

[REDACTED]

[REDACTED]

Equality and Human Rights Commission

[REDACTED]

Date: 23 December 2022

[REDACTED]

Dear [REDACTED],

**Jewish Voice for Labour (“JVL”)
Urgent review of the expulsion of Stephen Marks from the Labour Party
Your reference: [REDACTED]**

1. We write on behalf of our client, Jewish Voice for Labour (“JVL”), in relation to the expulsion of Mr Stephen Marks from the Labour Party, as set out in the Labour Party’s letter to him of 19 December 2022 (**enclosed**).
2. Our client is extremely concerned about the Labour Party’s decision to expel Mr Marks and the circumstances of that decision, where they did not respond to Mr Marks’ requests for an extension of the time limit of 27 July 2021 which was set out in the Notice of Outcome of Investigation (“NOI”) dated 13 July 2021 (**enclosed**). Mr Marks had requested the extension of time on 22 and 25 July 2021 due to his ill-health. His wife followed up on Mr Marks’ request in her own email of 27 July 2021, in which she set out further details of his medical condition.
3. Further, the Labour Party has not responded at all to Mr Marks’ response to the NOI and to his suspension, which he sent by email on 23 August 2021 (**enclosed**). We note that also Labour Party made no reference to Mr Marks’ response in the expulsion letter.
4. The purpose of this letter is to alert the EHRC to Mr Marks’ expulsion, and to request that the EHRC takes into account the information set out herein in its ongoing monitoring of the Action Plan.

The NEC Panel’s findings

5. The findings of 19 December relate to a petition created on 9 July 2016, an open letter dated 11 April 2017 and a Facebook post dated 4 April 2018. The NEC Panel found that Mr Marks had signed the petition, open letter and posted the Facebook post.

Our client’s concerns

6. Our client wishes to make three points in respect of the Panel’s findings:

- a. The findings relate to actions taken three or more years before the investigation was opened and all actions pre-dated Mr Marks having been elected onto the NCC in November 2018;
- b. Mr Marks was one of a large number of signatories to the open letters and petition; the petition of 9 July 2016 was signed by 43 Jewish Labour members, the open letter of 11 April 2017 was signed by 145 Labour Party members and co-ordinated by a predominantly Jewish group and the Facebook post of 4 April 2018 was generated by an open letter organised by Change.org which contained over 7000 signatures. Our client notes that other signatories have not been investigated by the Labour Party, and they are concerned that Mr Marks was specifically targeted because of his role on the NCC (at the time of the suspension); and
- c. Our client is also concerned that the Panel's findings focus on the charge of undermining the Labour Party's campaign against racism, which in view of Mr Marks' actions and beliefs, is in fact an example of the Labour Party conflating legitimate criticisms of the Israeli government (expression of which is protected by Article 10 EHRC) with antisemitism. Our client's view is that the charge relied upon by the Labour Party is not subject to any form of legal or other objective analysis and evidence; it is subjective and, as noted above, it restricts freedom of expression. We refer you to Mr Marks' response of 23 August 2021 (**enclosed**), in which he stated:

“There is a principle of natural justice here, the right to speak up for others subject to accusations which is relevant to all three petitions. I have confirmed with other NCC colleagues that a signature on a statement or petition would not normally be accepted as evidence in a disciplinary case, being merely an expression of legitimate opinion, unless the petition itself contained racist or sexist expressions. Also it is illegitimate not to show ALL signatories as this representation singles me out.”

7. Our client looks forward to confirmation the EHRC will agree to take into account the information set out herein in its ongoing monitoring of the Action Plan.
8. Any queries in respect of the above should be forwarded to Shirin Marker at the email address set out above.

Yours sincerely



Bindmans LLP