43. Firstly, it matters because Israelis are a group like any other whose individual members, like members of any other group, deserve protection. We have lost our collective senses if, as a society, we permit the demonizing of holders of any nationality who live in our tolerant and open society. The basis of our liberal society is one of individual flourishing not collective punishment. Either we believe in individualism not tribalism, or we don't.

44. I would say the same if the targets of public hostility were Russians, Chinese or Pakistanis or Somalis. It cannot be comfortable as a person of a different nationality or heritage to wonder when the torch of collective hatred is going to be pointed at you.

45. Secondly, the demonisation of Israelis matters because it is a vehicle for hatred of Jews. My perception is that if you don't deal with anti-Israeli hatred, you leave wiggle room for those who indulge in anti-Semitism but formally disavow it. Once hatred to Israelis is tolerated then it is carried around like a flame.

46. In the UK we have seen attacks on Marks and Spencer stores (including the stabbing of customers) because of supposed links to Israel, protests against a Jewish community centre hosting Israelis discussing the Gaza conflict, and protests directed at a synagogue because there was a talk about emigration to Israel. This is targeting on a human level.

47. The truth is that hatred of nationality fits onto hatred of race like a glove. And importantly, our law recognizes this. The Public Order Act 1986 prohibits stirring up racial hatred. Let me read section 17 of the 1986 Act which defines racial hatred, and I am going to do this slowly:

“In this Part “racial hatred” means hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.”

48. I have lost count of the times that hatred against Israelis has been stirred up on British streets. I do not believe the law is being enforced as it should be. If, according to intelligence held by the West Midlands Police, local Islamists were arming themselves and preparing to seek out and attack fans of Maccabi Tel Aviv, that can only have been because of their hatred to Israelis. The local Islamists were not hostile because of football, they were hostile because of nationality.

49. As we speak Lord Ken Macdonald is carrying out a review on public order and hate crime legislation. For my part, I think the offence of stirring up racial hatred,

including on grounds of citizenship or nationality, is a vital precursor offence to deal with some of the public hatred we have seen on our streets before it leads to violence or even terrorist violence. I do not want myself, or my successor to be wrestling with a possible extension to terrorism legislation, when the law is already there.

50. The counter-argument to laws against stirring up hatred on the grounds of nationality are easily stated and, I believe, easily dismissed.

- Firstly, it could be argued that stirring up racial hatred is too vague – on the contrary I think that the words of the offence are clear terms in ordinary use. They refer to racial hatred, not vague eye-of-the-beholder hostility.
- Secondly, that the offence inhibits free speech to an excessive degree. It is true that the offence would curb someone's ability to carry placards saying, Clean the world of Zionists, or some such, but this is hardly an illegitimate restriction; and in any event, every prosecution requires the consent of the Attorney General. I also think we need to recognise that rights cannot be asserted in order to subvert other rights. Even the sometimes maligned European Convention on Human Rights specifies, in Article 17, that nothing in the Convention implies for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms of others. Democracy should not harbour the seeds of its own destruction.
- Thirdly, it might be said that prosecutions are too difficult. It is true that the recent prosecution of individuals shouting “Khayber kyahber ya yahud” for stirring up racial hatred led to an acquittal, despite the obvious antisemitism of this notorious phrase. I do not know the precise facts but criminal lawyers amongst us will be well familiar with prosecutions that became easier over time, as expert evidence was developed and better explanations were given to juries.

51. I would also consider a link between the risk of stirring up racial hatred and the licencing or banning of marches. One of the striking features of pro-Palestine marches is the repetition of hatred without check by other marchers: for example, on 18th May 2025 a protestor held up a sign saying “The Western Zionist Puppet Masters Instruct their Evil Scum Puppets in Tel Aviv To Do Their Dirty

Work” – no one it seems bats an eyelid. It should be possible for marches to be held against Israel’s actions in Gaza without hatred, but the scorecard in avoiding hatred is not good. Serious disorder cannot be the only basis for restricting marches.

52. The alternative is higher and higher walls. A suspect community of Jews relying on volunteers and receiving government grants to strengthen security. And indeed, a wider society retreating behind bollards, anti-vehicle architecture, tied up in counter-terrorism red tape such as Martyn’s Law, the Terrorism (Protection of Premises) Act 2025, which imposes obligations on almost 200,000 businesses and charities at a cost of £207 million per year.

53. I mentioned before that terrorism legislation is exceptional. It requires the surgeon’s scalpel to deal with the bad guys, not a bludgeon to spread the pain. There are laws to deal with terrorism, and there are laws to deal with hatred – let them be used wisely but effectively.

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