



## Supplementary Submission by JVL to the EHRC and the Forde Inquiry

### Executive summary

This submission is an update to our submission dated 5th August 21 entitled *How Labour's Claim of Countering Antisemitism Has Resulted in a Purge of Jews*.

In the three weeks since then our situation has continued to deteriorate. We have received many messages from Jewish Party members informing us how our documentation echoes their experience in the Party and how they increasingly feel unwelcome in a party to which they have given many years of commitment and effort. Others have told us that, because of the attitudes we have described, they have with heavy hearts quit the Party.

As at the 24<sup>th</sup> August we have become aware of seven new investigations of Jewish Party members. Notifications of new investigations and auto-exclusions are arriving on a daily basis.

This means it would appear that over four times more Jewish than non-Jewish Labour Party members have faced actioned complaints of antisemitism. The disproportion is even greater in relation to JVL Committee members and officers. The staggering numbers suggest that these Jews are **nearly three hundred times** more likely to be investigated than non-Jewish Labour Party members (see the note on Annex 7 below). In all these cases the charges of so-called antisemitism are deeply offensive and should be withdrawn immediately in accordance with the party's own NEC Code of Conduct.

There has been significant further evidence of our being treated harshly as Jews. Stephen Marks, (see Annex 2 in our original submission), twice contacted the Party, on 22 and 25 July asking for an extension. His wife followed up on 27 July detailing personal aspects of why this extension was required, relating to his medical condition; such requests have normally been readily and speedily granted. Neither of them received any reply or even acknowledgment of their emails. Another prominent Jewish JVL member was refused the

extension she wanted despite her family duties over the August holiday period. We show why this is oppressive, with a case study, as a new Annex 10.

Two Jewish JVL members have had the cases against them escalated from a standard investigation into the more severe, fast-track, Party action. No further 'evidence' was cited against them to justify the escalation.

JVL comes out of a rich, vibrant radical Jewish tradition, drawing significantly on the heritage of the Jewish Bund.. This inheritance is also embodied in such groups as the Jewish Socialists Group and Jews for Justice for the Palestinians. Our understanding of antisemitism, what it is, how to fight it, and how not to fight it, flows from this tradition. Yet dozens of Jewish members are now being targeted by Labour as antisemites, for voicing an understanding of antisemitism that is a direct product of our Jewish political and personal heritage.

The effect of rejecting or ignoring complaints made by JVL members of antisemitism; our experience of bullying and harassment; and the refusal to consult or involve JVL in, for instance, the EHRC required Action Plan; all show disdain for our status and roles as Jews. We are not heard; in particular we rarely get a chance to voice our opinions in the print and broadcast media; when we do we are treated too often with hostility and aggression and Ofcom appears to refuse to hold broadcasters to account.

The new evidence is briefly set out below, referring to the Annexes in our previous submission. Revised versions of the Annexes and a new Annex 10 are attached to this summary.

#### **Annex 4 addendum: Further comment on proscription by the Labour Party and consequent 'auto exclusions'**

This now includes a reference to a Jewish Chronicle article pointing out that proscription of JVL by the Party could amount to discrimination and could be challenged in the courts.

There is also substantial new material relating to five Jewish JVL members whose imminent auto-exclusions are for their support for, not membership of, a group with several prominent Jewish members and patrons Labour Against the Witch-Hunt. Two of those threatened with auto-exclusion are JVL officers.

#### **Annex 6: Complaints by JVL members that have been ignored**

This is an addendum which details a further case; that of a Jew, the child of Holocaust survivors making seven complaints of antisemitism they have suffered; one of these has been summarily rejected and there has been no discernible action in response to the others.

#### **Annex 7: The disproportionate targeting of left-wing Jewish Party members**

This Annex has been rewritten to reflect even more clearly the targeting of JVL Jews. Two of these cases appear in the revised Annex 4. The situation now is that the two co-chairs of JVL

are under investigation. 65% of JVL Officers and Committee members have faced or are facing actioned complaints of antisemitism.

**NEW Annex 10: Harsh treatment of Jewish members: refusal to respond to reasonable requests for extensions**

A review of cases of harassment by the Party by setting unreasonable deadlines for responses to allegations and failing to respond to reasonable requests for extensions

#### **Annex 4 addendum: Further comment on proscription by the Labour Party and consequent 'auto exclusions'**

We submitted a report on Proscription in Starmer's Labour Party as Annex 4 in our submission of 5<sup>th</sup> August. We made it clear that that: "We in JVL have little doubt that it is our Jewishness as well as our left-wing politics that is increasingly coming under fire. Our Jewishness does not fit."

It is of significance that [The Jewish Chronicle reported on 20 July](#) that:

The JC understands that one of the reasons the group JVL has not been included as one of the groups to proscribe is because they would have "reasonable" grounds to sue the party for discrimination.

The source said that "a fair number" of the group's executive is currently suspended and they hoped they would become "insignificant."

The JC is frequently well briefed by knowledgeable members of the Party staff and we believe this probable accurately reflects how at least some of the most senior officers of the Party wish to deal with the risks they may face by attempting to proscribe a Jewish organisation like JVL

Since our first submission there has been a dramatic escalation in the number of Jews being disciplined by the Labour Party for allegedly being caught in the net of members or supporters of recently banned organisations: for actions that could not be foreseen to subject to sanction when they were undertaken.

The Labour Party is attempting to apply a notion of retrospective punishment for what was not punishable at the time, a concept that is fundamentally at odds with how our legal – and indeed moral – system works.

We reported on some of these new interventions in a post on the JVL website on 13<sup>th</sup> August called "[Are you now or have you ever been.....](#)" pointing out that two of JVL's Officers, our Co-Chair Leah Levane and Political Officer, Graham Bash were among the recipients, and that at least one other prominent and longstanding Jewish Labour Party member, Roger Silverman, had also received a similar notice. Jo Bird a prominent JVL member and local councillor is also under threat of auto exclusion.

Automatic exclusion has traditionally been applied to people who stand against the Labour Party or who nominate others who do so. Indeed, the letters of automatic exclusion cite Chapter 2, Clause I.4.B of the Labour Party Rule Book which provides:

"A member of the Party who joins and/ or supports a political organisation other than an official Labour group or other unit of the Party, or supports any candidate who stands against an official Labour candidate, or publicly declares their intent to stand against a Labour candidate, shall automatically be ineligible to be or remain a

Party member, subject to the provisions of Chapter 6.I.2 below of the disciplinary rules.”

Even though Labour against the witch-hunt (LAW) has not stood candidates against the Party or called for support for such candidates, the Party’s letters state that the NEC had “confirmed that LAW constituted a “political organisation” for the purposes of Chapter 2, Clause I.4.B of the Labour Party Rule Book”. Notably, as noted in the original Annex 4, LAW has a significant Jewish element.

Supporting some of the aims of an organisation clearly does not necessarily make one “a supporter” of that organisation *in the way suggested* (Labour has more voters than it has members, for example – clearly gathering support or even “supporters” from a wide range of the electorate).

Three of the Jewish members subjected to automatic exclusion have published their responses and rebuttals of the charges against them, [Roger Silverman](#), [Graham Bash](#) and [Leah Levane](#). Many of the most prominent members of LAW and two of its sponsors are also Jews.

We have pointed out the grave injustice of the entire procedure: the lack of natural justice when the support for and/or membership of the relevant organisations *predated* their proscription; and the fact that people were being asked to prove a negative, for as letters from the Labour Party state “failure to provide evidence that you are not a supporter of LAW, as defined by the NEC above, is very likely to lead to your automatic exclusion from membership of the Labour Party.

How would anyone prove that they are *not* a member, let alone a supporter of one of the banned organisations when the definition of “supporter” was being drawn wide enough to potentially include those who reposted Facebook and Twitter posts from those organisations or who expressed agreement with some, or all, of the positions adopted by these organisations **which were perfectly legitimate activities at the time**.

These proscriptions, and even more the extraordinarily wide reach of the notion of ‘supporters’ that is being employed, is clearly a device to expel members from the Party against whom there is no other ‘evidence’ of activity detrimental to the Party or any activity in breach of the Party’s rules. It is profoundly undemocratic and an arbitrary silencing of political dissent, especially from its Jewish members, for whom the issues are of profound importance.

We repeat: the Labour Party is attempting to apply a notion of retrospective punishment for what was not punishable at the time, a concept that is fundamentally at odds with how our legal – and indeed moral – system works.

## **Annex 6: Complaints by JVL members that have been ignored - addendum**

As part of this submission, we include details of a series of complaints by a JVL member which we received after we made our original submission.

The member is the child of a holocaust survivor who has submitted a series of six complaints of bullying and harassment and denial of their Jewish identity against their MP, the MP's family and friends and against officers of their CLP. One of the complaints also refers to the bullying of another child of a Holocaust survivor by the same people.

One complaint is about a non-Jewish member accusing the member, the child of a holocaust survivor, of holocaust denial – even this did not elicit action from the Party.

There is a seventh complaint to the Head of Labour Complaints about the lack of action on any of the six earlier complaints.

This set of complaints emphasises the case made in our earlier submission that Jewish members of the Party who are critical of Israel, and of the current Party leadership, are not afforded any protection against abuse and bullying and this pattern reflects the targeting of a certain sort of Jew; an attitude that cause some sections of Britain's Jewish communities to be treated less favourably, certainly in contravention of the Labour Party's rule book (for example: rule 2.1.8; the Charter of members' rights (7); and the Code of Conduct on Social Media) and possibly in contravention of the Equality Act (2010).

## **Annex 7 Revised (updated to 23 August)**

### **Disproportionate complaints against and investigations of left-wing Jewish members**

According to the Labour Party, as of March 2021, there had been 1,450 actioned complaints against Labour Party members in relation to allegations of antisemitism (1-3).

From other published data (4) we estimate there have been on average 500,000 Labour Party members between 2015 and 2020, the period covering most complaints.

**Actioned antisemitism complaints have therefore involved a maximum of 0.29% of Labour Party members.** (In fact, the proportion is certainly lower, since some members have been subject to more than one actioned complaint.)

#### ***Jewish members***

By the end of 2020, there were reportedly at least 35 antisemitism-related investigations of Jewish Labour members (5) and by August 2021 this had risen to 40 investigations involving 31 individuals. It is not known with certainty how many Labour members are Jewish. Applying conservative assumptions, we estimate an approximate Jewish membership of 2,500.

It follows from this estimate, at least 1.2% (31/2500) of Jewish members have faced actioned complaints for antisemitism.

As a population share, **over four times** (1.2% compared with 0.29%) **more Jewish than non-Jewish Labour members have actually faced actioned complaints of antisemitism.**

#### ***Jewish Voice for Labour members***

Of the 31 Jewish members whom we know have been investigated for antisemitism, 29 are JVL members. The Jewish membership of Jewish Voice for Labour (JVL) has ranged between 300 and 400 since JVL was formed in 2017.

Over 8% (29/350) of JVL's Jewish members have therefore been investigated for antisemitism, with quite a few of these members having been targeted with multiple such complaints.

This means that **Jewish JVL members have been subject to actioned antisemitism complaints at a rate almost 30 times** (8.2% compared with 0.29%) **greater than non-Jewish Labour members.**

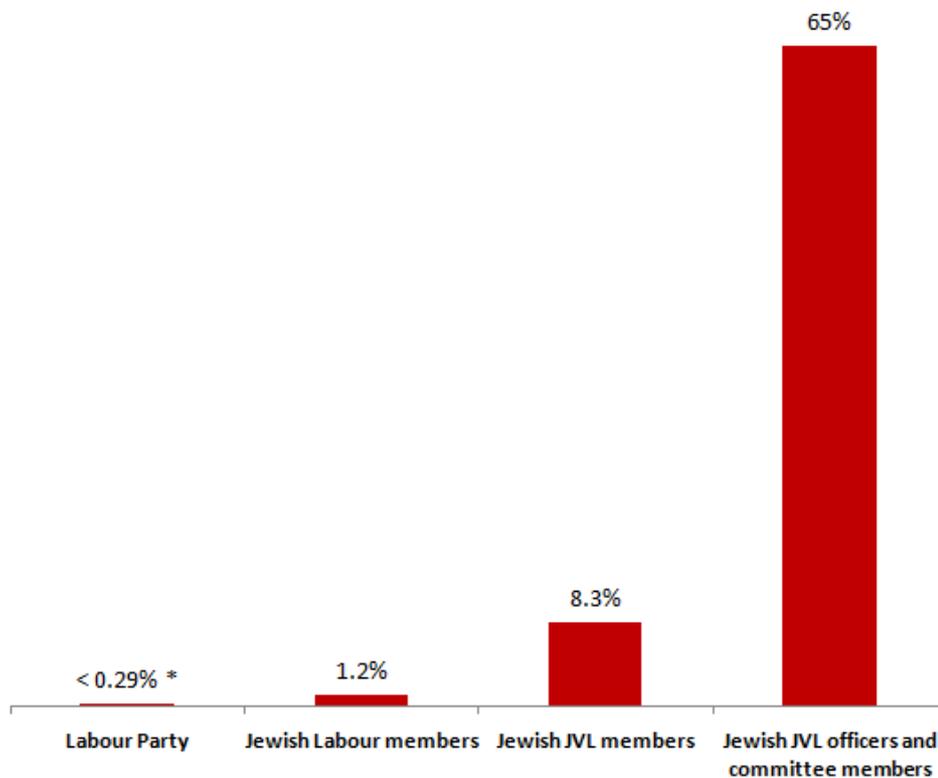
#### ***JVL officers and committee***

Of JVL's 17 officers and committee members, 11 have been investigated for antisemitism – several of them more than once. Three are currently suspended.

This means that **65% (11/17) of JVL officers and committee members have faced actioned complaints of antisemitism, a rate 224 times (65% compared with 0.29%) higher than non-Jewish Labour Party members.**

The overall estimates are illustrated below.

### **Estimates for the proportion of Labour members from various Jewish groups known to have faced complaint allegations of antisemitism**



*\* These relate to the known number of investigations, so the actual share of 'individuals' will be lower.*

### **Conclusion**

There is strong evidence that Jewish members have been disproportionately singled out as subjects for complaints about antisemitism. This disproportionality seems to be driven almost completely by targeted attacks on members of Jewish Voice for Labour, in particular their officers and committee members.

The numbers are far too high to be the result of chance or attributable to circumstances specific to individual cases. On the contrary, they suggest that Jewish Party members are disproportionately exposed to being investigated for antisemitism, that is to say, for racism against their own religions, traditions, communities, histories and loved ones.

The Party must have noticed this systematic targeting of left-wing Jewish members. But while there have been frequent leaks about those Jews accused of antisemitism, the names of their accusers have been carefully protected by the Party.

To add to the outrage felt by Jews investigated for antisemitism, their cases are reviewed almost exclusively by non-Jewish staff that do not carry the inheritance of antisemitism as Jews do.

It is interesting to note that the prevalence of antisemitism as measured by the Jewish Policy Research (JPR) group is considered to be around 5% of the general population and is slightly lower on the left (6). Importantly, though other religious groups were assessed the Jewish researchers did not deem it necessary to investigate antisemitism prevalence in Jewish responders. We can speculate that the researchers regarded antisemitism amongst Jews as an impossibility, or insulting, or both.

Our evidence suggests that allegations of antisemitism directed at Jewish people, have been motivated for political ends very remote from fighting genuine antisemitism (see the annexes relating to Stephen Marks, Diana Neslen and Naomi Wimborne- Idrissi in the submission on 5<sup>th</sup> August 2021 and the update on Marks in today's submission).

## References

1. <https://labourlist.org/2019/02/jennie-formby-provides-numbers-on-labour-antisemitism-cases/>
2. <https://labourlist.org/2020/01/new-antisemitism-data-shows-labour-is-taking-decisive-action-says-party/>
3. <https://labour.org.uk/wp-content/uploads/2021/03/March-2021-Disputes-Report.pdf>
4. <https://commonslibrary.parliament.uk/research-briefings/sn05125/>
5. [Labour slammed by Jewish members for pursuing them on 'antisemitism' charges](#) | Morning Star
6. [https://www.jpr.org.uk/documents/JPR.2017.Antisemitism\\_in\\_contemporary\\_Great\\_Britain.pdf](https://www.jpr.org.uk/documents/JPR.2017.Antisemitism_in_contemporary_Great_Britain.pdf)

## **Annex 10 Harsh treatment of Jewish members: refusal to respond to reasonable requests for extensions**

The Party sets very tight deadlines to their requests for responses to their charges. They used to set a deadline of 14 days, which was itself totally inadequate to respond to an often long list of questions about a lengthy list of items some of which date back many years. However, their normal practice was to accept reasonable requests for extensions.

More recently they have not only reduced the time limit to seven days but have either refused to respond to extension requests or outright refused.

For a Jew to be accused of antisemitism is extremely stressful and to be required to meet impossible deadlines, even when there are health issues and caring responsibilities which make devoting time to write appropriate responses difficult or impossible, is experienced as harassment. The Party is failing in its duty of care to members and its obligation under rule to treat all members with respect. Paragraph 7 off the Charter of Members Rights states:

Members have the right to dignity and respect, and to be treated fairly by the Labour Party. Party officers at every level shall exercise their powers in good faith and use their best endeavours to ensure procedural fairness for members.

We give details of one case where refusal by the Party to respond exacerbated health problems. The email of 23rd August from the Party acknowledged Mr Marks's response which he had felt obliged to submit despite still not knowing whether his request for an extension had been accepted or not; none of his other communications had even been acknowledged. In at least one other case, requests for a reasonable extension have been refused outright and new tight deadlines insisted upon.

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**From:** Stephen Marks  
**Subject:** Re case number CN-12822  
**Date:** 22 July 2021 at 08:39:36 BST  
**To:** Disputes <[disputes@labour.org.uk](mailto:disputes@labour.org.uk)>

Disputes Team

The Labour Party  
Southside, 105 Victoria Street,  
London SW1E 6QT

22 July 2021

Dear Sirs,

Ref: A241053

Case No: CN-12822

I have received the above communication dated 13 July which as a Jew myself I find particularly hurtful and offensive.

As I am still in partial isolation due to [conditions] which put me at particular risk of Covid exposure and leave me physically and mentally exhausted, I must request a three week extension of the time limit for my full reply, taking the date to 3 August.

An early confirmation would be appreciated.

However be assured that I totally reject all the charges against me.

Yours etc,

Disputes Team  
The Labour Party  
Southside, 105 Victoria Street,  
London SW1E 6QT

cc David Evans, General Secretary

27 July 2021

Ref: A241053  
Case No: CN-12822

URGENT

My husband Stephen Marks has emailed you twice, on 22 and 25 July, requesting an extension to the time limit given for his full reply to your communication of 13 July telling him of his administrative extension. He has not so far had a response.

I accompanied him on a visit to his doctor last week, worried by his increasing - and he has now been fixed with an appointment with a specialist at the John Radcliffe Hospital on 19 August.

I'm therefore asking on both our behalves that you extend the date for his full response to the charges given until Tuesday 24 August, as requested in his last email to you.

Your email informing him of his suspension arrived during the evening of 13 July whilst we were both attending a Zoom meeting of our local Labour branch. He therefore told the meeting he had been suspended and we withdrew. We have been active Labour members for decades, formerly in Hampstead and for the last 30 years in Oxford; his reinstatement should be a matter of course.

Anne Lyons  
Oxford East CLP

**From:** Stephen Marks  
**Subject:** Re case number CN-12822  
**Date:** 1 August 2021 at 00:35:30 BST  
**To:** Disputes <[disputes@labour.org.uk](mailto:disputes@labour.org.uk)>

Disputes Team  
The Labour Party  
Southside, 105 Victoria Street,  
London SW1E 6QT

cc David Evans, General Secretary

1 August 2021

Ref: A241053  
Case No: CN-12822

URGENT

I have now emailed you twice, on 22 and 25 July, requesting an extension to the time limit given for my full reply to your communication of 13 July telling me of my administrative suspension.

I have not so far had a response.

In addition my wife Anne Lyons has also had no reply to her email to you of 27 July in which she explains that she accompanied me on a visit to my doctor last week, worried by my increasing.

I have now been fixed with an appointment with a specialist at the John Radcliffe Hospital on 19 August.

To this I have also had no response.

I must therefore assume that the Party has acquiesced to my request for an extension until 24 August and shall proceed accordingly.

I should also add that the Party is treating me unfairly and in breach of clause 2.II.7 of the Rule Book by not responding to my requests, and that this inaction is causing damage to my health.

Stephen Marks

**From:** Disputes <[disputes@labour.org.uk](mailto:disputes@labour.org.uk)>  
**Subject: RE: Ref A241053 case number CN-12822**  
**Date:** 23 August 2021 at 16:32:51 BST  
**To:** Stephen Marks

Dear Mr Marks,

Thank you for your response. We can confirm that it has been received. We will be in touch in due course to inform your of the outcome of the investigation.

Kind regards,  
**Governance and Legal Unit**  
The Labour Party  
Southside, 105 Victoria Street, London, SW1E 6QT