

Annexe 1

Diana Neslen's story

I am a woman. I am a Jew. I am disabled. I am old. I tick many of the intersectional boxes. But on this occasion I am only going to discuss one element of my identity, my **Jewish Identity**

Realisation of the form of recognition of difference came early. I cannot remember a time even at the tip of Africa that the scale of the devastation visited on Jewish people did not shadow me.

To be a Jew meant to feel the weight of persecution which came both from school teachers, who made it clear my sort did not belong, and the local contemporaries who called us "Christ killers". They made it clear that Jews were accepted on sufferance. It was our white skins within an apartheid South Africa that gave us a form of toleration.

The Jewish faith has been an important anchor in my life but so too has the knowledge of Jewish history and Jewish trauma. I could not have been much more than 4 years old when the words 'Warsaw Ghetto' appeared in my consciousness. The Warsaw Ghetto was the largest such segregated area in Poland where the doomed fight against the mighty Wehrmacht took place). Awareness of both the cruelty towards Jews and the courage of those who fought back was part of my conditioning as a child. Many of my Jewish contemporaries in South Africa were children of migrants. They had lost grandparents, aunts, uncles, cousins in the cauldron that was Europe. Jewish trauma was etched indelibly on my consciousness.

Anti Racism

The South Africa of my youth was a bastion of racism, of apartheid. Privilege is seductive and was totally accepted and indeed defended in the milieu in which I grew up. However, many young Jews, myself among them, were uneasy in the country of our birth where antisemitic views were still widely held and insults against Jews a regular occurrence. Neither could we stomach the privilege that our white skins accorded us and like many I took refuge in a Zionist youth movement. However, it was a trip to Israel in the late 1950's that opened my eyes to the oppressive reality there that caused me to become disillusioned with Zionism. Having witnessed the racism in Israel, I felt betrayed by the Zionist movement. The pain of losing a belief, especially when young and fiery, is fierce.

Most of my adult life has been spent fighting the manifestations of racism, and it should go without saying that includes antisemitism, whether in apartheid South Africa, the United Kingdom or Israel, now identified by human rights organisations and the UN as an apartheid state.

My family have been targets of violence from right wing fascists. My son was brutally attacked in London in the 1990s and the perpetrator was jailed. My knowledge of Jewish history shows clearly that Jews are much more likely to be in physical danger from the neo fascist right who are comfortable meting out violence than because of a few left-wing people who may make misguided and even stupid comments occasionally veering into what could be described as antisemitism. However, the most violent responses to me personally have occurred when exercising my right to protest against Israeli politicians.

I take as my lodestar Marek Edelman, the last ghetto fighter who said that to be a Jew means always being with the oppressed never with the oppressor. Israeli politicians need to be reminded that there are Jews who do not turn a blind eye to their behaviour.

When protesting Israeli crimes Jews are targets for attack. On one such demonstration, I was holding a banner in North West London when someone of a different Jewish political persuasion came up to me, shouted in my face: "You terrorist, I could punch you in the face". I reported this to the police who took no action. On that particular demonstration – and others - we needed police protection from Jewish extremists when we tried to leave. The demonstrators stood behind barricades together with their children who they encouraged to shout "Scum Scum" at us. Jews who give unqualified support to Israel are often of the extreme right. It is not surprising that some even welcome far right luminaries like EDL founder Tommy Robinson and Britain first activist Paul Besser to their protests.

The objective of these extreme right wing Zionist groups is to silence the voice of the Palestinians and those who support them. They particularly target Jews, mostly because we give the lie to the idea that all Jews are unqualified supporters of Israel and we remind them of the ethical dimension of Judaism. Our existence and our voices undermine a narrative which unites all Jews with Israel. If that narrative is untrue then demonisation of Israel's harshest critics is unsustainable. It is not surprising that Israel's most fervent supporters have been most vociferous in their support for the contentious IHRA doctrine which gives critique of Israel primacy in considering examples of antisemitism.

The Labour Party

I rejoined the Labour Party in 2015. The approach of Jeremy Corbyn appealed to me. He stood for values I share. However, the drumbeat of allegation of antisemitism in the Labour party grew louder and louder. This baffled me since I found that I was welcome and my Jewish heritage respected. However, this did not last. In 2017 Jewish Voice for Labour was established. I joined it because it is an organisation that mirrors my Jewish and socialist values. When I

announced the formation of the group at a General Committee meeting of the local Constituency Labour party, the then MP, Mike Gapes, attacked me viciously for having the temerity to make that announcement. He shouted me down talking about the Del Singh award recently given to the Jewish Labour movement even though this had been made over the objections of Del Singh's family who understood that the JLM is a strong supporter of Israel while Del Singh was an activist for Palestine. Gapes refused to apologise when confronted at an election hustings. This experience made me reconsider my sense of safety as a Jew in the Labour party.

This was compounded in September 2018. My husband of 51 years had died suddenly in April that year and later in the year I was diagnosed with breast cancer. Imagine my shock when I received a reminder of conduct from an officer in the GLU unit, detailing social media posts, all of which related to Israel not to Jews, telling me that they had caused offence. I responded twice asking precisely what offence they had caused but never received the courtesy of a reply. I felt that I, a Jew, was being singled out for antisemitism by non Jews and felt less secure in the Labour party.

My next experience of antisemitism in the party came in January 2020. The Board of Deputies of British Jews, an organisation not known consistently for a willingness to fight fascist attacks on Jews and known for its consistently strong and mostly uncritical advocacy for Israel.

The ten pledges^{1 2}, which the BOD demanded that the new candidates for leader of the labour party sign up to in January 2020, were narrowly focused on the BOD's programmed and included for example a demand that the Labour leader have no contact with 'fringe organisations and individuals', a clear reference to JVL.

I opposed the BOD making such demands and took a resolution to the local branch of my constituency labour party where there was a courteous and civil debate. However after it ended a gentile member of the right wing faction in the party took to twitter to condemn me personally for having the temerity to bring this resolution. He lied about the debate, the resolution and even the movers of this resolution. He, a non-Jew, accused me of antisemitism. His toxic accusations were taken up by the Jewish Chronicle, by local gentile Labour councillors who, despite not having attended the meeting, trumpeted their hatred of antisemitism while in

1 ['Rebuilding will take more than mild expressions of regret' – The Board of Deputies launches its Ten Pledges for Labour leadership and deputy leadership candidates. - Board of Deputies \(bod.org.uk\)](#)

2 [Response to Board of Deputies 10 pledges document | Jewish Voice for Labour](#)

my view being guilty of it. I made an official complaint to the Labour party both about the branch member whose misuse of social media kicked off the frenzy and about the councillors who had publicly supported him. In spite of the strictures of the McPherson report which states that any personal experience of racism needs to be investigated, this complaint about personal racism was rejected without even an investigation.

This was part of their reply:

It is the job of the Complaints team to review all complaints in a balanced manner to ensure that matters are dealt with appropriately and by the correct unit of the organisation. After reviewing the evidence you provided to our team, we have concluded that this matter does not amount to a breach of the Labour Party rules and therefore will not be investigated further by the Party. We understand that you may find this response disappointing. However, we can assure you that due care and consideration has been taken when reaching this conclusion

Next, on 13th May 2020 the party sent me a notice of investigation about social media posts. None of these posts were directed at any Jew personally. Mostly they were commentary on actions of the Israeli state and in most cases, the original article or post had been written by a Jew. In February 2021 the party found me guilty of antisemitism. It seemed pretty arrogant for gentiles in the bureaucracy to believe that they had greater knowledge of antisemitism than a practising Jew with decades of fighting antisemitism and racism behind her.

The party enjoined me to confidentiality and I was aware that a local party activist had been sanctioned precisely because he had disobeyed this rule. They also stated that they wanted to safeguard their informers so they would not divulge their names. Much later I discovered the name of at least one of the informants because he was brazen enough to publicise this on twitter. He is a gentile member of Labour Against Antisemitism.

And to emphasise the injustice, in view of my age, my disabilities and my isolation under lockdown, safeguarding should have been applied to me. It seems though that there is no duty of care applied to left wing Jewish Party members.

I felt that it was time actually to challenge the party with its arcane and unjust system. Since there was no way to challenge from within, I took the difficult decision to join a legal challenge to the system. There was no alternative. Ideally had the party been true to its stated values, it would have recognised the importance of engaging with members. But it seemed this was not the case.

High Court hearing 17 June 2021 Neslen and others v David Evans

Justice Butcher presided over the case. Maya Lester QC led for the claimants, Rachel Crasnow QC led for the defendants.

Leaving aside our disappointment with the Judgement of 8th July what has remained with me was the line taken against me by the 'defendants' leading counsel. There were no witnesses called in that hearing and it felt to me that Ms Crasnow QC took the opportunity to attempt to discredit me as a Jew.

It was very distressing for me not to be able to answer back and I was astonished that it was allowed to stand.

One of the issues raised was whether the Labour Party had given my co-Claimants and I sufficient information about the allegations against us to comply with the Party's duty of fairness. Ms Crasnow QC argued that when considering my response to the allegations, it was unlikely that I would have said anything additional even if I had been given further information about the allegations. She argued that in my response I had exercised my right to free speech about Israel's actions and that I had asserted that it was fine to use Hitler and / or Nazi references in relation to Palestine.

The gist of her argument appeared to be that I think it acceptable to 'use Nazi messages' and to use 'comparisons of the kind engaging Hitler' for political ends without sensitivity to the persecution of Jews like myself.

I was indeed accused by the Labour party of "using Hitler, Nazi and Holocaust metaphors, distortions and comparisons in debates about Israel Palestine". But this was for the following tweet from 2014 [before I rejoined the Labour party](#). It is followed by my defence

[#Gaza Obama](#) 'Israel has a right to defend itself' Same right as Germans in Lidice

Obama's tweet relates to Operation Protective Edge. Israel's attack on Gaza in 2014

In 2014 Israel attacked Gaza. The military operation was called Operation Protective Edge. The operation was launched following the Kidnapping and murder of 3 Israeli teenagers³. This was a 50 day operation resulting in over 2000 dead, including 501 children⁴ and massive infrastructure damage.

In 1942 the males of the village of Lidice in Czechoslovakia were executed on the orders of Hitler following the attempted assassination of Reinhard Heydrich. The women and children were transported to concentration camps⁵

In both instances the occupier retaliated to attacks by taking action against civilians.

Both actions were wholly disproportionate. It is the nature of occupation that carte blanche is provided for the occupier to indulge in punitive reprisals against those under occupation, unless a larger power restrains them. Occupiers are responsible for their actions and should not be shielded from justified outrage. Comparison between the actions of the two countries is in my view wholly legitimate.

There is no connection whatsoever in my tweet with antisemitism and there is nothing here about Nazis or about Hitler; this is a tweet I about collective punishment, something that my Jewish history teaches me is abhorrent. There are copious examples of collective punishment visited upon Jews, the expulsions from York, the Inquisition leading to the expulsion of Jews from Spain, the blood libels, the pogroms, the destruction of the Warsaw Ghetto.

I was horrified by this episode of collective punishment, not in spite of but, because of my Jewish heritage.

In Court that day I fear I learnt more about how the Labour Party seem to view people like me; we are the wrong sort of Jew accorded no respect and no protection **as Jews**.

3 https://en.wikipedia.org/wiki/2014_Israel%E2%80%93Gaza_conflict

4 https://en.wikipedia.org/wiki/2014_Israel%E2%80%93Gaza_conflict

5 https://en.wikipedia.org/wiki/Lidice_massacre