

IN THE MATTER OF
AN INVESTIGATION UNDER SECTION 20 AND
SCHEDULE 2 OF THE EQUALITY ACT 2006

INTO:

**ANTISEMITISM IN
THE LABOUR PARTY**

**CLOSING SUBMISSIONS
ON BEHALF OF THE
JEWISH LABOUR MOVEMENT**

FOREWORD

The Labour Party is no longer a safe space for Jewish people or for those who stand up against antisemitism. That is the disturbing but inevitable conclusion from the evidence that JLM has put before the Commission over the course of the past 13 months. Since the time JLM made its original submission, calling for the Commission to use its powers to investigate the Labour Party, the tide of evidence of antisemitism manifest within the Labour Party has not subsided. Alarming, it has swelled. The relentless flow of antisemitism is so unabating that it has proved a challenge to complete this submission. New incidents occur on a daily basis and have become normalised and forgotten as the Party's machinery finds more ways of ignoring, denying, relativising and accepting the antisemitism that has consumed it.

Since Jeremy Corbyn became leader of the Labour Party, he has made the Party a welcoming refuge for antisemites. He has done that in a number of ways, including by publically supporting antisemites and antisemitic tropes. The Labour Party is cast in his image. As such, it is a Party that: promotes known antisemites to positions of power; does not take action (and in fact subverts action) against those guilty of abhorrent antisemitism; victimises those that speak out against antisemitism; fails to protect Jewish members from antisemitism; allows Jewish MPs to be hounded out of their political home; and derides the issue of antisemitism to the extent that its very existence within the Party is denied. The incontrovertible evidence of that is before the Commission. It is plain that the Party does not consider the race and religion of Judaism to be a characteristic worthy of protection. That is a very dangerous place to be.

This is a decisive moment in history. Not just the history of the Jewish people but the political history of this country. 47% of Jews who live in the country say they will seriously consider leaving if the Labour Party under Jeremy Corbyn gets into power. 87% of Jews consider him to be an antisemite. Given the horrific recent history of the Jews, we have more reason to be nervous than other groups. The Labour Party has made the political calculation that antisemitism is a price worth paying to maintain its internal unity. It has become incapable of addressing the issue itself. The Commission is, therefore, in a unique and hugely privileged position; it can alter the devastating course that the Labour Party is set upon. The Labour Party can't and won't. The Commission has the power (and we say the obligation) to force the Labour Party to acknowledge that it has become institutionally antisemitic and to make meaningful and pervasive recommendations for change. The Commission can and must hold the Labour Party to account so that it can, once again, become a safe space for Jewish people.

Introduction

1. These closing submissions are made on behalf of the Jewish Labour Movement "JLM". They set out JLM's case that the Labour Party ("the Party") now suffers from - and is legally responsible for - endemic, institutional antisemitism. The submissions invite the Commission to make findings to this effect, and to issue an unlawful act notice, incorporating recommendations for significant changes to the Party's policies and practices. They make this case by reference to the extensive and compelling evidence that JLM has presented to the Equality and Human Rights Commission ("the Commission") before, and over the course of, its investigation ("the Investigation").
2. JLM is the Party's only Jewish and longest standing affiliate. It has played a part in the Labour movement for almost a century. It represents 2500 Jewish Party members. Contrary to many statements made by members of the Party¹, JLM has no institutional relationship with Israel, and publicly criticises Israeli government policy. JLM makes these submissions with profound sadness. It hopes that an intervention from the Commission will help the Party to return to being a safe and welcoming political home for Jewish people on the left.
3. The submissions will address the following:
 - (1) Categories of antisemitic behaviour manifest within the Party;
 - (2) The issues, which originate from the Terms of Reference:
 - A. Whether the Rule Book and the Party's investigatory and disciplinary processes could in principle enable it to deal efficiently and effectively with complaints of race and/or religion or belief discrimination and/or racial harassment and/or victimisation, including whether appropriate sanctions could be applied; and
 - B. Whether the Party has, in fact, responded to complaints of unlawful acts in a lawful, efficient and effective manner
 - C. The steps taken by the Party to implement the recommendations made in the reports on antisemitism by Baroness Royall, the Home Affairs Select Committee and in the Chakrabarti Report; and
 - D. Accordingly, whether unlawful acts have been committed by the Party and/or its employees and/or its agents.
 - (3) An update on relevant recent events;
 - (4) Recommendations proposed by JLM, falling under three main themes:
 - A. disciplinary policies and their implementation;
 - B. education and training; and
 - C. leadership.

(1) Categories of antisemitic behaviour manifest within the Party

4. The evidence before the Commission shows the rapid escalation of antisemitic behaviour within the Party from 2015-2016 onwards.² By now, there is overwhelming evidence that antisemitic conduct is pervasive at all levels of

¹ JLM SUB1 Appendix 4, Part A, Statements of [REDACTED] and [REDACTED]
² Appendix 4, Part A, Statements of [REDACTED] and [REDACTED], [REDACTED] and [REDACTED]
Statements of [REDACTED] at paragraph 42 and [REDACTED] at paragraph 7.

the Party³. Such is the breadth and depth of this evidence that it may be useful for the Commission to consider it in terms of the categories of antisemitic conduct identified below:

- A. Verbal abuse of Jewish members;
- B. Online abuse of Jewish members;
- C. Exclusion of Jewish members from participating in Party activity;
- D. Signalling by the Leader that antisemitic views are acceptable;
- E. Failure to implement processes to protect Jewish members from antisemitism;
- F. Hostile response to those calling out antisemitism; and
- G. Appointment of antisemites to positions of power.

5. Across these categories, the conduct of Party employees, agents and members spans a spectrum from overt to thinly disguised antisemitism. It should be noted that these submissions do not focus on the troubling pattern of debates concerning Israel straying into antisemitism⁴. The Commission is encouraged to focus on the now acute problem of abuse directed at Jewish members, simply because they are Jewish. This abuse sometimes takes the form of language relating to Israel ("e.g. Dirty Zionist" and "Zio"). However, it is clear from the evidence that these words are now within the Party lexicon of insults for a Jewish person, regardless of that person's views on Israel. The usage and meaning of these words is no different than that of "Kike" or "Yid".⁵
6. JLM is aware that the Commission has excluded "*member on member acts*" from the scope of its investigation. However, these submissions nonetheless include acts of antisemitism by members. This is for three reasons.
- 6.1 First, where unlawful acts take place at official Party events or on a Party-controlled website, they demonstrate the failure of agents of the Party to stop them.
 - 6.2 Secondly, they evidence the culture of antisemitism that the Party has permitted and encouraged.
 - 6.3 Thirdly, when the Commission considers the failure of the Party's systems (whether in respect of training or complaints mechanisms), the starting point must be understanding the problem those systems are failing to address.

A. Verbal abuse of Jewish members

7. Antisemitic abuse is now a common experience for Jews attempting to attend CLP and BLP meetings. Jewish members have given their accounts of the repeated verbal abuse that they face from members of the Party, without protection from those chairing the meetings. The Commission is invited to note the following compelling examples:
- 7.1 Witness statements from both Jewish and non-Jewish members reveal that Jewish members often no longer feel able to attend BLP or CLP meetings due to the intensity of animosity towards them.⁶⁷
 - 7.2 One respondent lists 22 examples of antisemitic abuse which have been directed at him at various CLP meetings. Examples of these include being called "*a Tory Jew*", "*a child killer*", "*Zio scum*", being told that "*[he's] good with money*", "*to shut the f*** up Jew*", "*that Hitler was right*" and being threatened with

³ The structure of the Party is summarised at paragraph 3 of JLM's first written submissions. These submissions will be referred to as JLM SUB1

⁴ The Commission will note that this issue is addressed in the evidence before it, but it is not the focus of these submissions.

⁵ See JLM SUB1 at paragraph 6.1 and pages 23-4 for further explanation of this issue. See also the Chakrabarti report, which acknowledged that Zio is a term of abuse.

⁶ JLM SUB1 Appendix 4 Part A, Statements of [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

⁷ JLM SUB1 Appendix 4 Part A, Statement of [REDACTED].

physical violence.⁸

- 7.3 Another respondent recalled multiple CLP meetings at which *"Jewish members have been jeered and felt the need to exclude themselves from meetings"*.⁹
- 7.4 A member reports that, at a CLP meeting, other members defended an individual who repeated an antisemitic trope that it is *"the over-representation of Jews in the capitalist ruling class that gives the Israel-Zionist lobby its power"*.¹⁰
- 7.5 Members describe the serious antisemitism on display at meetings of the Seven Sisters ward. At one meeting, a member claimed that, *"The only reason we have prostitutes in Seven Sisters is because of the Jews"*. No-one is said to have challenged this statement. Another is said to have *"gestured in the direction of some Charedi men and women and continued to complain about "them" stitching up the selection"*. The member concludes that they *"did not attend a Labour event in Haringey where there was not antisemitism"*.¹¹
- 7.6 A parliamentary candidate describes witnessing a member tell a Jewish councillor to go home and count their money after they were deselected.¹²
- 7.7 A member at a Tooting CLP meeting shouted at a Jewish member "don't you feel responsible for Israel?" and that he should "be ashamed".¹³ This member was allowed to continue attending CLP meetings during his suspension.¹⁴

8. Members also describe the antisemitic behaviour that they have witnessed and experienced at Party Conference over the last three years. Examples include the following:

- 8.1 At the 2017 Party conference, one member describes how he was leafletting for an NEC-backed rule change that would prohibit all types of discrimination within the Labour Party. As a result of his open affiliation with JLM, members called him a racist and said that they would not support the change because JLM was *"financed and controlled by the Israeli government"*. At a meeting later that day, he was recognised. Audience members shouted and humiliated him. A neighbouring audience member tried to force his phone out of his hand and other members, including Jackie Walker¹⁵, shouted at him to hand his phone over. The chair of the meeting did nothing to intervene. The Respondent was only 16 years old at the time.¹⁶
- 8.2 At the same conference, a speaker at a fringe event asserted a right to discuss whether the Holocaust happened. Nobody called out the behaviour. When the floor was opened up to audience questions, a member commented that the American police who killed black teenagers were probably trained in Israel.¹⁷
- 8.3 In the same year, the Labour Party Marxist group were able to distribute leaflets in the communal area outside the conference centre, accusing Zionists of being complicit in the Nazi regime.¹⁸
- 8.4 At the 2018 Labour Party conference, the room was reported to erupt in applause when a delegate on

⁸ JLMSUB1 Appendix 4 Part A Statement from [REDACTED].

⁹ JLMSUB1 Appendix 4 Part A Statement from [REDACTED], paragraphs 4 and 5.

¹⁰ JLMSUB1 Appendix 8 Statement of Anonymous 14.

¹¹ JLMSUB1 Appendix 4 Part A Statement from [REDACTED].

¹² JLMSUB1 Appendix 4 Part A, Statement of [REDACTED].

¹³ JLMC001, document numbered 19

¹⁴ JLMC001, document numbered 14

¹⁵ Jackie Walker was readmitted to the Party following comments that Jewish people were the chief financiers the slave trade

¹⁶ JLMSUB1 Appendix 4 Part A, Statements of [REDACTED] and [REDACTED]

¹⁷ JLMSUB1 Appendix 4 Part A, Statement of [REDACTED]

¹⁸ JLMSUB1 Appendix 4 Part A, Statement of [REDACTED]

the stage said *“As the prospect of a Jeremy Corbyn-led government gets ever closer I’m afraid the campaign is going to get ratcheted up, the list of people being denounced for being antisemitic; is going to stretch all the way from here to Jerusalem.”*¹⁹

- 8.5 That same year, one member described how he shared a breakfast table with two delegates who had not met before. They quickly agreed that Jews were *“subhuman”*, *“didn’t deserve to be allowed to define what constitutes antisemitism”* and should *“be grateful we don’t make them eat bacon for breakfast every day”*.²⁰
- 8.6 This year’s conference has been no better, as described in Annex C and the section below updating the Commission on recent events.
9. It is clear that this atmosphere also pervades the student Labour movement. Baroness Royall’s report found serious antisemitic conduct within the Oxford University Labour Club. This included direct intimidation of Jewish members, such as mocking of the Jewish victims of a terrorist attack in a Paris kosher supermarket, calling Auschwitz a *“cash cow”*, and repeatedly calling Jewish students *“Zio”*²¹. Statements from students at other universities make it clear that this behaviour is not isolated to Oxford.²²
10. Members of the Party have also described antisemitic behaviour from employees. One former staffer of the Leader’s Office (“LOTO”) reported that he had been subjected to an *“inquisition”* about being Jewish, including his views on Israel.²³

B. Online abuse of Jewish members

11. The Commission has received extensive evidence of Party employees, agents and members both posting generalised antisemitic content online and directly targeting antisemitic abuse at individual Jewish members.
12. One member, [REDACTED], suggested that the Jewish community *“have work to do”* to rebuild trust with Labour, that they were *“pouring petrol on the fire”* and *“make things difficult”*.²⁴
13. Another member, [REDACTED], repeatedly used the term *“Zio”* in various contexts, and the term *ZioNazi*.²⁵

(i) Posting of antisemitic content

14. Online platforms connected to the Party and frequented by Members have become hotspots of antisemitic material on the Internet. As well as leftist websites and forums such as Skwawkbox and the Palestine Live Facebook Feed, official Labour Party fora and Facebook groups (both local and national) are commonly used as platforms for antisemitism²⁶. Agents of the Party are often administrators of these groups and have the power to delete posts or exclude contributors. On both affiliated and unaffiliated platforms, Party members often identify themselves by their real names or can easily be identified from their profiles while posting antisemitic content. Members and agents up to and including Jeremy Corbyn and John McDonnell are comfortable participating on platforms where antisemitic

¹⁹ JLMSUB1 Appendix 4 Part A, Statement of [REDACTED].

²⁰ JLMSUB1 Appendix 4 Part A, Statement of [REDACTED].

²¹ Pope, Conor (2016) ‘Anti-Semitic incidents did occur in Oxford University Labour Club, leaked report reveals’, *Labour List*, 3 August. Available at: <https://labourlist.org/2016/08/leaked-royall-report-verdict-anti-semitic-incidents-did-occur-in-oxford-university-labour-club/> (Accessed on 9 November 2018). See also Appendix 4 Part A Statement of [REDACTED].

²² JLMSUB1 Appendix 4 Part A, Statement of [REDACTED] concerning Manchester, Statement from [REDACTED] concerning Hull.

²³ JLMSUB1 at paragraph 9(6)

²⁴ Egregious cases 1 (JLMG029001).

²⁵ Egregious cases 1 (JLMG029001).

²⁶ JLMSUB1 Appendix 4 Part A, Statements from [REDACTED], [REDACTED] and [REDACTED].

content is routinely shared, without calling out that behaviour.²⁷

15. Online abuse submitted as screenshots and/or described to the Commission use the full range of antisemitic tropes. They accuse Jews of: being right-wing; controlling the banks and media²⁸; being controlled by Israel; being connected to Mossad, the CIA or MI5²⁹; being connected to Isis or 9/11³⁰. Posts also: deny the holocaust³¹; draw equivalences between Jews and Nazis³²; use references to pigs and pork to insult Jews³³; hold all Jews responsible for the policies of the Israeli government³⁴; and refer to Jews as traitors³⁵, or in one example *"bent-nosed manipulative liars"*³⁶. As well as using traditionally antisemitic language such as *"kike"* and *"yid"*, they commonly use the lexicon of *"Zionism"* and a *"Zionist cult"* as terms of abuse, whether or not the post is commenting on anything specifically to do with Israel.
16. Images submitted and described to the Commission demonstrate that the most base and shocking imagery is being posted on these platforms. Examples include: yellow Stars of David (sometimes dripping with blood³⁷, and in one example combined with a swastika dripping with blood³⁸); caricatures of Jewish people with exaggerated hooked noses (sometimes rubbing their hands greedily)³⁹; an alien creature, tattooed with a Star of David and covering the face of the Statue of Liberty;⁴⁰ and people being knifed in the back by Jews⁴¹.
17. One member describes how this kind of content would appear in his inbox via Party mailing lists. An article arguing that Jews are overrepresented in the capitalist class was defended on official mailing lists, as well as on social media and at meetings.⁴²
18. Another member, ██████████, made a litany of antisemitic posts on social media, including referring to *"cockroaches of the Jew kind"*, that Jews were organising white genocide, Rothschild conspiracies, allegations that Zionists ran the concentration camps in the Holocaust and promoting the conspiracy theory that Jewish people are from a region known as Khazaria.⁴³

(ii) Direct targeting of individual Jewish members

19. The Commission has also received evidence that Jewish members are being openly and repeatedly targeted by online abuse.
20. The most prominent examples of this have been the campaigns of abuse against Jewish MPs and candidates for

²⁷ By way of a high level example, a Sunday Times report in April 2018 revealed that 12 senior staff working for Labour leader, Jeremy Corbyn, and Shadow Chancellor, John McDonnell, were members of Facebook groups containing more than 2,000 antisemitic, racist, misogynistic, violent and abusive messages. Some of the posts on the Palestine Live Facebook group included links to Holocaust denial myths, allegations of Israel's involvement in the 9/11 and 7/7 terror attacks and the training of Islamic State fighters, and antisemitic conspiracy theories involving the Rothschild family.¹⁹ It is clear that the posting of such content on Labour forums will have had the effect of creating a hostile environment for Jewish members and Affected Members on such forums.

²⁸ JLMSUB1 Appendix 4 Part A Statements of ██████████ and ██████████

²⁹ JLMSUB1 Appendix 4 Part A Statement of ██████████

³⁰ See JLMSUB1 Appendix 4 Part A Statement of ██████████, paragraphs 2.1 to 2.4 for descriptions of antisemitic conspiracy theories posted to CLP Facebook groups. See Appendix 4, Part A, statements of ██████████ and ██████████ for online posts linking Jewish people to Isis and 9/11.

³¹ JLMSUB1 Appendix 4 Part A statement of ██████████ as an example.

³² JLMSUB1 Appendix 4 Part A Statement of ██████████.

³³ JLMSUB1 screenshots of posts concerning Lucian Berger; JLMSUB1 Appendix 4, Part 1, Statement of ██████████

³⁴ One councillor of his local ward notes that in his branch's private Facebook group, "it was not uncommon to hear members... to conflate the policies of Israel with the Jewish community in Britain." Appendix 4 Part A, Statement from ██████████.

³⁵ JLMSUB1 Appendix 4 Part A Statement of ██████████ refers to "repeated postings of images and posts (of which I have a large body of examples) that there are deep seated views held about Jews – tropes – that are allowed to go both unchallenged".

³⁶ JLMSUB1 Appendix 4 Part A Statement of ██████████.

³⁷ See p.52 of JLM's first submissions. See also Appendix 4, Part A, Statement from ██████████.

³⁸ JLMSUB1 Appendix 4, Part A, Statement of ██████████

³⁹ E.g. JLMSUB1 at p.18. See also JLMSUB1 Appendix 4 Part A, Statement from ██████████ and ██████████.

⁴⁰ Statement of ██████████ at paragraph 18.

⁴¹ JLMSUB1 Appendix 4 Part A Statement from ██████████

⁴² JLMSUB1 Appendix 4 Part A Statement from ██████████

⁴³ Egregious cases 1 (JLMG029001).

Parliament:

- 20.1 [REDACTED] recounts that when he stood as a parliamentary candidate in 2017, he attracted a large amount of antisemitic commentary on social media. One example post told him, *"You and your Zionist cult are NOT welcome. This is London. Not Tel Aviv"*.⁴⁴
- 20.2 After Ruth Smeeth MP was forced to walk out of the launch of the Chakrabarti Inquiry Report following harassment by Marc Wadsworth (for which he was eventually expelled from the Party, some two years later), she was the subject of over 25,000 antisemitic posts and messages. These included being called a *"yid c***"*, a *"CIA/ MI5/Mossad informant"* and a *"f***ing traitor"*.⁴⁵
- 20.3 Louise Ellman MP has eventually resigned from the Party, citing antisemitism. Her statement to this Investigation includes many examples of the direct abuse that she received from members on social media, including referring to her as *"JLM's bitch"*.⁴⁶
- 20.4 The campaign of online abuse against Luciana Berger MP was persistent and aggressive, until she was finally hounded out of the Party earlier this year. Examples of the abuse include caricatures of her with a hooked nose, sometimes featuring Stars of David soaked in blood and accompanied by various extreme terms of abuse.⁴⁷ In September 2018, the broadcaster LBC received from anonymous sources an internal Party dossier detailing 45 cases involving messages posted on social media, which included a threat to Ms Berger's safety, and other messages including: *"We shall rid the Jews who are a cancer on all of us"*.⁴⁸ The Party had not even informed Ms Berger of the threat to her safety. Such was the severity of the abuse, that several individuals were successfully prosecuted for hate crimes.⁴⁹
- 20.5 When Parliamentary candidate Emma Whysall was seeking selection, she received an email saying that, because she was back by JLM, she was not for the people of Barnet or Britain, but a stooge for the Zionist Israeli Government. She received tweets accusing her of providing sexual favours to the Israeli lobby.⁵⁰
21. There are many more examples of behavior targeted at Jewish councillors and councillor candidates. In one example, [REDACTED] was tweeted to say that he *"would now have more time to 'count [the author's] wife's money"*.⁵¹
22. This kind of abuse is not reserved for public figures:
- 22.1 Members reported that they received threatening messages calling them kikes, Zios and including antisemitic imagery, either unprovoked or in response to little more than a tweet mildly criticising Jeremy Corbyn⁵²;
- 22.2 A Jewish sixth-former recounts how he was forced to leave the Labour Party Forum on Facebook very shortly after joining. As soon as he joined, members sifted through his account for links to Jewish

⁴⁴ JLMSUB1 Appendix 4 Part A Statement from [REDACTED].

⁴⁵ Edwardes, Charlotte (2016), 'Ruth Smeeth: 'I've never seen anti-Semitism in Labour like this, it's normal now', Evening Standard, 20 September. Available at: <https://www.standard.co.uk/lifestyle/london-life/ruth-smeeth-ive-never-seen-antisemitism-in-labour-like-this-its-normal-now-a3349201.html> (Accessed on 9 November 2018).

⁴⁶ JLMSUB1 Appendix 4 Part A Statement from [REDACTED].

⁴⁷ See screenshots at p.18 of JLMSUB1.

⁴⁸ Sabbagh, Dan and Quinn, Ben (2018) 'Police open antisemitism inquiry into Labour members', *The Guardian*, 2 November. Available at: <https://www.theguardian.com/politics/2018/nov/02/met-police-opens-criminal-inquiry-into-labour-antisemitism-claims> (Accessed on 9 November 2018); Admin (2018) 'Labour Party is "failing to protect its MPs from harm"', *LBC*, 7 September updated 12 September. Available at: <https://www.lbc.co.uk/radio/presenters/nick-ferrari/labour-party-failing-to-protect-its-mps-from-harm/> (Accessed on 9 November 2018).

⁴⁹ <https://www.thetimes.co.uk/article/luciana-berger-interview-corbyn-and-labours-antisemitism-crisis-crgdng6w6>

⁵⁰ JLMSUB1 Appendix 4, Part A, Statement of [REDACTED].

⁵¹ JLMSUB1 Appendix 4 Part A Statement from [REDACTED] at 11.1-3.

⁵² One respondent states that their "first experience of antisemitism directed at me was in response to a tweet I sent which was mildly critical of Jeremy Corbyn. The tweet I received called me a kike and had an image of a man with a knife in his back", Appendix 4 Part A Statement of [REDACTED].

organisations, and began to accuse him in large numbers of abusive comments of being a Zionist operative.⁵³

- 22.3 One member had made a comment online condemning holocaust denial. The administrator of the Labour Party Forum Facebook group responded by calling him a *"Frothing Hasbara Troll"*.⁵⁴
- 22.4 One member faced death threats and online abuse after she was filmed becoming upset watching a debate about antisemitism at the Labour Party Conference.⁵⁵
- 22.5 Another member was the subject of a 30 minute film made by an antisemitic member, who abused him as a *"f***ing Jew"* and threatened to punch him in the face. This was then shared on various left wing Facebook groups.⁵⁶ The police investigated this as a hate crime.

C. Exclusion of Jewish members from participating in Party activity

- 23. Respondents to JLM's call for evidence provided examples of how CLPs have attempted to deter and exclude Jews from participating in Party activity:
 - 23.1 One respondent reports that the membership secretary in the South Tottenham constituency objected to 25 applications for membership from the ultra-orthodox Jewish community, and required home visits to these prospective members' houses. This was not a requirement for other prospective members and appears to have been direct discrimination against Jewish applicants for membership.⁵⁷
 - 23.2 Accounts have been given of key meetings and nomination events being held on Friday nights and Saturday in the face of complaints that this would exclude Jews from attending.⁵⁸ At this year's Party conference, the NEC pushed through controversial changes to its disciplinary procedures on a Saturday, despite repeated warnings that this would exclude observant Jews from participating.⁵⁹
 - 23.3 The Vote of No Confidence in Louise Ellman was scheduled by a branch of her CLP to be held on the eve of Yom Kippur, and a motion was moved in Alexandra BLP (Hornsey and Wood Green CLP) on the evening of JLM's EGM where disaffiliation was discussed.

D. Signalling by the leader that antisemitic views are acceptable

- 24. The Party's attitude to antisemitism is inevitably influenced by signals from its leader.
- 25. Mr Corbyn himself has repeatedly associated with, sympathised with and engaged in antisemitism:
 - 25.1 Jeremy Corbyn (prior to his election as Leader) defended Stephen Sizer, who had posted antisemitic material online for which he was disciplined by Church authorities.
 - 25.2 Again, prior to his election as leader, Mr Corbyn wrote the forward to a book which argued that banks and the press were controlled by Jews. The foreword praised the book's *"brilliant"* analysis of *"the pressures that were hard at work pushing for a vast national effort in grabbing new outposts of empire on distant islands and shores"*.⁶⁰
 - 25.3 Mr Corbyn has supported Paul Eisen, a self-professed Holocaust denier, including attending several events hosted by a group led by Mr Eisen, Deir Yassin Remembered.

⁵³ JLMSUB1 Appendix 4 Part A Statement from [REDACTED].

⁵⁴ JLMSUB1 Appendix 4, Part 1, Statement of [REDACTED].

⁵⁵ JLMSUB1 Appendix 4 Part A Statement of [REDACTED].

⁵⁶ JLMSUB1 Appendix 4 Part A Statement of [REDACTED].

⁵⁷ JLMSUB1 Appendix 4 Part A Statement of [REDACTED].

⁵⁸ JLMSUB1 Appendix 4 Part A Statement of [REDACTED] paragraphs 7.1 to 7.4 and 9.1 to 9.3 AND statement of [REDACTED].

⁵⁹ Statement of [REDACTED] at paragraphs 6-9.

⁶⁰ <https://www.bbc.co.uk/news/uk-politics-48117744>

- 25.4 Mr Corbyn supported the artist Mear One, after he painted a mural in London's East End containing many antisemitic tropes, including depicting hook-nosed bankers playing Monopoly on the backs of the world's poor. After the public exposure of Mr Corbyn's support for the artist, it took him a further four days to apologise, claiming that he did not look closely enough at the mural.
- 25.5 In August 2018, Mr Corbyn was again forced to apologise after it was revealed that he attended an event in 2010 on Holocaust Memorial Day entitled "*Auschwitz to Gaza: Never Again for Anyone*", during which Israel was compared to the Nazis.
- 25.6 Also in August 2018, a video emerged showing Mr Corbyn in Tunisia in 2014 laying a wreath next to the graves of Black September terrorists, who murdered Israeli Olympic athletes in 1972. Mr Corbyn did not apologise, and instead claimed he "*was present, but not involved*". However, video footage later appeared to prove otherwise, in response to which Mr Corbyn made no further comment.
- 25.7 Mr Corbyn commented that "*Zionists... don't understand English irony despite having lived in the country for a long time or perhaps all of their lives*". Mr Corbyn has since denied that he was using "Zionists" as an offensive word for Jews, although he acknowledges the existence of this "*code*". It is submitted that the sentence simply does not make sense if he was referring to people who support the right of the Jews to have a State in Israel. He was describing a group of people who share a cultural characteristic (an alleged lack of irony), rather than a group who share a political viewpoint (Zionism). In any event, it should have been entirely foreseeable to him that those who do use this "*code*" would see his comments as supporting and encouraging their behaviour.
- 25.8 In this context, Mr Corbyn's failure to call out antisemitic abuse is interpreted both by perpetrators and victims as undermining his general statements that he opposes antisemitism.
- 25.9 The impact of these signals is reported to have filtered into the team of staff dealing with antisemitism complaints, who commented that pressure on them from LOTO to take a lenient approach to antisemitism stemmed from a recognition that Mr Corbyn and his senior advisers were "*guilty of similar behaviour*".⁶¹
- 25.10 Mr Corbyn and the leadership's resistance to the Party adopting the International Holocaust Remembrance Alliance ("IHRA") became a further encouraging signal to those exhibiting antisemitic behaviour (see further below). Despite the Party officially adopting the IHRA definition (following a prolonged period of pressure), it is still being ignored by a number of members, including those hearing disciplinary matters concerning allegations of antisemitism.⁶²
- 25.11 Mr Corbyn defended Chris Williamson against allegations of antisemitism just weeks before he was suspended on those charges, saying Williamson was "*a very good, very effective Labour MP. He's a very strong anti-racist campaigner. He is not anti-semitic in any way.*"⁶³
26. These signals to Party members have been coupled with the Leadership's role in the hostile response to those calling out antisemitism, as well as the failures of the disciplinary process. These issues are addressed in dedicated sections below.

E. Failure to implement processes to protect Jewish members from antisemitism

27. The Party has singularly failed to implement appropriate complaints and disciplinary systems to protect Jewish members from antisemitism. Its procedures are characterised by: inadequate definitions of antisemitism; inherently

⁶¹ Statement of ██████████ at paragraph 14

⁶² JLMG015001, page 1 and Statement of ██████████ at paragraph 34.

⁶³ <https://www.politicshome.com/news/uk/political-parties/labour-party/news/101537/jeremy-corbyn-defends-ally-chris-williamson>

politicised decision-making, lack of training for staff and committees dealing with antisemitism; a lack of transparency; political interference; action only being taken in response to public pressure; excessively lenient sanctions; unreasonable delay; blanket impunity for certain kinds of antisemitism; and the appointment of plainly inappropriate personnel within the system.⁶⁴ This failure to prevent antisemitic conduct forms one of the key categories of antisemitic behaviour manifest within the Party. However, since two of the Commission's central terms of reference address these issues directly, the relevant facts are set out below, at the point when these submissions address the issues in the terms of reference.

28. Additionally, complainants have not been protected from intimidation by supporters of respondents. One notable case is that of Ruth Smeeth, who was forced to walk through a protest against her while she was on the way to give evidence in an antisemitism case.⁶⁵

F. Hostile response to those calling out antisemitism

29. As antisemitism has escalated, a growing number of people have spoken out against antisemitism in the Party. The Party has been inundated with complaints from victims of antisemitism, with unresolved complaints of antisemitism reaching as many as 1000 at one point⁶⁶. On 10 July 2019, in a BBC Panorama documentary, former staff of the Party disciplinary team blew the whistle on the number and gravity of complaints being received by the Party. Large numbers of Jewish members and others have now left the Party, citing the Party's antisemitism problem as a primary reason. Six MPs and fifteen councillors that we are aware of (up to June 12th, 2018) have resigned from their positions citing this issue⁶⁷. On 26 March 2018, more than 2000 people took to the streets to protest peacefully against antisemitism in the Party at the Enough is Enough rally. Most recently, on 14 November 2019, 24 public figures wrote an open letter to the Guardian declaring their refusal to vote for the Labour Party at the upcoming election. They cite the current leader's "*long record of embracing antisemites as comrades*" and his inertia towards addressing antisemitism, as a bar on voting for the Party in good conscience. Aptly noting that, in the current circumstances, the price for a Labour government is too high.⁶⁸
30. The Party's response has been characterised by: (i) denial; (ii) discrediting of victims; (iii) defence of perpetrators; (iv) cover ups; and (v) active victimisation of those calling out antisemitism. The Party's (vi) hostile institutional response has been contrasted by whistle-blowers with the Party's response to other conduct issues.

i. Denial

31. As this problem has escalated, the Party has reacted by denying the problem at the highest levels. Examples include:
- 31.1 In July 2016, in Mr Corbyn's evidence to the Home Affairs Committee, he denied that there had been a rise in antisemitism within the Labour Party under his leadership.
- 31.2 In September 2016, an official campaign video for Jeremy Corbyn MP received complaints after it showed supporters joking about claims of antisemitism in the Party, and dismissing them. The video was later deleted.⁶⁹
- 31.3 In September 2017, Len McCluskey, General Secretary of Unite the Union, claimed he has never heard

⁶⁴ See sections 2(A) and 2(B) below.

⁶⁵ <https://www.independent.co.uk/news/uk/politics/labour-marc-wadsworth-expelled-heckler-jewish-mp-antisemitism-report-ruth-smeeth-jeremy-corbyn-a8325261.html>

⁶⁶ Statement of [REDACTED] at paragraph 53.

⁶⁷ JLMG028001

⁶⁸ <https://www.theguardian.com/politics/2019/nov/14/concerns-about-antisemitism-mean-we-cannot-vote-labour>

⁶⁹ Fisk, Robert (2016) 'Anti-Semitism campaigners file complaint against Jeremy Corbyn over campaign video', *The Sun*, 23 September. Available at: <https://www.thesun.co.uk/news/1841083/anti-semitism-campaigners-file-complaint-against-jeremy-corbyn-over-campaign-video/> (Accessed on 9 November 2018)

any antisemitism at any Party meeting.⁷⁰

- 31.4 After Luciana Berger MP was forced to rely on police protection during Party conference, Party spokespeople continued to assert that antisemitic abuse was the terrain of the far right,⁷¹ and Mr Corbyn claimed that there was "no threat" being made to anybody at the conference.⁷²
- 31.5 There is strong evidence that staff of LOTO deny the existence of the problem even internally. The Sunday Times has reported that a former member of staff in Mr Corbyn's office observed that the leadership's office had "at least a blind spot with anti-Semitism and at worst a wilful disregard for it".⁷³ The former staffer described to the Chakrabarti inquiry how a member of Mr Corbyn's team referred to a "Jewish conspiracy" when Mr Livingstone was criticised for his claims that Hitler was a Zionist, and that the leader's team treated preparations for a meeting with the Board of Deputies of British Jews with "flippant disdain". These claims were not reflected or referred to in the final Chakrabarti Inquiry Report, and LOTO has since dismissed the claims.
- 31.6 Local Party groups have repeatedly tabled and passed motions that deny the existence of antisemitism within the Party and call for the reinstatement of high profile members suspended for antisemitism. By this mechanism, denial of the problem is adopted as the official position of these CLPs. In 2018, at least 33 CLPs had passed such motions.⁷⁴
- 31.7 In its attempts to deny and deflect allegations of antisemitism, the Party has sought cover from associating itself with a group called Jewish Voices for Labour ("JVL"). This group delivers the Party line that there is no problem with antisemitism in the Party.⁷⁵ However, far from being representative of Jewish people within the Party, JVL has roughly 200 members, a significant number of whom have been involved in high profile incidents of antisemitism.⁷⁶ Many BLPs and CLPs have affiliated to JVL, and JVL has close ties with the senior leadership.
- 31.8 The Party has repeatedly given over the floor at Party conference to those denying the existence of antisemitism in the Party (including members of JVL).⁷⁷ One Jewish member reported feeling "deeply uncomfortable" listening to such speakers, given "the fact that every other Jew I knew at conference had experienced antisemitism in Labour".⁷⁸
32. Under increasing pressure, some senior leaders within the Party have made statements suggesting a zero tolerance approach to antisemitism within the Party. However, these statements are not consistently maintained or reinforced or coupled with practical action where necessary. Instead, the leadership allows (and encourages) a

⁷⁰ Merrick, Rob (2017) 'Len McCluskey dismisses Labour conference anti-Semitism claims as an attempt to 'bring Jeremy Corbyn down'', Independent, 27 September. Available at: <https://www.independent.co.uk/news/uk/politics/len-mcluskey-labour-anti-semitism-jeremy-corbyn-attempt-unite-chief-trade-union-friends-israel-a7969366.html> (Accessed on 9 November 2018).

⁷¹ Owen, Glen and Carlin, Brendan (2018) 'Corbyn critic MP is set to receive pioneering 24-hour armed guard after receiving 'chilling' death threats for speaking out against Labour leader', *Daily Mail Online*, 22 September updated 23 September. Available at: <https://www.dailymail.co.uk/news/article-6197263/Corbyn-critic-MP-armed-guard-receiving-death-threats-criticising-Labour-leader.html> (Accessed on 9 November 2018).

⁷² Admin (2018) 'Jeremy Corbyn: MPs "not under threat" at Labour party conference', ITV Report, 26 September. Available at: <https://www.itv.com/news/granada/2018-09-26/corbyn-there-is-no-threat-at-party-conference-as-jewish-mp-seeks-police-protection/> (Accessed on 9 November 2018).

⁷³ Lyons, James (2016) 'Corbyn insider fuels anti-semitism row; Corbyn aide 'in Israel rant'', *The Sunday Times*, August 7. Available at: <https://www.thetimes.co.uk/article/corbyn-insider-fuels-anti-semitism-row-ks89d6j65> (Accessed on 9 November 2018).

⁷⁴ JLM SUB1 Appendix 4 Part A, Statement of [REDACTED] pages 22-23 of JLM's submissions calling for this investigation.

⁷⁵ See Jenny Manson statement dated 20 March 2017: Kenlivingstone.net (2017) 'Statement from Jenny Manson' dated 20 March 2017. Available at <http://kenlivingstone.net/Docs/Statements%20from%20five%20witnesses%20being%20called%20to%20the%20hearing%20-%20supporting%20Ken%20Livingstone.pdf> (Accessed on 9 November 2018). The JVL have also recently published a rebuttal guide for Party canvassers to refer to when facing questions relating to antisemitism. The guide sets out five commonly cited events or allegations and provides a 'brief rebuttal' to use by way of explanation. <https://www.jewishvoiceforlabour.org.uk/statement/rebuttals/>

⁷⁶ For further information about JVL, see paragraph 7.3 of JLM's first written submissions.

⁷⁷ JLM SUB1 Appendix 4 Part A, Statement of [REDACTED]

⁷⁸ JLM SUB1 Appendix 4 Part A, Statement of [REDACTED]

culture of denial to persist:

32.1 As the Home Affairs Committee put it, in their report on antisemitism in the UK, Mr Corbyn has contributed to creating a “safe space” for antisemitism within the Party:

“Clearly, the Labour Leader is not directly responsible for abuse committed in his name, but we believe that his lack of consistent leadership on this issue, and his reluctance to separate antisemitism from other forms of racism, has created what some have referred to as a ‘safe space’ for those with vile attitudes towards Jewish people...”⁷⁹

32.2 In a local reflection of this kind of inconsistent leadership, a member describes a CLP meeting which started with the Chair reading out a statement stating that antisemitism would not be tolerated. However, later in the meeting, a delegate declared that “*this whole antisemitism thing is exaggerated, it’s just been made up by the Jews*”. The comment went unchallenged by the Chair, and the delegate is now a member of the CLP Executive.⁸⁰

ii. Discrediting of victims

33. Denial has gone hand-in-hand with employees and agents of the Party spreading rumours and conspiracy theories designed to discredit those who speak out against antisemitism. They assert that the problem is invented or exaggerated by people seeking to undermine Jeremy Corbyn:

33.1 The Commission has before it numerous statements from those reporting that antisemitism is dismissed at all levels of the Party apparatus a “smear” or part of a malign campaign to bring Mr Corbyn down.⁸¹

33.2 Mr Corbyn himself asserted that allegations of antisemitism against Ken Livingstone were “*coming from those who are nervous of the strength of the Labour Party*”.⁸² When asked in an interview whether he would call on his supporters to cease referring to allegations of antisemitism as smears, Mr Corbyn refused to respond directly.⁸³

33.3 Statements from LOTO concerning former staff whistleblowing on antisemitism within the Party repeatedly dismiss their testimony as “*part of the campaign against [Mr Corbyn’s] leadership*”.⁸⁴

33.4 One former LOTO staffer explains how this narrative has become dominant within LOTO. He describes how senior members of Mr Corbyn’s team expressed that calls for action in respect of Mr Livingstone were part of “*a Jewish conspiracy*” and a “*political smear campaign*”.⁸⁵

33.5 The Party has allowed speeches on its conference floor to the effect that antisemitism claims are part of a conspiracy, and that JLM are colluding with the right wing media to manufacture and exaggerate such claims.⁸⁶

33.6 BLPs and CLPs have again adopted this response to antisemitism locally by tabling and sometimes passing official motions stating that complaints of antisemitism are “*slander*” and “*smears*”.⁸⁷

⁷⁹ HASC report, paragraph 113. <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/136/136.pdf>

⁸⁰ JLMSUB1 Appendix 8, Statement of Anonymous 12.

⁸¹ JLMSUB1 Appendix 4, Part A, Statements of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

⁸² BBC Politics twitter account (28 April 2016)

https://twitter.com/BBCPolitics/status/725718075144736769?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E725718075144736769&ref_url=

⁸³ JLMSUB1 at paragraph 9(7)

⁸⁴ Lyons, James (2016) ‘Corbyn insider fuels anti-semitism row; Corbyn aide ‘in Israel rant’, *The Sunday Times*, August 7. Available at: <https://www.thetimes.co.uk/article/corbyn-insider-fuels-anti-semitism-row-ks89d6j65> (Accessed on 9 November 2018).

⁸⁵ JLMSUB1 Appendix 8, Confidential Statement paragraph 24

⁸⁶ JLMSUB1 Appendix 4 Part A, Statement of [REDACTED]

⁸⁷ See examples from Camden Town and Primrose Hill BLP, St Ives CLP and Bristol West CLP at p.31 of JLM’s first written submissions, and Canterbury CLP and Bristol West CLP at p.41 of those submissions.

- 33.7 In September 2018, the Chair of Liverpool Riverside CLP castigated the opposition of Louise Ellman MP to antisemitism as an attack on Jeremy Corbyn, accusing her of “*stoking the fires*” of the “*debate*” on antisemitism in Labour.⁸⁸
- 33.8 When one respondent resigned as chair from his CLP for reasons relating to the CLP’s continued denial of the existence of an antisemitism problem within the Labour Party, the CLP emailed all of its other members accusing the respondent of “*trolling*” individuals. The email went on to blame complainants of antisemitism (and the respondent in particular) for any future electoral loss for Labour, stating that: “*A real concern, generally, is that accusations of antisemitism are being whipped up in the media by some, including MPs, who oppose Jeremy Corbyn’s leadership. Voicing an opinion is one thing but concerted, systematic undermining is another*”, which the CLP claimed was “*toxifying the Party*” and thereby risking the “*real hopes and aspirations of millions of voters*”.⁸⁹
- 33.9 When the Party was asked for comment on the allegations made by whistleblowers to BBC Panorama, its spokesperson responded by accusing the whistleblowers of smearing the Party:
- " We completely reject any claim that the Labour Party is anti-Semitic. It appears these disaffected former officials include those who have always opposed Jeremy Corbyn’s leadership, worked to actively undermine it, and have both personal and political axes to grind. This throws into doubt their credibility as sources."⁹⁰
- 33.10 The Party’s response to the recent open letter to the Guardian sought to discredit the signatories, stating:
- "It’s extraordinary that several of those who have signed this letter have themselves been accused of antisemitism, Islamophobia and misogyny. It is less surprising that a number are Conservatives and Lib Dems."⁹¹
34. This strategy has proved worryingly effective:
- 34.1 A YouGov survey of Party members found that while 68% of respondents think antisemitism is a problem, 77% believe that claims of antisemitism are being “*exaggerated*” or “*hyped up*” to damage Mr Corbyn and the Party.⁹²
- 34.2 A petition organised by Labour Against the Witchhunt (set up by prominent JVL member Jackie Walker, who has been expelled from the party for antisemitism) was signed by 7,190 users. It accuses those complaining of antisemitism of being right-wing and seeking to undermine “*genuine*” anti-racism, with the aim of preventing “*the many gaining power*”.⁹³
- 34.3 The impact of this approach was brought into sharp focus in the aftermath of the fatal shooting of eleven Jewish worshippers on a Sabbath in a synagogue in Pittsburgh on 27 October 2018. Following the incident, a motion was put forward at a CLP meeting in Stockton-on-Tees condemning the attack. However, three BLPs within that constituency refused to vote for it (only two members in total supported the motion). Arguments advanced in opposition to the motion included that the word “*antisemitism*” should be removed. This was notwithstanding it having been the deadliest attack on the Jewish community in the history of the United States, with the shooter reportedly shouting “*All Jews must die*”. During the debate on the motion, another member stated that the Labour antisemitism issue was “*just a*

⁸⁸ Appendix 4 Part A Statement of [REDACTED]

⁸⁹ JLMSUB1 Appendix 4 Part A, Statement of [REDACTED], and email from CLP <https://mailchi.mp/a625bcf9b10a/resignation-email-sent-by-chair?e=c30c9c678e>.

⁹⁰ <https://inews.co.uk/news/labour-anti-semitism-bbc-panorama-party-whistleblower-dan-hogan-498798>

⁹¹ <https://www.theguardian.com/politics/2019/nov/14/labour-antisemitism-row-public-figures-say-they-cannot-vote-for-party-under-corbyn>

⁹² Rodgers, Sienna (2018) ‘What can we learn from new polling of Labour members’, *Labour List*, 31 March. Available at:

<https://labourlist.org/2018/03/what-we-can-learn-from-new-polling-of-labour-members/> (Accessed on 9 November 2018)

⁹³ ‘Anti-Semitism: Open letter to Jeremy Corbyn and the left on the NEC’ petition. Available at: <https://www.change.org/p/labour-against-the-witchhunt-anti-semitism-open-letter-to-jeremy-corbyn-and-the-left-on-the-nec> (Accessed on 9 November 2018).

game being played", and that the motion formed part of that.⁹⁴

iii. Defence of perpetrators

35. High profile and senior members of the Party have repeatedly defended and/or associated with those accused of antisemitism, thereby providing legitimacy for those in the lower branches of the Party to do the same and/or deny that a problem exists. Examples include:
- 35.1 The associations and endorsements made by Jeremy Corbyn himself, as detailed in paragraph 23.
 - 35.2 Mr Corbyn has repeatedly defended Ken Livingstone and refused to accept that his statements about the links between Zionists and Hitler were antisemitic.⁹⁵
 - 35.3 Mr Corbyn defended Chris Williamson, saying that he was "*not antisemitic in any way*" shortly before Williamson was finally suspended for antisemitism.⁹⁶
 - 35.4 John McDonnell MP has repeatedly endorsed Jenny Manson despite her public statement that the "*chilling effects on free speech*" of the IHRA should be likened to section 28.⁹⁷
 - 35.5 John McDonnell has also expressed his support for Jackie Walker, despite her comments that the Jews were the chief financiers of the slave trade.⁹⁸
 - 35.6 The chairman of Labour's NEC Disputes Panel, Christine Shawcroft eventually had to resign after it emerged that she had sent an email to the NEC calling for the suspension of Alan Bull to be lifted so that he could stand as a councillor in the May local elections. Mr Bull was a member accused of sharing extreme antisemitic material online⁹⁹ (for more details see paragraph 41 below). Ms Shawcroft claimed his suspension had arisen for "*political reasons*" and his posts had been "*taken completely out of context*".

iv. Cover up

36. LOTO has sought to ensure that, wherever possible, information about antisemitism allegations is not released:
- 36.1 The Party refused to publish the damning report of Baroness Royall, although that was leaked anyway.
 - 36.2 LOTO instructed staff at the Governance and Legal Unit ("GLU") to cease providing updates or outcomes to those complaining of antisemitism.¹⁰⁰
 - 36.3 Staff at the GLU also report that they were instructed to threaten disciplinary action to any complainant who discussed their complaint of antisemitism publicly.¹⁰¹
 - 36.4 The Party has also attempted to maintain secrecy surrounding the scale of the number of antisemitism complaints that it has failed to address. There are no credible official figures for how many cases are in its backlog at any one time. Staff explain that, when asked to report on this number, the Party excludes the large number of cases that are in its inbox or waiting for review.¹⁰²
 - 36.5 Neither the notification of investigation from the Commission nor the Party's response has been shown

⁹⁴ Facebook page of Alex Cunningham MP https://m.facebook.com/acunninghammp/?__tn__=%2As-R (Accessed on 9 November 2018); Schofield, Kevin (2018) 'Labour branch rejects motion condemning Pittsburgh massacre over anti-Semitism references', 2 November 2018. Available at: <https://www.politicshome.com/news/uk/political-parties/labour-party/news/99566/labour-branch-rejects-motion-condemning-pittsburgh> (Accessed on 9 November 2018).

⁹⁵ BBC Politics twitter account (28 April 2016)

⁹⁶ <https://jewishnews.timesofisrael.com/jeremy-corbyn-chris-williamson-not-antisemitic-in-any-way/>

⁹⁷ JLMSUB1 Appendix 4 Part A, Statements of [REDACTED] and [REDACTED]

⁹⁸ <https://www.thejc.com/news/uk-news/john-mcdonnell-corbyn-labour-antisemitism-allegations-jackie-walker-suspended-1.479765>

⁹⁹ See JLMW01002 pages 1-119

¹⁰⁰ Statements of [REDACTED] at paragraph 22 and [REDACTED] at paragraph 22.

¹⁰¹ Statement of [REDACTED] at paragraph 13.

¹⁰² Statement of [REDACTED] at paragraph 29.

to the NEC Officers' group or wider NEC despite requests.

- 36.6 Indeed, the Party has privileged its aim of keeping antisemitism out of the public eye over protecting the safety of its MPs. When the Party became aware of threats to the safety of Luciana Berger MP, it withheld that information from both Ms Berger and the public domain. It only came to light when a dossier of threats was published by LBC. Even after the leaking of the dossier, the Party and leadership failed to contact Ms Berger directly, despite issuing statements to the press regarding the matter.¹⁰³

v. Active victimisation of those calling out antisemitism

37. This response from the leadership (denial, discrediting of victims, defence of perpetrators and cover up) has established an atmosphere of impunity and, indeed, encouragement for agents and members of the Party to direct abuse at those challenging antisemitism. This abuse typically denies and discredits, while drawing on classic antisemitic tropes. Those claiming to experience or witness antisemitism are characterised as: right wing; controlled by Israel¹⁰⁴; and seeking to undermine the Party's mission of social justice¹⁰⁵. Thus, instead of rooting out antisemitism, the Party and its members are doubling down on antisemitic narratives as a core part of their victimisation campaign.
38. Victimisation of those calling out antisemitism has taken many forms:
- 38.1 On numerous occasions, those who have spoken out against antisemitism have themselves been subject to **disciplinary action**.¹⁰⁶ Often this action has been swift and harsh, in stark contrast to action taken against those accused of antisemitism. As noted above, the GLU staff were instructed to threaten disciplinary action to any complainant who discussed their complaint of antisemitism publicly.¹⁰⁷
- 38.2 Members who have called out antisemitism report being **excluded from meetings, email circulation lists, Party Facebook groups, events and electoral positions**.¹⁰⁸
- 38.3 Members report being socially **ostracised** within their CLP and subjected to heavy criticism.¹⁰⁹
- 38.4 Members describe **verbal abuse** of those challenging antisemitism in meetings.¹¹⁰ One example illustrates vividly how members raising their concerns are treated. A Jewish member describes a CLP meeting at which he raised concerns about Holocaust denial by a speaker at the Party conference. Before the member could finish his point, he faced "*considerable muttering and shaking of heads*", before another member shouted that "*it's a witch hunt*" and a further member shouted that he should "*feel responsible for the Palestinian conflict*".¹¹¹
- 38.5 Members repeatedly describe **online abuse** after calling out antisemitism.¹¹²
- 38.6 MPs calling out antisemitism have been faced with **motions of censure, motions calling for their**

¹⁰³ JLSMSUB1 at p.60.

¹⁰⁴ In November 2016, Birkenhead CLP passed a motion rejecting JLM's offer of training concerning antisemitism on the basis that it had "*possible links to Isis and the Israeli government*".

¹⁰⁵ 'Anti-Semitism: Open letter to Jeremy Corbyn and the left on the NEC' petition. Available at: <https://www.change.org/p/labour-against-the-witchhunt-anti-semitism-open-letter-to-jeremy-corbyn-and-the-left-on-the-nec> (Accessed on 9 November 2018).

¹⁰⁶ JLSMSUB1 Appendix 4 Part A Statement of [REDACTED] at paragraphs 8-10. Appendix 4 Part A Statement of [REDACTED]

¹⁰⁷ Statement of [REDACTED] at paragraph 13.

¹⁰⁸ For example, the NEC Youth Representative was banned from attending her first NEC disputes meeting on the basis that she had called out the antisemitism of an opponent during her election, see JLSMSUB1 Appendix 4, statement of [REDACTED]. See also JLSMSUB1 Appendix 4 Part A, Statements of [REDACTED], [REDACTED] and [REDACTED].

¹⁰⁹ JLSMSUB1 at p.39. See also JLSMSUB1 Appendix 4 Part A Statements of [REDACTED], [REDACTED] and [REDACTED].

¹¹⁰ JLSMSUB1 Appendix 4 Part A statement of [REDACTED], describing how, at a CLP meeting, Jenny Manson compared the "chilling effects on free speech" of IHRA to section 28. "*When challenged by a 17 year old gay Jewish member, she marched halfway to the front of the hall and barracked him, and demanded a response, which she had. When the member went to the bathroom to compose himself, I sent another young member after him to check on his welfare. One of Ms Manson's Momentum friends made a homophobic insinuation about this.*"

¹¹¹ JLSMSUB1, Appendix 8, Statement and Appendix 1 from Anonymous 10.

¹¹² JLSMSUB1, Appendix 4, Part A, Statements of [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

resignation, threats of deselection¹¹³ and trigger ballots.¹¹⁴

- 38.7 JLM has been a particular target of this kind of retaliation and abuse. Both the organisation itself and its members now face **accusations that they are a right wing organisation, controlled by the Israeli Government or Mossad**. These accusations are both antisemitic in and of themselves, and constitute straightforward victimisation of those speaking out against antisemitism.
39. The Commission is encouraged to consider two case studies of victimisation by the Party as illustrating the wider pattern.
40. The first case study concerns the treatment of Margaret Hodge MP and Ian Austin MP:
- 40.1 Margaret Hodge MP approached Mr Corbyn in the lobby of Parliament and called him a “*racist antisemite*”. Mr Austin had a heated discussion about antisemitism with the Party's Chairman, Ian Lavery. Ms Hodge is a secular, non-practicing Jew, who has previously been critical of the Israeli government. Ian Austin is the adopted child of Jewish refugees.
- 40.2 Both were sent letters from the Party within hours of their statements, accusing them of conduct which brought the Party into disrepute, pursuant to rule 2.1.8 of the general Party rulebook. They were also sent separate letters from the Party's Chief Whip, accusing them of behaviour which ran contrary to the PLP rules.¹¹⁵ Proceedings against both were eventually discontinued following public pressure.
- 40.3 The [REDACTED] describes acute pressure from LOTO to suspend Ms Hodge. A letter of suspension would ordinarily have been sent in the name of the [REDACTED]. Instead, it was sent in the name of General Secretary Jennie Formby, when the then [REDACTED] made it clear that she could not agree that Ms Hodge had breached Rule 2.1.8.¹¹⁶
- 40.4 The action taken against Ms Hodge and Mr Austin incited further victimisation and abuse from members. An article in *The Sunday Times* revealed that following the action taken by the Party, Ms Hodge was the subject of extreme and abusive messages in three Facebook groups supporting Mr Corbyn¹¹⁷. These included describing her as a “*Zionist bitch*”; a “*zionist remedial cancer*”; “*damaging Labour in the interests of Israel*”; “*under orders of her paymaster in Israel*”; being “*on the away team*”; that she has “*[j]ust added herself to the hitlist*”; and “*that she should be dressed as a Palestinian so that “her own paymasters shoot the traitor*”.
- 40.5 Ms Hodge has submitted to this Investigation examples of emails that she received, including the following:
- “traitor zionist ...deselect.”
- “Isn't better that trouble makers, such as yourself, return to where you and your religion come from?
If you think about it in detail, you are the ones being racist by telling us what we must do to please you!
We are in our homeland.
- “Your smear campaign in defence of a racist ethnostate would make Goebbels proud”¹¹⁸

¹¹³ <https://www.standard.co.uk/news/politics/david-lammy-threatened-with-deselection-after-attending-labour-antisemitism-protest-a3800991.html>

¹¹⁴ <https://www.thejc.com/news/uk-news/dame-louise-ellman-to-face-no-confidence-motion-debate-on-eve-of-yom-kippur-1.489563> ,
https://www.bbc.co.uk/news/uk-politics-47169929?intlink_from_url=https://www.bbc.co.uk/news/topics/c1g528d92rjt/luciana-berger&link_location=live-reporting-story, <https://www.politicshome.com/news/uk/political-parties/labour-party/news/98137/canterburys-first-ever-labour-mp-faces-motion>, <https://www.bristolpost.co.uk/news/bristol-news/bristol-mp-faces-censure-motion-1406909>

¹¹⁵ JLMSUB1 Appendix 7.

¹¹⁶ Statement of [REDACTED] at paragraph 57.

¹¹⁷ Letter from Mishcon de Reya LLP to the Labour Party dated 23 July 2018

¹¹⁸ Appendix 4, Part A, statement of [REDACTED],

40.6 She released similar messages in tweets, including this example:

"margaret hodge is a zionist pig...and hopefully hezbollah will catch up with the bitch. She is endorsing palestinian concentration camp, and being like the old jews and trying to bring labour down from the inside..she is a tory zionist pig in reality."¹¹⁹

41. The second case study concerns the experience of two Labour Party councillors, [REDACTED] and [REDACTED]

41.1 As mentioned above, a Party member, Alan Bull, re-posted content online which referred to the Holocaust as a "hoax". Mr Bull also posted content that appeared to describe David Miliband as "a jew he is paid by Rothschild [sic] who owns Israel and also controls mossad who kill people for Israel and Zionism... people like JFK".

41.2 Following this, in July 2017 a complaint was made against Mr Bull. He received two Notices of Investigation, for antisemitism and Holocaust Denial. GLU sent details of the investigations to those responsible for endorsing Mr Bull as a candidate. Nonetheless, in October 2017 Mr Bull was selected as a Labour councillor candidate for Stanground South.

41.3 In November 2017, [REDACTED] and [REDACTED] made further complaints about Mr Bull, but again no action was taken by the Party.

41.4 Then, in March 2018, [REDACTED] and [REDACTED] were invited to canvas with Mr Bull. Following this, [REDACTED] and [REDACTED] published Mr Bull's antisemitic content on Twitter.

41.5 It was only when The Jewish Chronicle reported on the tweets that the Party decided to act, eight months after a complaint was originally filed in respect of the same content.

41.6 Mr Bull was suspended pending an investigation.

41.7 It later transpired that the chairman of Labour's Disputes Panel, Christine Shawcroft, then sent an email to the NEC calling for Mr Bull's suspension to be lifted so that he could stand in the May local elections, claiming that his suspension had arisen for "political reasons" and his posts had been "taken completely out of context". Ms Shawcroft was later forced to resign from her post.

41.8 In the meantime, [REDACTED] and [REDACTED] faced abuse online, and were investigated by fellow Labour Councillors for "bullying and intimidating behaviour" for re-publishing Mr Bull's tweets.

41.9 As of 5 November 2018, [REDACTED] and [REDACTED] resigned as Labour Councillors, citing undue pressure placed upon them as a result of whistleblowing on Mr Bull's selection as a Party candidate.

42. These case studies provide vivid snapshots of the Party's victimisation of those who speak out against antisemitism in its ranks.

G. Appointment of antisemites to positions of power

43. Not only has the Party failed to root out antisemitism, but it has repeatedly appointed and selected known antisemites to positions of power throughout all parts of the Party infrastructure. This has included the following the selection or appointment of those subject to outstanding or upheld complaints of antisemitic conduct to the following positions:

43.1 **Candidates to be councillors:** Examples include Alan Bull, who was selected as a candidate having

¹¹⁹ For this and more examples, see Appendix 4, Part 1, Statement of [REDACTED].

¹²⁰ See JLMW010002 pages 1-119 for more on Alan Bull

posted content including Holocaust denial and online antisemitic abuse; and Cllr Nisar Malik, who was selected as a candidate, despite having posted content including a conspiracy theory that the Jews were behind 9/11¹²¹.

43.2 **Candidates for Parliament (“PPCs”).** Examples include¹²²:

Complaints were made in February 2019 against Apsana Begum, due to her sharing posts about ‘*Zionist Masters*’ and articles by notorious antisemite Ken O’Keefe. No formal action was taken against Begum, and an NEC panel shortlisted her for the PPC selection for Poplar and Limehouse. She was selected as the PPC on 27 October 2019.¹²³

Rebecca Gordon Nesbitt was selected as PPC for South Thanet in April 2018. Following this it was revealed that a social media account that she was responsible for had published antisemitic material, including claiming Jewish MP John Bercow had ‘*Zionist sympathies*’. This complaint was sent to the NEC Antisemitism Panel, who ruled to send her case to the NCC on 3rd July 2018. She was eventually removed as PPC in December 2018¹²⁴. The NCC found that there was no case to answer,¹²⁵ and the South Thanet selection was rerun. An NEC panel took the decision to shortlist Gordon-Nesbitt, and the CLP voted to select her as their PPC for a second time on 27th October 2019.

Ed Murphy was selected as the PPC for North West Cambridgeshire in late October 2019. In 2018 Murphy had proposed and voted to endorse Alan Bull to be a council candidate, despite being shown evidence of Bull’s antisemitism and Holocaust denial. This was reported by BuzzFeed News at the time.¹²⁶ Following his adoption as PPC, the Daily Mail reported that Murphy had accused the Conservatives on Peterborough Council of being backed by the Israeli military¹²⁷. On 14th November 2019, hours before nominations closed, the Labour Party withdrew their endorsement of him.¹²⁸

43.3 **Party staff:** Examples include ██████████, who was appointed despite the Party knowing that he had a record of antisemitism. Staff raised concerns with line managers and HR, and even walked out of the office in protest, but the appointment went ahead regardless. It was made clear by HR that the appointment was signed off personally by Karie Murphy and Jennie Formby.¹²⁹

43.4 **Members of the NEC and NCC:** Examples include Pete Willsman and Stephen Marks, who are discussed elsewhere in this submission. A number of further incidents have occurred; one member of the NEC, Huda Elmi, called for the abolition of the EHRC upon hearing this investigation had been launched,¹³⁰ and Marc Wadsworth claimed that NCC member Kate Osborne “*asked tough questions of the accusers and helpful ones of me*” during his hearing¹³¹. Another NCC member, Russell Cartwright, defended Ken Livingstone during his hearing, pressed for the charges against him to be dropped and claimed the hearing itself “*brought [the Party] into disrepute*”¹³². As Unite the Union NEC representatives, Jim Kennedy and Jennie Formby intervened to prevent formal warnings being given to two members implicated in the Oxford University Labour Club antisemitism scandal¹³³, and Formby interfered to

¹²¹ Egregious cases 1 (JLMG029001).

¹²² JLMG029001

¹²³ <https://www.theredroar.com/2019/03/new-london-labour-official-shared-zionist-masters-post/>

¹²⁴ Statement of ██████████ paragraphs 6-11

¹²⁵ <https://www.thejc.com/news/uk-news/rebecca-gordon-nesbitt-let-off-by-labour-s-highest-disciplinary-body-over-tweets-on-antisemitism-1.484218>

¹²⁶ <https://www.buzzfeed.com/hannahalothman/leaked-minutes-show-this-labour-councillor-proposed-a>

¹²⁷ <https://www.dailymail.co.uk/news/article-7670909/Labour-shadow-minister-Dan-Carden-pressure-claims-sang-anti-Semitic-version-song.html>

¹²⁸ <https://www.peterboroughtoday.co.uk/news/politics/labour-deselects-general-election-candidate-for-north-west-cambridgeshire-constituency-1-9142291>

¹²⁹ JLMW067001 p. 3-4

¹³⁰ <https://www.politicshome.com/news/uk/political-parties/labour-party/news/102372/member-labours-ruling-body-calls-human-rights>

¹³¹ <http://labourpartymarxists.org.uk/zionism-is-the-real-problem/>

¹³² <https://www.thejc.com/news/uk-news/russell-cartwright-and-ncc-1.435834>

¹³³ JLMW002001 paragraphs 17-18

prevent Vicki Kirby from being sanctioned for an assortment of clearly antisemitic statements.¹³⁴ She had previously hired Mrs Kirby in her capacity as a Unite the Union regional secretary.¹³⁵ While Formby has since become General Secretary, Kennedy remains on the NEC. Furthermore, Christine Shawcroft resigned as Head of Disputes and as an NEC member after defending Holocaust denier Alan Bull, who is discussed elsewhere in the submission.¹³⁶

H. Party's inadequate and hostile response to antisemitism compared to other conduct issues

44. The Commission has evidence before it that the Party's response to antisemitism has not merely been inadequate and hostile (see above) but has also been markedly less favourable than its response to other kinds of conduct.
45. This disparity of treatment was thrown into stark relief by Jeremy Corbyn's recent public statement that denial of a black person's experience of racism amounts to racism in and of itself, and as such, warrants suspension.¹³⁷ He made this statement despite his own, his office's, his staff's and his Party's serial denial of Jewish people's experience of antisemitism, and the Party's total failure to discipline those guilty of this kind of denial. In this context, there can be no doubt that the difference in treatment arises from the fact that the victims are Jewish rather than Black.
46. This disparity in treatment is borne out by the evidence of multiple former employees of the Party. They have contrasted the hostility of its institutional response to antisemitism when compared with its response to other conduct issues.
47. This is illustrated by the response to allegations against Jared O'Mara in comparison to those against Chris Williamson. O'Mara was immediately suspended,¹³⁸ whereas Williamson faced more than a year of public outcry before finally being suspended.
48. In particular, they draw contrasts with the Party's response to a spike in sexual harassment claims over a similar period:
- 48.1 The former [REDACTED] describes how the Party rushed to meet with relevant women's groups, encouraging them to feed into rapid improvement of the Party's processes. She describes how members of staff from every department and regional office received specialist training on sexual harassment. She contrasts this sharply with a refusal to engage with representatives of Jewish members, and a failure to improve processes or provide training on antisemitism.¹³⁹
- 48.2 In a similar vein, the former [REDACTED] comments on the Party's failure to set up an appropriate complaints system. Whereas the Party acted with "*speed and efficiency*" to set up a specialist process to address sexual harassment, there was "*not the same impetus to deal with antisemitism.*"¹⁴⁰
- 48.3 Similarly, a member of the NCC gives evidence that the Party quickly invested in ensuring that NEC and NCC panel members could only hear sexual harassment cases if they had received appropriate training. By contrast, the Party has repeatedly refused to introduce any mandatory training for antisemitism panels.¹⁴¹
49. Further, they draw contrasts between disciplinary action taken against those calling out antisemitism, as opposed

¹³⁴ JLMW023001 paragraph 18

¹³⁵ <https://www.independent.co.uk/news/uk/politics/labour-general-secretary-jennie-formby-frontrunner-suspended-party-member-antisemitism-vicki-kirby-a8257736.html>

¹³⁶ <https://www.theguardian.com/politics/2018/mar/28/christine-shawcroft-labour-disputes-panel-chair-resigns-antisemitism-case>

¹³⁷ https://www.theguardian.com/politics/2019/nov/06/labour-accuses-jo-swinson-of-failings-over-commons-racism-row?CMP=Share_iOSApp_Other

¹³⁸ <https://www.theguardian.com/politics/2017/oct/25/jared-o-mara-labour-suspends-jared-omara-over-offensive-online-comments>

¹³⁹ Statement of [REDACTED]

¹⁴⁰ Statement of [REDACTED] at paragraph 11.

¹⁴¹ Statement of [REDACTED] at paragraph 30.

to those perpetrating it:

- 49.1 Examples throughout these submissions indicate that proceedings against those complaining of antisemitism have often been brought within hours of the relevant conduct. By contrast, those accused of antisemitism often do not face investigations for months or years, if at all.
- 49.2 When Margaret Hodge and Ian Austin spoke out against antisemitism, the Party relied on rule 2.1.8 to commence proceedings against the MPs. This is the same rule relied upon by many Labour members complaining of antisemitism, but which has resulted in no action. In particular, a complaint was raised under rule 2.1.8 concerning Mr Corbyn's support for the mural on Brick Lane. The Party's response was that this matter did not "*not represent a prima facie breach of rule 2.1.8 (in the opinion of the NEC, prejudicial or grossly detrimental to the Party) and therefore does not meet the threshold required for formal disciplinary action*".¹⁴²

(2) The issues, as defined by the Terms of Reference

50. These submissions address each of the issues within the scope of the Investigation. In order to preserve the clarity of the narrative, the issues are not approached in the same order of the Terms of Reference. They address: (A) the flaws in the Party's procedures for dealing with antisemitism; (B) the flawed implementation of those procedures; (C) the extent of the Party's implementation of the various recommendations on antisemitism; and (D) consequently, unlawful acts committed by the Party and/or its employees and/or its agents.

A. Whether the Rule Book and the Party's investigatory and disciplinary processes could enable it to deal efficiently and effectively with complaints of race and/or religion or belief discrimination and racial harassment and/or victimisation, including whether appropriate sanctions could be applied

51. This issue, as worded in the Terms of Reference, spans both the rules and processes and how they have been applied in practice. It therefore overlaps with a separate issue, which primarily concerns their implementation. For clarity, these submissions invite the Commission to consider under this issue only the rules and processes themselves. Their implementation will be considered in full under the next issue. Accordingly, these submissions address this issue as follows:

"Whether the Rule Book and the Party's investigatory and disciplinary processes ~~have enabled or~~ could enable it to deal efficiently and effectively with complaints of race and/or religion or belief discrimination and racial harassment and/or victimisation, including whether appropriate sanctions ~~have been and/or~~ could be applied."

52. A helpful account of the structure of the various stages of the Party complaints and disciplinary process can be found in the witness statement of [REDACTED] the [REDACTED] for the Party until July 2019.

(i) Definitions

53. The definition of misconduct in the Rule Book is broad:

"no member of the Party shall engage in conduct which in the opinion of the NEC is prejudicial, or in any act which in the opinion of the NEC is grossly detrimental to the Party."

54. Therefore, the definition of antisemitism necessarily plays a pivotal role in determining whether the Party is able to tackle antisemitic conduct. In 2016, the Party adopted the IHRA definition of antisemitism. However, it was later asserted by some within the Party that it had not adopted all of the IHRA's examples at that time, leading to much

¹⁴² Letter from the CAA to the EHRC dated 31 July 2018, page 17

controversy over the next two years.¹⁴³

55. Notably, in April of 2018, an advisor to Jeremy Corbyn, Andrew Murray, claimed that the IHRA definition had not been adopted by the party.¹⁴⁴
56. Just before the summer of 2018, the NEC's Antisemitism Working Group (set up following the Chakrabarti Report) issued a Code of Conduct on antisemitism¹⁴⁵. This was to form the basis for what would be considered antisemitism within the Party. The Code includes the IHRA definition, but not its examples. Instead, it provides its own, more limited examples. Further, it introduces the concept of behavioural "*intent*" into the disciplinary process, saying:
- "Discourse about international politics often employs metaphors drawn from examples of historic misconduct. It is not antisemitism to criticise the conduct or policies of the Israeli state by reference to such examples unless there is evidence of antisemitic intent."
57. This definition was rightly viewed as a significant step backwards from the Party's stance on antisemitism. Following sustained lobbying from the Jewish community, the Party agreed (in 2018) to review the terms of the Code of Conduct. A year later, this review is yet to take place.¹⁴⁶
58. In the face of considerable pressure, the Party finally adopted all of the IHRA's examples in September 2018.¹⁴⁷ However, the Code and the full IHRA definition now sit alongside each other, in contradiction with each other and without explanation. Since both are officially adopted, decision-makers have no clear guidance on the definition of antisemitism. Both the Code and the IHRA definition are included the NCC case bundles.¹⁴⁸ The NEC's legal adviser drafted resources for the NEC, which say "*the examples annexed to the IHRA definition of antisemitism do not have the same status in the rule book as an NEC Code of Conduct... the IHRA examples are illustrative.*"¹⁴⁹ NCC and JVL member ██████████ has even said that he may not use the IHRA definition when hearing cases on antisemitism.¹⁵⁰ Members have been able to use the Code to defend themselves on the basis of their intent.¹⁵¹ Accordingly, the outcome in disciplinary hearings depends in part on the panel's choice of definition.¹⁵²

(ii) Inherently politicised decision-making

59. The key decision makers on antisemitic misconduct cases are the panels of the NEC, and until recently, in serious cases, the NCC. Both suffer from inherently politicised decision-making.
60. In one case, an advisor to Jeremy Corbyn states that "*JC [is] interested in this one*" while discussing what action to take on a disciplinary case by email with GLU staff.¹⁵³
61. The NEC is made up of representatives of the various sections of the party including the PLP, trade unions and CLPs. The distribution of seats means that the ruling faction almost always dominates the NEC. The current NEC is no exception. As it currently stands, Disputes Panels will have an inbuilt majority, politically aligned to LOTO, and statistically there will be more antisemitism panels sympathetic to LOTO than not. The former ██████████ for the Party notes that, for example, Momentum panellists vote as a block, without exception.¹⁵⁴ This kind of decision-making is plainly inappropriate for committees considering conduct charges.
62. The NCC is comprised of elected officials. Until very recently, it heard all the most egregious or complex disciplinary

¹⁴³ Statement of ██████████ at paragraphs 31-35.

¹⁴⁴ JLMG001003

¹⁴⁵ Statement of ██████████ at paragraphs 36-38 and statement of Peter Mason at paragraphs 25-6.

¹⁴⁶ Statement of ██████████ at paragraph 26.

¹⁴⁷ Statement of ██████████ at paragraph 40.

¹⁴⁸ Statement of ██████████ at paragraph 27.

¹⁴⁹ JLMG002027

¹⁵⁰ Statement of ██████████ at paragraph 35.

¹⁵¹ Statement of ██████████ at paragraph 27.

¹⁵² Statement of ██████████ at paragraph 28.

¹⁵³ JLMC026002

¹⁵⁴ Statement of ██████████ at paragraph 34-5

cases, as referred to it by the NEC. The NEC could only issue sanctions in the cases of *prima facie* rule breaches, and where the evidence is documentary, and the maximum sanction the NEC itself could issue was a formal warning. Suitably egregious cases requiring tougher sanctions, involving witness testimonies, or those that were extremely complex were referred to the NCC, and the NEC retained the option of referring any case to the NCC.

63. The Party characterises the NCC as an independent quasi-judicial body. Although it is made up of elected officials rather than political figures, it is still a political committee of a political body. It is comprised of officials elected from three divisions: Trade Unions, CLPs and Socialist Societies.¹⁵⁵ As a result, the NCC will always reflect the politics and behaviours of the controlling faction of the Party.¹⁵⁶
64. In any event, at the Party's 2019 Conference, the NEC decided to put forward a rule change that would give itself much of the remit of the NCC. This rule change was adopted by a vote of the delegates at Conference.¹⁵⁷ This allows the NEC to suspend and expel members, with only a right of appeal to the NCC in cases of procedural irregularity or in cases with witness testimony.¹⁵⁸ Due to the factional nature of the NEC, this rule change leaves disciplinary cases critically exposed to political interference. This utterly undermines claims by the Party that it is depoliticising the handling of antisemitism cases. Rather than creating an independent process, the existing process has been made easier to exploit. Members of the NEC will be able to organise to protect those who are considered factional allies. This is especially true in the cases of members of the NEC such as Pete Willsman, who is currently suspended from the party for antisemitism.

(iv) Training for staff and committees

65. Until recently, the Party appeared to accept the fact that it has not provided training on antisemitism to any of the staff or committees involved in dealing with complaints, let alone to activists. Indeed, the Chakrabarti report expressly recommended against the introduction of training about antisemitism or even racism more generally on the basis that it would seem "*patronising*".¹⁵⁹ Until the EHRC announced this investigation, the Party had long dragged its feet and resisted delivering antisemitism training. JLM were commissioned to begin delivering training in 2016, but this was never rolled out to NEC or NCC; following the change of General Secretary, JLM were eventually frozen out of the process of delivering training entirely.
66. This Party's position on training is confirmed by witness evidence. Staff at the GLU report that they never received any training in the IHRA definition or examples, or how to identify whether a statement was antisemitic.¹⁶⁰ Equally regional staff members responsible for investigating complaints to present to the GLU were given no training on antisemitism.¹⁶¹
67. Since 2018, the NEC has established two specialist antisemitism panels in order to clear the backlog of complaints¹⁶². Even these panels have not received any training, and very few have any expertise in dealing with complaints.¹⁶³ The former ██████████ for the Party has given evidence that, "*Rather than follow the decision flow chart, created to guide the panel through the process and determine whether the member had breached a Party rule, the panel members would discuss amongst themselves and reach a decision based on subjective criteria relating to the individual facts of a complaint.*"¹⁶⁴
68. The flaws in the training program now being run are outlined in the supplementary witness statement of ██████████

¹⁵⁵ Statement of ██████████ at paragraph 10.

¹⁵⁶ Statement of ██████████ at paragraph 15.

¹⁵⁷ Statement of ██████████

¹⁵⁸ Statement of ██████████ at paragraphs 10-15.

¹⁵⁹ Charabarti Report at p.22.

¹⁶⁰ Statements of ██████████ at paragraphs 22-23, ██████████ at paragraph 26 and ██████████ at paragraph 34, JLMW002003 -answer to Q1

¹⁶¹ Anonymous witness statement 2 and paragraph 6.

¹⁶² Statement of ██████████ at paragraph 31

¹⁶³ Statement of ██████████ at paragraph 32

¹⁶⁴ Statement of ██████████ at paragraph 33

(v) Policy concerning transparency

69. Throughout much of the period that antisemitism complaints have escalated, there were no rules or departmental policies concerning how complainants should be updated on the progress or outcome of complaints. They would often not even be informed when their complaint had been closed.¹⁶⁶ Accordingly, staff report that, in practice, complainants were rarely updated on the progress of their investigations and their requests for updates were generally ignored.¹⁶⁷
70. More recently, staff in the Complaints team were actually instructed to reduce transparency. They were told that, from now on, they were not to provide updates or responses in respect of any complaints concerning antisemitism.¹⁶⁸ This order has never been given in respect of any other category of complaints.
71. In the same vein, in 2019, the Party removed details of NCC outcomes from its annual report. In previous years, the report named respondents who had faced disciplinary action, but in 2019 they were simply referred to as 'Respondent 1', 'Respondent 2' and so on, making cases indistinguishable from one another. NCC members are elected, and therefore the ability to see outcomes for specific cases is an important part of holding them to account. By removing all identifying details of individual cases, the Party has deliberately made it impossible to do this, giving NCC members free reign to operate without any level of scrutiny.¹⁶⁹
72. There are still no rules or policies that require the publication of outcomes or justifications in respect of complaints or disciplinary cases concerning antisemitism.

B. Whether the Party has responded to complaints of unlawful acts in a lawful, efficient and effective manner

73. Even where these processes might, in theory, have been capable of delivering efficient and effective outcomes, they have proven insufficiently robust to ensure those outcomes.
74. In May 2018, the NEC Antisemitism Working Group recorded that:

"[s]takeholders across the Party have raised concerns that the Party's process of dealing with Antisemitism cases in particular needs to be improved. The perception is that the process is not swift enough from start to finish, that it is susceptible to political forces at each stage of the process and that there is a lack of consistency in how cases are adjudicated on."¹⁷⁰
75. As a result of the failure of these processes, the House of Commons Home Affairs Committee Report concluded:

"The failure of the Labour Party to deal consistently and effectively with antisemitic incidents in recent years lends force to allegations that elements of the Labour movement are institutionally antisemitic."¹⁷¹
76. When considering whether the Commission agrees with this conclusion, it has the benefit of witness evidence from a significant number of staff members of the complaints and disputes team from 2017 to 2018 and some into

¹⁶⁵ Supplementary witness statement of ██████████

¹⁶⁶ Statement of ██████████ at paragraph 16.

¹⁶⁷ Statement of ██████████ at paragraph 18.

¹⁶⁸ Statements of ██████████ at paragraph 22 and ██████████ at paragraph 22.

¹⁶⁹ JLMG024001, JLMG025001

¹⁷⁰ Labour Party National Executive Committee (2018) 'Recommendations of the NEC Antisemitism Working Group', 22 May. Available at: https://www.scribd.com/document/380545517/Antisemitismworkinggroup-Copy#from_embed?campaign=SkimbitLtd&ad_group=23150X907170Xd9d1d46849f9d94c3a40457883d79c96&keyword=660149026&source=hp_affiliate&medium=affiliate (Accessed on 9 November 2018).

¹⁷¹ The House of Commons Home Affairs Committee Report into Antisemitism in the UK, 13 October 2016, para 45

2019¹⁷². Needless to say, it is extremely striking that almost so many involved in investigating complaints of antisemitism at this time have come forward as whistleblowers to this Investigation. In addition, the Commission has before it reports from members on how complaints have been treated and their outcome.

77. This testimony indicates that the Party's failure to deal with antisemitism has been characterised by (i) political interference; (ii) resistance to taking action in the absence of public pressure; (iii) excessively lenient sanctions; (iv) unreasonable delay in resolving cases; (v) blanket impunity for certain kinds of antisemitic conduct; and (iv) inappropriate appointments.

(i) Political interference

78. Historically, complaints of all kinds were dealt with by GLU staff, and senior staff members were consulted only on particularly sensitive or difficult cases.¹⁷³
79. Staff describe a "cultural shift" in the Party's management following the 2017 general election and into 2018.¹⁷⁴ They say that decisions by GLU staff were increasingly undermined. From the election onwards, staffers say that LOTO expected the GLU staff to follow unwritten guidelines that raised the bar on which antisemitic conduct warranted disciplinary action.¹⁷⁵ In particular, antisemitic statements from a long time ago or before membership were to be disregarded.¹⁷⁶ Staff were treated with hostility if they failed to respect the new guidelines.¹⁷⁷ They were often perceived as having sought inappropriately severe disciplinary action against alleged antisemites.¹⁷⁸ Staff allege that this culture was sufficiently intense that they were bullied into resignation.¹⁷⁹
80. Over time, this interference became institutionalised. In April 2018, Jennie Formby became the General Secretary of the Party. In her first week in post, she installed the Political Advisor to the Chair of the Party – Thomas Gardiner – to an initially undefined seconded role in the GLU.¹⁸⁰ In practice, staff understood his role to be acting as "the final arbiter of which complaints of antisemitism were to be investigated".¹⁸¹ Staff were informed that all antisemitism complaints should be passed to the Head of Complaints, who would then pass them to Mr Gardiner, who was considered to be synonymous with LOTO.¹⁸² He would then discuss them with LOTO's staff.¹⁸³ The team were encouraged not to leave a paper trail by emailing Mr Gardiner directly; instead the Head of Complaints would act as a conduit¹⁸⁴.
81. By mid 2018, Mr Gardiner had been made the Acting Director of the GLU. He had sole authority to decide whether antisemitism cases needed to be progressed, and the Complaints Team were now instructed to prepare and send summaries of antisemitism cases directly to him, before logging the cases onto the complaints database. This effectively bypassed the role of ██████████, who had previously been responsible for allocating complaints to investigating officers and determining whether any interim measures were appropriate pending the outcome of the investigation.¹⁸⁵ Gardiner would then decide what action should be taken.¹⁸⁶ This "political sign off" process

¹⁷² Once these witnesses had expressed willingness to provide evidence, the Commission compelled them to do so using its statutory powers to compel evidence. This ensured that those witnesses who had signed NDAs would not be breaching those agreements by providing evidence to this Investigation.

¹⁷³ Statement of ██████████ at paragraph 9.

¹⁷⁴ Statements of ██████████ at paragraph 10 and ██████████ at paragraph 36.

¹⁷⁵ Statement of ██████████ at paragraph 11.

¹⁷⁶ Statement of ██████████ at paragraph 11.

¹⁷⁷ Statement of ██████████ at paragraph 11.

¹⁷⁸ Statement of ██████████ at paragraph 10.

¹⁷⁹ Statement of ██████████ at paragraph 10.

¹⁸⁰ Statement of ██████████ at paragraph 26.

¹⁸¹ Statements of ██████████ at paragraph 15 and ██████████ at paragraph 32.

¹⁸² Statements of ██████████ at paragraph 24-5, ██████████ at paragraph 9 Statement of ██████████ at paragraphs 15-17..

¹⁸³ Statement of ██████████ at paragraph 43. Statement of ██████████ at paragraph 12.

¹⁸⁴ Statement of ██████████ at paragraph 17.

¹⁸⁵ Statement of ██████████ at paragraph 44 and Statement of ██████████ at paragraph 13.

¹⁸⁶ Statement of ██████████ at paragraph 13.

was only applied to antisemitism cases.¹⁸⁷

82. Staff say that Gardiner did not refer to the Party Rule Book, or the IHRA definition or its examples.¹⁸⁸ They also complain of his tolerance of clear cases of antisemitism and his delays in responding to them.¹⁸⁹ One example described by staff members is the case of Kayla Bibby, who posted the image described above of the Statue of Liberty, with her face covered by an alien, and a Star of David on the alien's back. The investigating officer recommended that she should be suspended pending further investigation. Mr Gardiner responded that she should be subject to no further action. When the officer argued that the image was from a far right website, and that the complaint had come in from a Jewish Member of Parliament, Mr Gardiner accepted that Ms Bibby should be investigated, but not suspended.¹⁹⁰
83. Over the same period, it became a frequent occurrence for members of staff from LOTO to ask to be copied into emails about incoming antisemitism complaints, and then to suggest or deny a particular sanction.¹⁹¹ These decisions were often made on the basis of ideas about the political persuasion of staff and the complainant.¹⁹² LOTO staff asked for lenient sanctions for those accused of antisemitism where they were personal contacts, considered to be favourable towards the Party's political direction:
- 83.1 For example, personal requests were made by Seumas Milne and Andrew Murray to revoke the suspension of a member suspended for antisemitic posts on the Palestine Live Facebook group.¹⁹³ This member was "on friendly terms with the LOTO".¹⁹⁴ When the GLU team attempted to push back, they were told that they must lift the suspension on account of "JC [being] interested in this one".¹⁹⁵
- 83.2 One staffer in the GLU describes how "It became increasingly common for those under investigation to email LOTO or a member of the NEC and, if they were high status enough, the case would disappear."¹⁹⁶
- 83.3 In one key example, staff in the GLU had repeatedly advised Mr Gardiner over a period of months that Chris Williamson should be suspended, but their requests had been resisted.¹⁹⁷ Mr Williamson was well-connected in LOTO. In February 2019, Mr Gardiner asked for a briefing on the most serious material and evidence. However, before this briefing could be produced, LOTO released to the press that the GLU had decided that Mr Williamson would not be suspended.
84. For a period during August 2018, any separation between GLU and LOTO appears to have fundamentally broken down. Mr Gardiner instructed the then [REDACTED] via WhatsApp to upload batches of complaints onto USB sticks and deliver them to the LOTO staff office for LOTO staff to review, draw up reports, and make recommendations regarding further action.¹⁹⁸ She was instructed to lie to anyone who asked her where she was going, or what she was doing, when delivering the USB sticks.¹⁹⁹
85. In early 2019, the LOTO seconded further members of staff to the Complaints Team, Laura Murray and [REDACTED].²⁰⁰ The decision was then taken that Murray would replace the Head of the Complaints Team, meaning that LOTO would control the team directly.²⁰¹ The outcry against this appointment was so severe that the Party then

¹⁸⁷ Statement of [REDACTED] at paragraph 15.

¹⁸⁸ Statement of [REDACTED] at paragraph 14.

¹⁸⁹ Statements of [REDACTED] at paragraph 15 and [REDACTED] at paragraph 15.

¹⁹⁰ Statements of [REDACTED] at paragraph 18, [REDACTED] at paragraph 14 and [REDACTED] at paragraph 21.

¹⁹¹ Statement of [REDACTED] at paragraph 11.

¹⁹² Statement of [REDACTED] at paragraph 11.

¹⁹³ Statement of [REDACTED] at paragraph 13 and [REDACTED] at paragraph 23.

¹⁹⁴ Statement of [REDACTED] at paragraph 13.

¹⁹⁵ Statement of [REDACTED] at paragraph 23.

¹⁹⁶ Statement of [REDACTED] at paragraph 22.

¹⁹⁷ Statements of [REDACTED] at paragraphs 61-62 and [REDACTED] at paragraph 20.

¹⁹⁸ Statement of [REDACTED] at paragraph 50-51.

¹⁹⁹ Statement of [REDACTED] at paragraph 50.

²⁰⁰ Statement of [REDACTED] at paragraph 26-27.

²⁰¹ Statement of [REDACTED] at paragraph 28. See also statement of [REDACTED] at paragraph 31.

announced that its communication to the PLP had been a mistake.²⁰² Staff are clear that this is untrue.

86. Staff further report that interference seemed to occur in the period between their reports being sent to the NEC and their going to a panel. Officers would not be informed of the outcome of decisions, and then would see from the accused member's social media that their case had been dropped.²⁰³
87. When cases did reach the NEC, staff describe aggression from certain members of the NEC towards those dealing with antisemitism cases.²⁰⁴ Pete Willsman was said to shout at team members and accuse them of concocting evidence of antisemitism²⁰⁵. Willsman and Claudia Webbe were said to defend alleged antisemites to the complaints team.²⁰⁶ Staff came to be extremely anxious before NEC meetings, where they would be shouted at, accused of infractions and ulterior motives, and their decisions to progress cases of antisemitism to a hearing would be overturned.²⁰⁷

(ii) Action only taken in response to public pressure

88. Former employees from across the Party report that it would only deal with complaints when faced with significant public pressure to do so:
- 88.1 Staff from the GLU say that they were only permitted to pursue disciplinary action in the face of pressure from media coverage of particular antisemitic incidents.²⁰⁸ In one example, members of the GLU were asked to stop all work on other cases after the David Collier dossier of antisemitic incidents was published. They were then instructed by an employee of Seumas Milne to suspend three people mentioned in the report within 90 minutes (of the end of Prime Minister's Questions), and it could be any three people.²⁰⁹
- 88.2 A former employee within Mr Corbyn's office recalls the initial response to the exposure of antisemitic postings on the Facebook account of Naz Shah. As soon as they became aware of these comments, they reported them to Mr Corbyn's Deputy Chief of Staff. They were swiftly informed that there was no need for action against Ms Shah. It was only when considerable pressure built up from other MPs that Mr Corbyn's office released a statement on the topic, and even then, there was a refusal to remove the Party whip from the MP. The staffer believes that this *"inaction fuelled the controversy... [and] it was only after these successive decisions not to respond effectively to the Naz Shah case that Ken Livingstone was able to get involved"*. Mr Livingstone defended Ms Shah (even after she had apologised) and in doing so made his controversial and antisemitic statements linking Zionism to Adolf Hitler.²¹⁰
- 88.3 This approach at a national level appears to be mirrored at a local level. Members report local Party executives refusing to investigate complaints and deterring complainants from pursuing them at a national level.²¹¹

(iii) Excessively lenient sanctions

89. The Commission's ability to analyse trends in outcomes is inevitably hampered by the Party's policy of not publishing outcomes or reasoning for complaints and disciplinary decisions relating to antisemitism. However, the Commission has before it a table summarising the outcomes of those conduct complaints publicly known up to July

²⁰² Statement of [REDACTED] at paragraph 28.

²⁰³ Statement of [REDACTED] at paragraph 19.

²⁰⁴ Statements of [REDACTED] at paragraph 19 and [REDACTED] at paragraph 14.

²⁰⁵ Statement of [REDACTED] at paragraph 19.

²⁰⁶ Statement of [REDACTED] at paragraph 19.

²⁰⁷ Statements of [REDACTED] at paragraph 21 and [REDACTED] at paragraph 14..

²⁰⁸ Statements of [REDACTED] at paragraph 30 and [REDACTED] at paragraph 19.

²⁰⁹ Statement of [REDACTED] at paragraph 23 and [REDACTED] at paragraph 22.

²¹⁰ <https://www.theguardian.com/politics/video/2017/apr/04/how-ken-livingstone-avoided-labour-party-expulsion-video>

²¹¹ JLMSUB1 Appendix 4, Part A, Statement of [REDACTED] and [REDACTED] and statement of [REDACTED]

2018.²¹²

89.1 It identifies nine cases of antisemitism where no action was taken by the Party, including several where the members in question went on to run as candidates for the party. These included cases where councillor candidates had respectively posted a blood-soaked Star of David on social media and commented online that there is *"a very English right wing Zionist coup mate and sadly the Labour Party is infiltrated by sellouts who would sacrifice a labour government for their 30 pieces of silver."*

89.2 The Appendix highlights three examples of individuals who, despite being suspended for antisemitic conduct, remain linked to the Party. This includes the Vice-Chair of Woking Labour, Vicki Kirby, who was suspended by Labour twice for, amongst other matters, posting a series of tweets claiming that Adolf Hitler was the *"Zionist God"*. She was later hired by Jennie Formby, in her capacity as a regional secretary for Unite the Union, as a regional officer for that organisation.

89.3 The Appendix identifies nine cases where individuals were suspended for antisemitic conduct, but then readmitted. These included a Labour councillor in Kensington and Chelsea who claimed that Jewish people were *"behind 9/11"* and that *"ISIS [...] originated from Zionists"*.

90. These examples are supported by Party insiders' evidence that excessively lenient sanctions were assigned to cases of antisemitism:

90.1 One complaints officer describes how, after 10 months spent investigating cases of *"harrowing antisemitic abuse"*, she discovered that only 12 members had been expelled in relation to antisemitism.²¹³ This was the moment that she concluded she could no longer work for the Party, and that it was *"institutionally racist"*.

90.2 Another described *how "new cases that went to Thomas Gardiner, which frequently exhibited the most hideous examples of antisemitism, would routinely be ignored, or recommendation for action would be watered down."*²¹⁴

90.3 Disputes officers describe how *"Formal warnings" or "toothless" "Reminders of Conduct"*²¹⁵ became a commonplace mechanism for closing down complaints that appeared to be politically difficult for Mr Gardiner and LOTO.²¹⁶

90.4 At NEC Panel meetings, figures such as [REDACTED] and [REDACTED] were said to frequently argue against sanctions for members accused of antisemitism, particularly when they knew the accused individual.²¹⁷

91. Complainants have relayed their experiences of learning (often indirectly) of lenient outcomes for antisemites²¹⁸:

91.1 One said:

*"From tracking cases using evidence from social media, there are many cases where suspensions seem to go on indefinitely or are lifted within weeks. Often offenders are given a warning regarding their conduct or receive training and are free to rejoin the party. In my opinion that is not good enough."*²¹⁹

²¹² JLMSUB1 Appendix 6.

²¹³ Statement of [REDACTED] at paragraph 33.

²¹⁴ Statement of [REDACTED] at paragraph 16.

²¹⁵ See also Statement of [REDACTED] at paragraph 18 and statement of [REDACTED] at paragraph 21.

²¹⁶ Statement of [REDACTED] at paragraph 21.

²¹⁷ Statement of Anonymous 1 at paragraph 7.

²¹⁸ Other examples can be found at Appendix 4, Part A, Statement of [REDACTED]

²¹⁹ JLMSUB1 Appendix 4, Part A, Statement of [REDACTED]. See also Statement of [REDACTED] for an example of failure to respond adequately to complaints.

91.2 Another reported, "my ward cllr shared antisemitic memes was suspended for a bit and then let back in."²²⁰

91.3 Another recounted the following:

"In 2016, a member of my local branch, ██████████ (West Hampstead & Fortune Green) was suspended following complaints made about antisemitic behaviour. This included a letter from him which was published in a local paper, the Camden New Journal, comparing a Jewish Labour councillor, ██████████, to Goebbels (over 'propaganda' relating to a local development of unused council offices). The letter was published on Holocaust Memorial Day. In a number of emails circulated to local members. He also blamed the "Israeli Mossad Organised Collection" for "orchestrating the attack upon the members' choice Jeremy Corbyn"; called for the expulsion of 'Jewish millionaire' Labour party donor ██████████, used the word Zio and claimed Jews "owned the media".

██████████ suspension was lifted the following year, and he has continued to participate in branch and Hampstead & Kilburn GC meetings (as a delegate from Unite in the case of the latter). There has been no public apology or act of contrition from ██████████ as far as I am aware. I believe that the branch was not told his suspension was lifted - there were no opportunities to warn members who were victims of his abuse or complainants, let alone appeal the decision to lift the suspension."²²¹

92. High profile cases provide case studies in the Party's lenient response to antisemitism:

Ken Livingstone

92.1 In 2016, Ken Livingstone made comments denying the existence of antisemitism in Labour and claiming that "Hitler supported Zionism before he went mad and ended up killing 6 million Jews". Mr Livingstone's comments impregnated the antisemitism already rife in the Party with a new notion of Zionist-Nazi collaboration. This has been repeatedly used since to harass Jewish members and Affected Members.

92.2 In April 2017, an NCC disciplinary panel found Mr Livingstone guilty of three charges of bringing the Party into disrepute. Although he was suspended for two years (one already served), he was not expelled. This sanction was condemned by leading members of the Jewish community, over 100 MPs and 50 peers.²²²

92.3 Following the suspension, Mr Livingstone stated that he had nothing to apologise for and continued to repeat his comments on Hitler and Zionism. He eventually resigned from the Party in May 2018 stating that his decision had come after he was warned that "some of the old right wingers" in Labour's NEC had again been planning to call for his expulsion from the party.

Pete Willsman:

92.4 Mr Willsman is a member of the NEC. In July 2018, Mr Willsman made controversial statements about antisemitism within the Labour Party at an NEC meeting, including alleging that those complaining of antisemitism in the Jewish community are "Trump fanatics", by whom he would not be lectured. Jennie Formby and Mr Corbyn were present at the meeting, but do not appear to have intervened or taken any action in response to the comments.

92.5 JLM made a formal complaint to the Party on 18 July 2018.²²³ Ms Formby replied on 26 July 2018 to state that no action would be taken as Mr Willsman had made a formal apology.²²⁴ That apology stated that his comments had been inaccurately reported, and did not include an apology to the Jewish community. Subsequently, an audio file of Mr Willsman's comments was leaked, which undermined his claim that his words had been misrepresented. Notwithstanding further complaints being made by JLM

²²⁰ JLMSUB1 Appendix 4, Part A, Statement of ██████████

²²¹ JLMSUB1 Appendix 4, Part A, Statement of ██████████

²²² Appendix 2 to JLM's letter to Labour dated 10 April 2017 at JLMSUB1 Appendix 3.

²²³ See Letter to the Labour Party from JLM dated 18 July 2018 at JLMSUB1 Appendix 3.

²²⁴ See Letter to JLM from the Labour Party dated 26 July 2018 at JLMSUB1 Appendix 3. See also the correspondence between JLM and Labour dated 31 July and 22 August 2018 (JLMSUB1 Appendix 3).

to Ms Formby and the Party's chief Whip, no action has been taken against Mr Willsman.²²⁵ He was re-elected to the NEC in September 2018.²²⁶

- 92.6 In May 2019, a recording emerged of a conversation involving Mr Willsman in which he claimed that the Israeli embassy was "*almost certainly [behind allegations of antisemitism in the Party]*" and that the open letter signed by 68 rabbis concerning antisemitism in the Party was "*obviously organised by the Israeli embassy*". Willsman was, and remains, suspended pending investigation for this incident. His NEC seat remains vacant, leaving the perception that it is being held pending the outcome of the investigation, run by factional colleagues who have a vested political interest in his return to the party.

Jackie Walker:

- 92.7 Jackie Walker was the Vice-Chair of South Thanet CLP and a founding member of Labour Against the Witchhunt. She was elected to Momentum's Steering Committee, and in September 2015 became its vice-chair.
- 92.8 In May 2016, she was revealed to have posted online that Jewish people were "*the chief financiers of the slave trade*." The comments were widely reported in the media, and following this public disclosure, the Labour Party suspended Walker on an interim basis. The suspension was lifted, and then she was suspended again.
- 92.9 Ms Walker was expelled from the party on 27 March 2019, but has continued to attend Party events, including conference. The Party's inadequate response to her conduct has allowed high profile members of the Party to defend her, and continue to opine that the issue of antisemitism within the Party has been exaggerated for political means. Ken Loach and Noam Chomsky, high profile left-wing activists have publicly defended Walker. Chris Williamson MP shared a platform with Walker at a Momentum event in March 2018 and called it a "*privilege*". Ms Walker performs a one-woman show, *The Lynching*, describing her experience in the media spotlight.
- 92.10 The Home Affairs Committee concluded that "*this situation has been further exacerbated by the Party's demonstrable incompetence at dealing with members accused of antisemitism, as illustrated by the saga involving the suspension, re-admittance and re-suspension of Jackie Walker.*"²²⁷

(iv) Unreasonable delay

93. Complaints concerning antisemitism often take months or even years to be resolved by the Party, if they are resolved at all²²⁸. Meanwhile, accused members are often able to continue their antisemitic conduct.
94. Former staff within the GLU describe why and how cases take so long to process. One complaints officer records that it would take weeks for a complaint to even be read as two officers were working through an inbox containing up to 1000 emails, of which a third or half would concern antisemitism.²²⁹ Then the complaint would be sent to Thomas Gardiner, which would take a month or two, with perhaps 200 cases waiting in the queue.²³⁰ The former

²²⁵ Harpin, Lee (2018) 'Bombshell tape shows Jeremy Corbyn ally blamed 'Jewish Trump fanatics' for inventing Labour antisemitism' The JC, 30 July. Available at: <https://www.thejc.com/news/uk-news/bombshell-recording-proves-corbyn-ally-blamed-jewish-trump-fantatics-for-false-antisemitism-claim-1.467802> (Accessed on 9 November 2018).

²²⁶ Williams, Sophie (2018) 'Campaigners descend on Labour HQ as Peter Willsman makes first appearance since re-election for NEC crunch talks on anti-Semitism', *Evening Standard*, 4 September. Available at: <https://www.standard.co.uk/news/politics/campaigners-descend-on-labour-hq-as-nec-meets-for-crunch-talks-on-antisemitism-a3927396.html> (Accessed on 9 November 2018).

²²⁷ At paragraph 113.

²²⁸ Statement of ██████████ at paragraph 19. JLM SUB1 Appendix 4, Part A, statement of ██████████ ██████████ ██████████ and ██████████ JLM SUB1 Appendix 8 Statements by Anonymous 7 Party 1 and Party 2. See also examples of delayed handling of complaints in the statements of ██████████ ██████████ and ██████████ (amongst others); JLM SUB1 Appendix 8 Statement and Appendix 1 from Anonymous 10.

²²⁹ Statement of ██████████ at paragraph 19.

²³⁰ Statement of ██████████ at paragraph 19.

██████████ describes how she was forced to cancel an NEC panel as Mr Gardiner had failed to review enough cases in order to convene the panel²³¹. It could then take weeks for the accused to be informed of a suspension and months for a bundle of evidence to be compiled for the NEC.²³² Some cases referred to the NCC were not heard for over a year due to the infrequency of NCC meetings (one day every three months) and challenges progressing complaints to that stage.²³³

95. There are no credible official figures for how many cases are in the backlog at any one time. Staff explain that, when asked to report on this number, the Party excludes the large number of cases that are in its inbox or waiting for review by Mr Gardiner, which on the above figures, can be more than 700.²³⁴ Further, the Party took the decision not to log a dossier of more than 100 complaints submitted by JLM onto the system at all.²³⁵
96. In April 2018, the Party promised to settle the “vast majority” of outstanding cases of alleged antisemitism within the Party by the end of July 2018. However, in a meeting with the Jewish Leadership Council and the Board of Deputies, Mr Corbyn rejected suggested points of action including a fixed timetable to deal with such cases. The backlog of cases to be dealt with at that time included those of Ken Livingstone and Jackie Walker.²³⁶
97. By August 2018, reports suggested that the deadline of dealing with the majority of outstanding cases by the end of July had been missed. Instead, it was reported that up to 500 complaints of antisemitism by Party members remained unsolved, with only one person left in the Party’s compliance unit to look through the cases.²³⁷ Following these reports, John McDonnell stated that the Party would have “resolved all the issues” in relation to the complaints by September.²³⁸ The then ██████████ reveals that at that point, the Party in fact had a backlog of around 1000 complaints, and 600 of these stretched back to the leadership elections.²³⁹
98. In October 2018, it was reported that the Labour Party had again failed to meet its own deadline to deal with complaints.¹³⁰
99. As of October 2019, there are at least 136 cases concerning antisemitism that are outstanding before the NCC, because the paperwork has not been prepared for a hearing to be scheduled. These hearings are the end of the disciplinary process in the most serious cases. It is not known how many cases are waiting within the system behind this.
100. This delay in and of itself exacerbates the impact of antisemitism within the party. First, it contributes to the culture of impunity for perpetrators. Secondly, victims often have to face ongoing abuse, or else reach the point where they can no longer participate in Party activities. Thirdly, it compounds victim’s experience that the Party does not take antisemitism seriously and will not protect them. Finally, and significantly, it gives perpetrators time and a platform to seek publicity against the complaints made against them before a final determination by the Party, as recognised by the NEC Antisemitism Working Group.²⁴⁰ One member described the effect as follows:

²³¹ Statement of ██████████ at paragraph 46.

²³² Statement of ██████████ at paragraph 20.

²³³ Statement of ██████████ at paragraph 20.

²³⁴ Statement of ██████████ at paragraph 29.

²³⁵ Statement of ██████████ at paragraph 30.

²³⁶ Watson, Iain (2018) 'Labour vows to settle anti-Semitism complaints by July', *BBC News*, 25 April. Available at: <https://www.bbc.co.uk/news/uk-politics-43889678> (Accessed 9 November 2018).

²³⁷ Elliott, Francis (2018) 'Labour antisemitism inquiry "close to collapse"', *The Times*, 27 August 2018. Available at: <https://www.thetimes.co.uk/article/labour-antisemitism-inquiry-close-to-collapse-pgdd5hmbv> (Accessed on 9 November 2018).

²³⁸ Welch, Ben (2018) 'Labour misses September deadline to process antisemitism complaints', *The JC*, 9 October. Available at: <https://www.thejc.com/news/uk-news/labour-party-antisemitism-complaints-john-mcdonnell-september-deadline-1.470677> (Accessed on 9 November 2018).

²³⁹ Statement of ██████████ at paragraph 53.

²⁴⁰ “[R]espondents seek public attention to campaign against their suspension, which in turn creates wider problems both for themselves and other Labour Party members who campaign on their behalf” Recommendations of the NEC Antisemitism Working Group Labour Head Office, Southside 22 May 2018 at 12:00. Available at: https://www.scribd.com/document/380545517/Antisemitismworkinggroup-Copy#from_embed?campaign=SkimbitLtd&ad_group=23150X907170Xd9d1d46849f9d94c3a40457883d79c96&keyword=660149026&source=hp_affiliate&medium=affiliate (Accessed on 9 November 2018). See also how the delay of almost a year in deciding the case gave Mr Livingstone time and a platform to repeat his remarks and blame any offence caused on Jewish journalists and anti-Corbyn MPs: Cole, Harry (2017) Red Ken’s yellow card:

"The investigation was allowed to carry on for months, and my name was openly publicly used at Tottenham GC meetings, where the perpetrators were allowed to openly accuse me of slander, lies, smears etc and my reputation was allowed to be attacked."²⁴¹

The party has only recently acknowledged that GLU was previously understaffed as a result of public pressure from the Parliamentary Labour Party.²⁴² Whilst acting in her capacity as NEC vice-chair, prior to her appointment as General Secretary, Jennie Formby along with Andy Kerr blocked the appointment of 9 governance officers to be based in the regions. Their principal responsibility would have been the progression of disciplinary investigations.²⁴³

(v) Blanket impunity for certain kinds of antisemitism

101. A staff member at the GLU reports that certain cases were subject to informal blanket exceptions²⁴⁴. She gives the example of when the IHRA examples were finally adopted. Many members protested by making the statement "*Israel is a racist endeavour*" on social media, aware that this was a direct quotation from the examples, and therefore a breach of the Party rules. This was reported to the Party, but no action was taken in any case.

(vi) Inappropriate personnel

102. The evidence highlights a number of serious and continuing issues relating to the individuals tasked with adjudicating issues of antisemitism at a local and central level, including their independence and/or impartiality and/or understanding of antisemitism.

102.1 In June 2018, Mr Gordon Nardell QC was appointed as **General Counsel** to oversee disciplinary cases in the Labour Party. Mr Nardell suspended his Facebook profile shortly after his appointment, but archived screenshots of his Facebook profile expose close links between Mr Nardell and Party members accused of antisemitism, including Mr Nardell defending Mr Livingstone and repeating the conspiracy that the allegations of antisemitism against Mr Livingstone were political smears.²⁴⁵ Mr Nardell has recently been selected as a candidate at the 2019 General Election.

102.2 The evidence identifies inappropriate appointments to the **NCC**.²⁴⁶ Examples include Steven Marks, who is a member of JVL. Mr Marks has previously suggested that those raising complaints about antisemitism "*are the ones who should be suspended*". He also defended Jackie Walker after she described Jewish people as the "*chief financiers of the slave trade*". He compared calls for the strengthening of the disciplinary process to "*the Austro-Hungarian ultimatum to Serbia in 1914 was designed to provide a pretext for starting World War I*".²⁴⁷ The Party's former ██████████ says that "*the NEC have selected candidates in the full knowledge that allegations of antisemitism have been made against them*".²⁴⁸ Since being appointed to the NCC, Mr Marks has said that he may not use the IHRA definition when sittings on Antisemitism Panels.²⁴⁹

102.3 **Ken Livingstone's case** was adjudicated by an NCC panel including Russell Cartwright, a member of

outrage as Labour let Ken Livingstone off with suspension for sick comments about Hitler and Zionism, *The Sun*, 4 April. Available at: <https://www.thesun.co.uk/news/3254470/ken-livingstone-suspended-again-from-labour-party-for-his-controversial-comments-about-adolf-hitler-and-zionism/> (Accessed on 9 November 2018).

²⁴¹ JLMSUB1 Appendix 4 Part A, Statement of ██████████, paragraphs 2.1 to 2.15

²⁴² JLMG016001

²⁴³ JLMG027001

²⁴⁴ Statement of ██████████ at paragraph 22.

²⁴⁵ See pages 61-2 of JLMSUB1 for more detail.

²⁴⁶ Statement of ██████████ at paragraph 17.

²⁴⁷ Admin (2018) 'Momentum NNC candidate called for reinstatement of Jackie Walker', *The Red Roar*, 26 October. Available at:

<https://www.theredroar.com/2018/10/momentum-ncc-candidate-called-for-reinstatement-of-jackie-walker/> (Accessed on 9 November 2018); Admin

(2018) 'Far-left split over JVL candidate for Labour's disciplinary committee', *The Red Roar*, 12 October. Available at:

<https://www.theredroar.com/2018/10/far-left-split-over-jvl-candidate-for-labours-disciplinary-committee/> (Accessed on 9 November 2018).

²⁴⁸ Statement of ██████████

²⁴⁹ Statement of ██████████ at paragraph 35.

an organisation that had made public statements against expelling Mr Livingstone from the Party²⁵⁰. Transcripts of the disciplinary meeting showed the inherent bias in Mr Cartwright's approach²⁵¹. In particular, he put a series of questions to Mr Livingstone, concerning critical comments by journalists. Rather than asking Mr Livingstone about the substance of the criticism, he asked him about the political leanings of the author.

- 102.4 Inappropriate appointments of those adjudicating these complaints are a problem at all levels of the Party. A description is given of the handling of a complaint made by a JLM member and councillor in relation to antisemitic comments on the **Tottenham CLP** closed Facebook group.²⁵² Despite the investigating officers from the CLP's Executive Committee accepting that antisemitic material, including extracts from a Neo-Nazi website, had been posted on the CLP page, the complaint was dismissed. It later transpired that the investigating officers had posted comments on that same page saying that claims of antisemitism had been exaggerated in the Party as part of a wider conspiracy against Mr Corbyn.²⁵³

C. The steps taken by the Party to implement the recommendations made in the reports on antisemitism by Baroness Royall, the Home Affairs Select Committee and in the Chakrabarti Report

103. Annex A sets out the Party's response to each of the recommendations in these reports. These submissions summarise the recommendations made, the steps that the Party claims to have taken and the key recommendations that it has failed to address.

i) The recommendations made

The Royall Report

104. In 2016, the Oxford University Labour Club ("OULC") chair resigned, citing widespread antisemitism within the OULC. Baroness Royall was commissioned by the NEC to prepare a report on antisemitism within the OULC. As noted above, her report was not initially published by the NEC. It was leaked in August 2016, several months after its completion.
105. Its key recommendations for change included the following:
- 105.1 the Executives of Labour Clubs should examine the culture of their Club and ensure a safe space at meetings;
 - 105.2 there should be training on antisemitism with JLM for officers of all Labour Clubs;
 - 105.3 a clear line of reporting of incidents should be established, including directly to the Executive Director of Governance of the Labour Party;
 - 105.4 the Labour Party and NEC should provide leadership and training in equalities issues, including ensuring that post-holders throughout the Party have access to the necessary materials and guidance;
 - 105.5 the national complaints procedure should be properly resourced so that it can deal effectively with complaints of antisemitism;

²⁵⁰ Savage, Michael (2017) 'Pro-Palestine panel member swung Livingstone verdict', *The Times*, 6 April. Available at: <https://www.thetimes.co.uk/article/pro-palestine-panel-member-swung-livingstone-verdict-bz3vmgpm7>. (Accessed on 9 November 2018); Bush, Stephen (2018) 'Jewish leaders are right to worry that Labour's internal processes aren't fit for purpose', *NewStatesman*, 25 May. Available at: <https://www.newstatesman.com/politics/staggers/2018/05/jewish-leaders-are-right-worry-labour-s-internal-processes-aren-t-fit> (Accessed on 9 November 2018).

²⁵¹ Theo Underwood twitter account (25 May 2018) <https://twitter.com/theousherwood/status/999908290002763777> (Accessed on 9 November 2018).

²⁵² JLMSUB1 Appendix 4 Part A, Statement from [REDACTED], paragraphs 11 to 14

²⁵³ JLMSUB1 Appendix 4 Part A, Statement from [REDACTED]

- 105.6 any incident of antisemitism, even when not in Party membership, should be considered by Labour's disciplinary procedures in respect of current members; and
 - 105.7 there should be a standing report to each meeting of the NEC Equalities Committee, and the NEC Disputes Panel, of any complaints and the action taken.
106. The report also identified a series of issues to be considered by the Chakrabarti Inquiry, including:
- 106.1 whether the Labour Party should adopt the Macpherson Principle that an antisemitic incident that may require investigation is any incident that is perceived to be antisemitic by the victim or any other person;
 - 106.2 whether it would be useful for the Labour Party to adopt a definition of antisemitic discourse;
 - 106.3 whether Labour should consider adopting rule changes that will allow swifter action to deal with antisemitism. This could include empowering the NEC, through an appointed, authoritative and independent panel, to exclude members where there is credible evidence of antisemitism, with a right of appeal to the National Constitutional Committee (NCC). The panel must be able to both speak with authority on these issues and seek advice from experts in the field where necessary;
 - 106.4 whether the membership procedures be adjusted such that, should evidence of antisemitic behaviour be discovered within the first year of membership, it should be treated as though it were discovered during the eight-week probationary period;
 - 106.5 whether new procedures for the selection of local government and national candidates must include more rigorous vetting procedures, which are currently undertaken by volunteers; and
 - 106.6 on principles of how the Party conducts on-line debate in a way which is both welcoming and productive.

Chakrabarti Report

107. The month after the Royall Report was completed (but before it was leaked), the Shami Chakrabarti Inquiry Report was published. The Inquiry had been established in the context of intense pressure for the Party to address its antisemitism problem. Indeed, it was launched the day after Ken Livingstone's comments on the complicity between Hitler and Zionists, and his suspension from the Party.
108. Despite this context, the Inquiry addressed both antisemitism and "*other forms of racism*", in accordance with the leadership's oft repeated belief that antisemitism should not be treated as a special case.²⁵⁴ The terms of reference of the Chakarabati Inquiry did not include the specific matters recommended for consideration by Baroness Royall.
109. The Commission will be aware that the Chakrabarti Report attracted considerable criticism as a "*whitewash*", particularly when it emerged that Ms Chakrabarti had joined the Party on the day she was asked to lead the Inquiry, and shortly after its publication was nominated as a Labour peer, before becoming employed as the Shadow Attorney General on Mr Corbyn's team.²⁵⁵
110. The Report included guidance on "*acceptable discourse*", including accepting that the word "*Zio*" is a term of racial abuse and that the word "*Zionist*" is being used "*personally, abusively or as a euphemism for 'Jew'*". Further, it identified and condemned the use of some antisemitic stereotypes, including comparisons to Hitler and the Holocaust, and denial and minimisation of the Holocaust.
111. Its key recommendations for change included the following:
- 111.1 A General Counsel or other staff lawyer should be appointed to give initial advice, particularly on disciplinary matters and to instruct external lawyers as appropriate. Other expert staff (possibly legally or part legally qualified) should also be appointed, who are trained and equipped to work on matters of

²⁵⁴ Statement of ██████████ at paragraph 26.

²⁵⁵ Home Affairs Committee Report at paragraph 108.

discipline.

- 111.2 A panel of volunteer lawyers of standing should be appointed to assist in the determination of disciplinary charges.
 - 111.3 A clear, readily accessible complaints procedure should be adopted.
 - 111.4 Complainants should be identified and recorded in order to facilitate “*aftercare*” but also to identify what Ms Chakrabarti termed “*a politically motivated complaint*”.
 - 111.5 Subjects of complaints should be informed of the complaint and investigation at the outset.
 - 111.6 When a person is subject to an interim suspension pending investigation, the minimum number of people should be told about this in order to enforce the suspension. The individual should primarily be expected to “*lie low*” and “*self police*”.
 - 111.7 There should be no presumption of interim suspension. This issue should be subject to a proportionality test, applied by a sub-panel of the NCC.
 - 111.8 Ms Chakrabarti opposed the use of lifetime bans for members found guilty of serious racist acts.
 - 111.9 There should be an appeal mechanism or “*right of review*” under the new disciplinary rules.
 - 111.10 Directly contrary to Baroness Royall’s recommendation that there should be no statute of limitations on the bringing of disciplinary proceedings in respect of antisemitism, it proposed that there should be a limitation period of two years in respect of “*comradely conduct and language*.”
 - 111.11 Ms Chakrabarti went further to propose that there should be a moratorium on the institution of any disciplinary proceedings brought in respect of conduct arising before her report. This would have amounted to a largescale amnesty for antisemites.
 - 111.12 Again, directly contrary to Baroness Royall’s recommendation, Ms Chakrabarti rejected the idea that the Party required anti-racist training programmes, instead favouring “*more comprehensive activism and leadership education designed to equip members for the organisational, electoral and representative challenges ahead*.”
112. The Report welcomed the new Code of Conduct proposed by Mr Corbyn in May 2016 and did not propose any changes to it in respect of antisemitism.

House of Commons Home Affairs Committee report on antisemitism in the UK

113. Within months of the Chakrabarti Report, the Home Affairs Committee published its October 2016 report on antisemitism in the UK. This report included a section on the Labour Party.²⁵⁶ The Report noted that when Mr Corbyn gave evidence to the Home Affairs Committee, he was accompanied by Ms Chakrabarti, who passed him notes throughout the session.
114. The report recounted a series of cases in which members and representatives of the Party had been temporarily suspended for serious acts of antisemitism, but readmitted to the Party. Examples included Naz Shah MP’s suspension for antisemitic Facebook posts in 2014, which included statements that everything Hitler did in Germany was legal and calling for readers to participate in a poll on Israel to counter “*the Jews... rallying to the poll*.” It further included a summary of Ken Livingstone’s case, and reference to a member named Vicki Kirby who had tweeted that Jews had “*big noses*” and that Hitler might be the “*Zionist God*.” The Report referred to marches attended by leading politicians, including Mr Corbyn, where individuals held placards reading “*Hitler was right*”.
115. The Home Affairs Committee explored the limitations of the Chakrabarti Report, commenting that it “*is ultimately*

²⁵⁶ See pp.139-146.

compromised by its failure to deliver a comprehensive set of recommendations, to provide a definition of antisemitism, or to suggest effective ways of dealing with antisemitism."²⁵⁷ It recounted how Jewish communities had criticised the report, in particular the proposal of a moratorium on historic investigations. The Committee recorded that Ms Chakrabarti had been insufficiently open about when she was offered the peerage. It expressed its disappointment that neither Ms Chakrabarti nor Mr Corbyn foresaw the damaging impression that would be created by the timing of her elevation to the House of Lords.

116. The Committee made the following recommendations:
- 116.1 Transparency in disciplinary proceedings should be increased. Specifically, a public statement should be published alongside every expulsion or reinstatement after any investigation into suspected antisemitism.
 - 116.2 The Party should reject Ms Chakrabarti's recommendation of a statute of limitations on antisemitic behaviour.
 - 116.3 The Party should ensure that its training on racism and inclusivity features substantial sections on antisemitism, formulated in consultation with Jewish community representatives, and must acknowledge the unique nature of antisemitism.
 - 116.4 The disciplinary process must acknowledge that an individual's demonstrated opposition to other forms of racism does not negate the possibility that they hold antisemitic beliefs, nor does it neutralise any expression of these beliefs.

ii) The steps that the Party has taken to implement previous recommendations

117. In June 2019, Jennie Formby set out in correspondence to JLM the steps that she says that the Party has taken to improve its processes:

"1. Appointing an in-house legal counsel, as recommended in the Chakrabarti Report, to ensure that our cases are legally robust, so that decisions are not later overturned in the courts.

2. The NEC has adopted all of the IHRA examples, in addition to the IHRA definition of antisemitism which the Party adopted in 2016.

3. All antisemitism cases are now heard by small NEC antisemitism panels, advised by independent specialist lawyers, enabling us to review cases much more quickly. Warnings can only be given by these panels and not by staff as was previously the case.

4. We have more than doubled the National Constitutional Committee from 11 to 25 members to increase the speed with which they hear cases. The NCC is the only body within our disciplinary processes which has the power to expel members. It is a quasi-judicial autonomous body, which is independent of the Party and the Leadership.

5. We have more than doubled the size of the staff team who work on complaints and disciplinary matters, enabling us to process cases much more quickly.

6. We have implemented a comprehensive central complaints system to ensure that all cases of antisemitism are effectively logged and dealt with consistently.

7. In line with the MacPherson principles, all complaints of antisemitism are recorded as that, irrespective of the evidence provided at the time of complaint and are investigated accordingly.

8. A rule change agreed at conference in 2018 means that all serious complaints, including all complaints of sexual harassment and antisemitism, are dealt with nationally to ensure case consistency.

²⁵⁷ At paragraph 118.

9. No one outside the Governance and Legal Unit is involved in decision-making on any investigation, including on antisemitism, and there is strict scrutiny at all levels to ensure decisions are taken based on the full facts and merits of each case.

10. The NEC established a Procedures Working Group to lead reforms to the way in which disciplinary cases are handled.

11. The NEC procedures working group provided clarity on the different types of sanctions to guide those involved in the disciplinary processes. Should individuals who have received warnings commit further breaches of rules, they are highly likely to be referred to NCC for action.

12. It has been agreed that education or training must not be used as a sanction. Education should only be offered when there has been a suitable acknowledgement and apology from the member and where they agree it would be beneficial to them.”

118. This appears to be the most comprehensive list of the changes made by the Party in response to these reports. Closer analysis of Ms Formby's claims gives rise to grave concerns about the Party's progress:

118.1 Although the Party has appointed a General Counsel, the lawyer in question had close links with Party members accused of antisemitism and had publicly advanced the conspiracy that the allegations of antisemitism against Mr Livingstone were political smears.²⁵⁸

118.2 Although the NEC has eventually adopted the full IHRA definition of antisemitism, it only did so after a bitter and protracted public debate, followed by two years of denying that it had done so. Even now, the IHRA definition sits uncomfortably alongside the Party's Code of Conduct on Antisemitism, with some decision makers refusing to apply it.²⁵⁹

118.3 Ms Formby celebrates that antisemitism cases are now heard by small NEC antisemitism panels, purportedly advised by independent specialist lawyers. As explained above, these panels are highly politicised, receive no training on the definition of antisemitism, are not legally advised and often have no experience of handling complaints.²⁶⁰

118.4 Despite increasing the numbers on the NCC committee, it is understood that the Party still faces a significant backlog of cases.²⁶¹ Further, the removal of most cases from the remit of the NCC means that the additional NCC members will not have the opportunity to address the backlog.

118.5 Equally, increasing the number of staff has not prevented this backlog from enduring.

118.6 The suggestion that complaints of antisemitism are “*effectively logged and dealt with consistency*” is clearly misleading, given the concerns raised above regarding interference into the process and failure to log complaints from the JLM dossier.

118.7 Whilst it appears to be true that all complaints of antisemitism are recorded as that, accordingly unfortunately, this does not seem to have improved the quality of the subsequent investigations.

118.8 A rule change agreed at conference in 2018 means that all serious complaints, including all complaints of sexual harassment and antisemitism, are all dealt with nationally to ensure case consistency. However, the failure to progress antisemitism cases through the disciplinary process leaves serious concerns regarding the motivation to centralise that process, as local parties are in effect no longer able to handle cases themselves where they feel it is necessary. Antisemitism cases can now only be progressed through the flawed national process.

118.9 In light of the evidence, the Commission is invited to reject robustly Ms Formby's claim that no one outside the GLU is involved in decision-making on any investigation.

²⁵⁸ See pages 61-2 of JLM's first written submission for more detail.

²⁵⁹ See paragraph 58 above.

²⁶⁰ See paragraph 67 above.

²⁶¹ JLMG016001

- 118.10 The feted NEC Procedures Working Group has not led to positive reform.
- 118.11 On the contrary, the PWG has introduced a new sanction, “reminder of values”, which is even more toothless than a reminder of conduct. It also changed the status of Formal Warnings, which can now only be kept on file for a year, rather than being an indefinite reference point. Accordingly, it is bizarre for Ms Formby to claim that those who have received warnings are now likely to be referred to the NCC. This outcome has been made even less likely by the reduction in time that warnings remain on the file.
- 118.12 The assertion that *“it has been agreed that education or training must not be used as a sanction”* is simply untrue. In at least two NCC cases in late 2018, training was offered to respondents as an alternative to a sanction.²⁶² Training has been included in the range of sanctions to be considered by the NEC in the rule change passed at conference in 2019.

iii) The key recommendations that the Party has failed to address

- 119. It is submitted that, in fact, the Party has failed to address a large number of recommendations from the reports. The extent of the Party's implementation of the reports is set out at Annex A. The Commission is invited to note in particular the failure to implement the following important recommendations:
 - 119.1 The Royall Report recommended that the national complaints procedure should be properly resourced. The ongoing backlog of cases demonstrates that this recommendation has not been implemented.
 - 119.2 The Chakrabarti Report recommended that the power of interim suspension be vested in the NCC. Rather than move key elements disciplinary function over to the NCC, the 2019 changes have actually transferred further NCC powers over to the NEC
 - 119.3 The Home Affairs Committee Report recommended that the Labour Party should publish a clear public statement alongside every reinstatement or expulsion of a member after any investigation into suspected antisemitism. No steps have been taken to implement this recommendation and indeed, transparency concerning outcomes has reduced, as set out above.
 - 119.4 The Home Affairs Committee Report recommended that the Labour Party should ensure that their training on racism and inclusivity features substantial sections on antisemitism. This must be formulated with Jewish community representatives and must acknowledge the unique nature of antisemitism. To the extent that the Party has introduced any training on antisemitism, it has deliberately excluded JLM from discussions concerning its formulation.
 - 119.5 The Home Affairs Select Committee Report recommended that the Labour Party's disciplinary process must acknowledge the fact that an individual's demonstrated opposition to other forms of racism does not negate the possibility that they hold antisemitic beliefs; nor does it neutralise any expression of these beliefs. This recommendation is not implemented, and individuals accused of antisemitism continue to refer to their history of opposition to other forms of racism. This defence has been used widely in prominent cases, including Marc Wadsworth, Jackie Walker, Chris Williamson and Ken Livingstone. Additionally, the Party has repeatedly used this defence in response to concerns regarding Jeremy Corbyn. The chair of the Disputes Panel, Claudia Webbe, also used this argument to defend her record on dealing with antisemitism cases.²⁶³
 - 119.6 The Home Affairs Select Committee Report recommended that political leaders should make themselves responsible for taking swift investigatory or disciplinary action when a Party member is identified by

²⁶² [REDACTED], (16/10/18) where despite the fact that the respondent did not engage in the investigation, much less show remorse, the NCC ruled a suspension continued for 1 year unless [REDACTED] underwent training after which the suspension would be lifted, and 5/10/18 the NCC ruled on the same sanction for [REDACTED]. See JLMG016006 or JLMG016004. See also the statement of [REDACTED] at paragraph 17.

²⁶³ <https://twitter.com/ClaudiaWebbe/status/1194918151428939777>

Twitter as being a perpetrator of abuse. Instead, online antisemitic abuse continues largely unchecked.

D. Whether unlawful acts have been committed by the Party and/or its employees and/or its agents

120. The Terms of Reference require the Commission to consider whether, as a consequence of the above conduct, the Party and/or its employees and/or its agents can be considered culpable for unlawful acts. It is submitted that there are four ways in which the Party should be found to be culpable for this conduct under the Equality Act 2010:
- 120.1 Liability for the acts of employees and agents;
 - 120.2 Liability for the failure to act to protect Jews from antisemitic acts;
 - 120.3 Liability for inducing, causing or aiding antisemitic acts; and
 - 120.4 Victimisation of those calling out antisemitism.
121. It is well-established that Judaism constitutes both a religion and a race in law²⁶⁴. The Party benefits from some exemptions to its duties under the Equality Act 2010 in respect of religious discrimination. However, it owes the full range of duties in respect of its treatment of Jewish people as a race. While the Party, as an association, cannot be held liable for harassment relating to the *religion* of Judaism, they may still be liable for harassment relating to the *race* of Judaism (as set out in section 103(2) of the EA2010). However, the Party's Agents might be held liable for harassment relating to Judaism in its dual status as both a race and religion contrary to section 110 of the EA 2010.

i. Liability for the acts of employees and agents

122. These submissions include substantial evidence of antisemitic actions not only by members, but also by employees and agents of the Party. There should be little doubt that these acts meet the threshold for harassment related to Jewish members' race (or religion). In the alternative, they amount to direct discrimination because of their race (or religion).
123. The Party is liable as an Association for the acts of its employees and agents pursuant to s.101 and s.109 EA 2010. It could only avoid this liability if the Commission found that it had exercised all reasonable steps to prevent its employees and agents from committing these acts or acts like them (s.109(4) EA 2010). Plainly, the Party could not successfully deploy this defence on the facts.
124. It is submitted that the Party is guilty of direct discrimination or harassment, by virtue of the acts of the following:
- 124.1 **Elected representatives:** Selected candidates are agents of the Party, whether or not they have been successfully elected to a public office²⁶⁵. This includes MPs and candidates for Parliament, such as Jeremy Corbyn MP and Chris Williamson MP. It also includes councillors and candidates to become councillors, such as Alan Bull, Cllr Jo Bird and Cllr Nisar Malik²⁶⁶.
 - 124.2 **Elected and appointed Party officials:** On the same basis, elected and appointed party officials act as agents of the Party, whether they act at a national level or a local level. This includes members of the NEC and NCC. It also includes those elected or appointed to other Party committees or, whether at a local or national level, such as the Executive Committees of CLPs and BLPs.
 - 124.3 **Anyone organising or chairing meetings or events on behalf of the Party:** Equally, where the Party

²⁶⁴ *Seide v Gillette Industries Ltd* (1980) IRLR 427 and *R (on the application of E) v Governing Body of JFS and another* 2009 UKSC 15.

²⁶⁵ In order for an individual to be an agent for the purposes of equality law, they need only have authority from the principal to conduct their activities in a lawful manner on behalf of the principal: *Lana v Positive Action Training Housing (London)* [2001] IRLR 501, per Silber J. In an analogous example, individuals who had been on the management board of a not-for-profit organisation were considered to be its agents when they discriminated against an employee in the course of managing the centre: *Bungay v Saini UKEAT/0331/10*, [2011] EqLR 1130.

²⁶⁶ Egregious cases 1 (JLMG029001).

delegates its authority to individuals to organise or chair events or meetings on its behalf, these individuals act as the Party's agents.

124.4 **Anyone acting as an administrator to an online forum on behalf of the Party:** In the same way, where the Party delegates its authority to individuals to manage online forums on its behalf, these individuals also act as the Party's agents.

124.5 **Employees:** The Party is plainly vicariously liable for the acts of Party employees, such as Thomas Gardiner, Jennie Formby and Seumas Milne (pursuant to s.109(1) EA 2010).

125. The acts of the above for which the Party may be held responsible include:

125.1 **Their directly antisemitic conduct while in office.** This includes verbal or online antisemitic comments or abuse, excluding Jews from meetings or events because of their race (or religion) and tabling antisemitic motions. This amounts to less favourable treatment or harassment.

125.2 **Any denial or defence of antisemitic conduct** whether committed by others or by themselves, whenever it was committed. On the evidence, it is clear that denial and defence of antisemitic acts has created a hostile environment for Jewish members, amounting to an act of harassment related to their race (or religion).

125.3 **Any attempt to obstruct or prevent effective handling of complaints** of antisemitism amounts to less favourable treatment of the Jews who suffered the act (or acts) of antisemitism subject to the complaint. It is submitted that had they complained of discrimination related to a different protected characteristic, they would not have been subject to these attempts at obstruction.

ii. Liability for the failure to act to protect Jews from antisemitic treatment

126. The Party may be liable for failures to act to protect Jewish people from antisemitic treatment both on its own account, and by vicarious liability for the groups identified at paragraph 124 above.

127. These failures to Act include:

127.1 **Failure to stop antisemitism at meetings and forums by members of the Party where this is within their control.** This would include failures by officials and representatives to insist that members leave meetings or forums if they attempt antisemitic conduct. It would also include failure of administrators of online platforms to delete antisemitic content. It would further include permitting members to table and vote on antisemitic motions on meetings. It would include refusal by officials and representatives to acknowledge the existence of antisemitism within the Party. This failure to act is less favourable treatment of Jewish people compared to hypothetical comparators suffering abuse related to their protected characteristic.

127.2 **Failure to call out or condemn antisemitism by members of the Party, even where it is not within their control to stop it.** This would include failures by officials and representatives to ask members to cease antisemitic conduct at meetings or in online forums. It also includes refusal by officials and representatives to acknowledge the existence of antisemitism within the Party. This failure to act is less favourable treatment of Jewish people compared to hypothetical comparators suffering abuse related to their protected characteristic. In the alternative, it is clear from the evidence that failure to call out or condemn the less favourable treatment and/or harassment Jewish members– in and of itself - creates a hostile environment related to their race (or religion), amounting to harassment. This is not an assertion of third party liability for harassment by others²⁶⁷, but liability for their silence, which is unwanted conduct

²⁶⁷ It is accepted that there is no third party liability for harassment under the EA 2010, as amended.

creating a hostile environment for Jewish members.

- 127.3 **Failure to establish or operate complaints and disciplinary processes concerning antisemitism with reasonable efficacy:** The failure of the Party to ensure that these processes are conducted in a timely manner, leading to reasonable sanctions for perpetrators is in itself less favourable treatment of Jewish people compared to hypothetical comparators suffering abuse related to their protected characteristic²⁶⁸. In the alternative, it is clear from the evidence that failure to handle complaints of antisemitism properly has – in and of itself - created a hostile environment related to their race (or religion), amounting to harassment. Again, this is not by way of third party liability, but liability for the hostile environment resulting directly from the mishandling of complaints.
- 127.4 **Failure to ensure that perpetrators of antisemitism are prevented from committing further acts of antisemitism against members:** The Party has unlawfully failed to protect Jewish members due both to the failure to suspend and expel members guilty of antisemitism and inadequate vetting processes that continue to place those guilty of antisemitism in positions of power within the Party. Again, these failures constitute less favourable treatment of Jewish people compared to hypothetical comparators suffering abuse related to their protected characteristic. Further, the very act of letting these individuals continue to participate in Party activities and even appointing them to positions of power, such as John Hilary, creates a hostile environment related to their race (or religion), amounting to harassment. As above, this is not by way of third party liability, but liability for the hostile environment resulting from the act of choosing to offer antisemites impunity and power.

iii. Liability for inducing, causing or aiding antisemitic acts

128. These acts and failures to act are not only unlawful in and of themselves, but they have the effect of inducing, causing or aiding other antisemitic acts, contrary to s.111 EA 2010, in at least the following ways:
- 128.1 **Appointing and electing known antisemites to positions of power** within the Party (whether as its agents or employees) aids them in committing further antisemitic acts. One straightforward example is the appointment of defenders of antisemitism to NEC and NCC committees who then go on to obstruct disciplinary processes concerning antisemitism. However, appointments of antisemites to any Party position offers them legitimacy and a platform to engage in conduct that will further harass Jewish people because of their race (or religion).
- 128.2 **Failure to ensure that perpetrators of antisemitism are prevented from committing further acts of antisemitism against members** obviously aids them to commit further antisemitic acts.
- 128.3 **Defending and denying antisemitism** induces and causes members to commit antisemitic acts by indicating that those views are acceptable or welcome.

iv. Victimisation of those calling out antisemitism

129. The evidence is overwhelming that the Party has subjected those calling out antisemitism to victimisation.
130. Members have committed protected acts by raising formal and informal complaints or otherwise accusing the Party of being responsible for any of the unlawful acts identified above.
131. These members have been subjected to detriments as a result of their protected acts. Liability is established via multiple alternative or cumulative routes:
- 131.1 The Party is directly responsible for **disciplinary action** taken against those calling out antisemitism.
- 131.2 The Party is vicariously liable for the acts of its agents and employees retaliating against those who call

²⁶⁸ It is well established that an Association's failure to deal adequately with complaints of discrimination amounts to discrimination, where the reason for the failure is the same protected characteristic. See, *Unite the Union v Nailard* 2018 EWCA Civ 1203. *Sivagurunathan v Tamils Forum UK Ltd (also known as British Tamils Forum)* [2018] 12 WLUK 653.

out antisemitism by **excluding them from meetings, email lists, subjecting them to verbal or online abuse, or tabling motions and trigger ballots against them.**

- 131.3 The Party is vicariously liable for the acts of its agents and employees subjecting the members to detriments by **“gaslighting”** them, by denying their experience or the existence of a problem.
- 131.4 The Party is vicariously liable for the acts of its agents and employees subjecting the members to detriments by **discrediting** them, but accusing them of a malign campaign to smear and bring down the leadership.
- 131.5 The Party is vicariously liable for the acts of its agents and employees subjecting the members to detriments by **deploying antisemitic tropes in the course of discrediting** them, such as accusing them of being controlled by Israel, being right-wing or controlling the media.
- 131.6 The Party is vicariously liable for the acts of its agents and employees subjecting the members to detriments by **verbal and online abuse.**
- 131.7 The Party is liable for **inducing, causing or aiding** the victimisation of members by members. This includes verbal and online abuse and ostracising them at events, as well as gaslighting and attempts to discredit them, whether or not by deploying antisemitic tropes. They have induced, caused or aided these acts by the same mechanisms set out at paragraph 128 above.

(4) An update on recent events

132. The function of these submissions is not to introduce new material to the investigation. The Commission already has a large amount of evidence to consider. However, given its past and present public statements, it seems likely that the Party will attempt to persuade the Commission that it has already addressed any antisemitism within its ranks. Lest the Commission should entertain such an argument, these submissions will provide a brief update on recent relevant events. These events lay bare the Party’s abject failure to resolve its problem with antisemitism.

A. Ongoing antisemitic behaviour by members and representatives of the Party

133. On 12 March 2019, a Party meeting for Liverpool Wavertree to discuss Luciana Berger’s successor was chaired by Alex Scott-Samuel, the academic who promoted Rothschild conspiracy theories on a show broadcast by David Icke.²⁶⁹ The Party has previously pledged to investigate Alex Scott-Samuel, but he has never been sanctioned.
134. On 18 March 2019, Elleanne Green, JVL member and close friend of Jeremy Corbyn shared a post blaming *“scriptwriters in Tel Aviv”* for the Christchurch massacre, islamophobia and wars.²⁷⁰
135. At the 2019 Party Conference, leaflets were circulated that drew classically antisemitic links and analogies between Israel and Nazism²⁷¹.
136. A number of other examples of antisemitic behaviour are apparent among the prospective Parliamentary candidates for the Party.²⁷²

B. Ongoing problems with the complaints and disciplinary processes

137. On 4 February 2019, Jennie Formby claimed that all outstanding antisemitism cases have been cleared, and no

²⁶⁹ <https://www.thejc.com/news/uk-news/anger-as-labour-meeting-chaired-by-professor-who-faced-no-sanction-over-david-icke-show-appearance-1.481350>. JLMC019001 and JLMC015004

²⁷⁰ https://twitter.com/JVL_Watch/status/1107638741961707520

²⁷¹ Statement of [REDACTED] at Paragraph 27

²⁷² JLMG023001

one outside the GLU can be involved in decision-making on any investigation.²⁷³ Sadly, this statement was and remains wholly untrue.

138. Only weeks later, Tom Watson revealed that he had forwarded 50 relevant complaints to Mr Corbyn, which had all been raised by him or other Labour MPs over the last several months.²⁷⁴ However, no action had been reported back to those who raised the complaints. The complaints included Labour members sending tweets linking Hitler and the Rothschilds, accusing Jews of murdering children and questioning whether Jewish MPs and councillors had “*human blood*”.
139. As noted above, decision-makers still have before them the IHRA definition and examples, alongside the watered down Party Code of Conduct on Antisemitism.
140. These subsisting flaws in the system have resulted in more cases without proper redress:
 - 140.1 On 5 March 2019, video footage emerged of Jo Bird adapting the famous “*First they come for*” Holocaust poem to include the line “*They came for the anti-Zionists*”, and joking about “*Jew process*” at a meeting of Labour supporters backing Marc Wadsworth. In response to enormous backlash, she was briefly suspended. The suspension was lifted less than two weeks later.
 - 140.2 On 13 March 2019, Mike Amesbury MP, Shadow Minister for Employment had to apologise for sharing what he described as an “*antisemitic caricature*” on Facebook in 2013. No other action has been taken against him.
 - 140.3 On 26 June 2019, the NEC finally concluded that Chris Williamson had broken the Party’s rules, but still readmitted him with only a formal warning. In the face of outrage, on 19 July 2019, the NEC referred the case to the NCC. In October 2019, the High Court declared this decision unlawful: having taken a final decision, the NEC could not then reopen the case and refer it to the NCC.²⁷⁵ On 3 September 2019, the Party launched a second investigation against Mr Williamson concerning new allegations. After years of complaints against Mr Williamson’s antisemitic conduct, he remained an active MP until the 2019 general election, when the NEC finally declined to endorse him as a candidate.

C. Ongoing victimisation of those calling out antisemitism

141. Talk of witch hunts and smear campaigns continues unabated within the Party, featuring prominently at the 2019 Party Conference:
 - 141.1 During Conference, a JVL speaker was given a standing ovation when she said that she was “*one of thousands of Jews in the Labour party who have never experienced any antisemitism*”.²⁷⁶
 - 141.2 In the communal space, immediately outside the conference venue stood a banner showing a cartoon of Benjamin Netanyahu dropping missiles labelled “*defamation*” on Jeremy Corbyn, flying a plane with wings emblazoned with a Star of David.²⁷⁷
 - 141.3 Leaflets were circulated among attendees asserting that allegations of antisemitism were “*fake*”, and depicting a laser destroying JLM.²⁷⁸
 - 141.4 A “*Labour Against the Witchhunt*” fringe event was held, attended by Ken Livingstone, Jackie Walker and Chris Williamson. At that event, speakers referred to the IHRA definition of antisemitism as “*bogus*” and said antisemitism allegations were conspiracy against Jeremy Corbyn.

²⁷³ <https://labourlist.org/2019/02/eliminate-the-evil-of-antisemitism-from-our-movement-that-is-my-mission-says-jennie-formby/>, accessed on 26 October 2019

²⁷⁴ <https://www.theguardian.com/politics/2019/feb/25/tom-watson-says-he-will-monitor-labour-antisemitism-cases>

²⁷⁵ *Williamson v Formby* [2019] EWHC 2639 (QB)

²⁷⁶ Statement of [REDACTED] at paragraph 23.

²⁷⁷ Statement of [REDACTED] at paragraph 26.

²⁷⁸ Statement of [REDACTED] at paragraph 28.

- 141.5 Another fringe event launched the book *“Bad News for Labour”*, which claims that antisemitism allegations are exaggerated.
142. 2019 has also seen the rise of trigger ballots as a mechanism for victimising those who call out antisemitism. Subjects of trigger ballots have included Margaret Hodge and Diana Johnson. Both have been vocal critics of the Party’s handling of antisemitism. In Ms Johnson’s case, this is the only point on which she has been particularly critical of the Corbyn administration.²⁷⁹
143. In October 2019, a BLP in Liverpool Riverside constituency – the constituency of the Jewish, longstanding MP Louise Ellman proposed a motion calling for her resignation, on the basis that she had said that she *“understands why Jews would seriously consider leaving Britain if Corbyn became PM.”* They chose to schedule this vote on Kol Nidre, the most sacred night of the Jewish calendar. Shortly afterwards, Ms Ellman resigned, citing Party’s failure to deal with antisemitism.

D. Defections and resignations from the Party due to its handling of antisemitism

144. Many of the witnesses giving evidence to this investigation have described how they left the Party as a result of its failure to deal with antisemitism. The Commission has before it a table setting out a sample of just under sixty public resignations from the Party as a result of this issue.²⁸⁰
145. In October 2019, the resignation of Louise Ellman added to this list. In her resignation, she said:
“Under Jeremy Corbyn’s leadership, antisemitism has become mainstream in the Labour party. Jewish members have been bullied, abused and driven out. Antisemites have felt comfortable and vile conspiracy theories have been propagated.”

(5) Recommendations proposed by JLM

A. Leadership & Governance

146. The Party will not begin to tackle its antisemitism problem without consistent, clear leadership on this issue. This requires representatives of the Party at the highest level to acknowledge the scale and nature of the problem and to explain the standards expected of Party Members. The Commission is invited to issue the following requirements or recommendations:
- 146.1 That the Party makes a public statement:
- (a) Acknowledging the scale and extent of the issue of antisemitism in the Party;
 - (b) Apologising for promoting a pervasive culture of denialism and obfuscation and diminishing the experience of those who have suffered as a result; and
 - (c) Making a commitment to address immediately, comprehensively and without reservation the issue of antisemitism and work to return the Party to being a safe place for members of the Jewish community.
- 146.2 That the Commission should make clear that the Nolan Principles, the seven principles of public life, apply to the Labour Party, its political and lay leadership roles including the NEC, NCC and Party Leadership.
- 146.3 Accountability for disciplinary processes should be clearly set out. The current dispersal of accountability through complex structures including the NEC, NCC, staff and the leadership enables individuals to

²⁷⁹ <https://www.newstatesman.com/politics/elections/2019/09/diana-johnsons-trigger-ballot-will-unnerve-labour-mps>

²⁸⁰ JLMG028001

absolve themselves of responsibility.

- (a) This could be exercised in any number of ways, including an individual, or panel of individuals, appointed by the Party leadership, that holds responsibility for disciplinary matters. Affiliated bodies, such as the JLM, who have understandable interests in ensuring equalities are adequately protected should be engaged formally in this appointment process.

146.4 All political parties attract individuals who seek to achieve political change. It is therefore imperative that the leadership of the Party clearly sets out the Party's political objectives. The Party's leadership must also demonstrate their understanding that they are responsible for setting the culture, and fostering an environment, in the Party that is implacably opposed to discrimination.

B. Disciplinary policies and their implementation

147. The Party's procedures have proven themselves to be ineffective and open to abuse. The Commission is invited to issue the following recommendations in its unlawful act notice (EA 2006 s.21(4):

147.1 The Code of Conduct on Antisemitism should be withdrawn, and the IHRA definition and examples should be applied in all cases.

147.2 As with the Sexual Harassment disputes process, all cases involving antisemitism are to be dealt with by individuals involved with the disciplinary process, who have all been appropriately trained in antisemitism awareness.

147.3 The Party should introduce a new charge for prejudicing the disciplinary process, such as divulging the details of cases to the media and giving interviews, and lobbying the NEC or NCC members.

147.4 A scheme of clear tariffs should be introduced to be applied consistently by all decision-makers in these cases.

147.5 The Party should properly conclude all cases within three months.

147.6 No statute of limitations should be applied to disciplinary cases, particularly as individual Party members go on to seek elected office with endorsement from political parties.

147.7 The Party should publish quarterly statistics concerning complaints regarding antisemitism at all stages of the disciplinary process, including:

- (a) Number of complaints received
- (b) Number of complaints rejected
- (c) Number of complaints passed to NEC Disputes Panel (stage one)
- (d) Number of complaints investigated
- (e) Number of complaints reported to the NEC Disputes Panel (stage two)
- (f) Number of complaints referred to the NCC

(g) Number of complaints upheld by the NCC

147.8 All staff and representatives involved in handling complaints and disciplinary cases concerning antisemitism should receive mandatory training on antisemitism, including on how to apply the full IHRA definition and examples.

147.9 In cases where there is clear documentary evidence, disciplinary cases should be dealt with in summary in order to avoid long and protracted disciplinary cases. These powers should be exercised by appropriately trained and suitably independent individuals, with clear reporting and accountability

structures in place.

- 147.10 The current arduous quasi-court like structure in handling disciplinary cases is no longer fit for purpose. A swifter process for all disciplinary cases that is proportionate to the rights of members should be designed that is not subject to such lengthy conclusions (membership of a political party is not a human right. Labour get to define who gets to be in or out).

C. Education and training

148. The Party's problem with antisemitism is underpinned by a lack of understanding about what antisemitism is, why it matters and how to avoid it. The Commission is invited to issue the following requirements or recommendations:
- 148.1 All staff and representatives (including NEC and NCC members) involved in handling complaints and disciplinary cases concerning antisemitism should receive mandatory training on antisemitism, delivered by Jewish communal organisations, including on how to apply the full IHRA definition and examples.
- 148.2 Training for lay Party leaders, such as CLP executive committees, in effective governance of local parties including, but not limited to, identifying and challenging discriminatory behaviour.
- 148.3 The Labour Party's whistle blowing policy should be reviewed and clearly publicised to all staff.
- 148.4 Welfare and safeguarding policy relating to staff members involved within the disciplinary process should be urgently reviewed.

(3) Conclusion

149. Twenty years ago, the MacPherson report defined "*institutional racism*" as follows:
- "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.
- It persists because of the failure of the organisation openly and adequately to recognise and address its existence and causes by policy, example and leadership. Without recognition and action to eliminate such racism it can prevail as part of the ethos or culture of the organisation. It is a corrosive disease."²⁸¹
150. There can be little doubt that the Party is now suffering from this corrosive disease. The Commission is invited to say so, in terms. The Party is failing to provide an appropriate mechanism through which Jewish people may participate safely and equally in political life. Its processes, and the attitudes and behaviour of its leadership, agents and employees demonstrate unwitting prejudice, ignorance, thoughtlessness and racist stereotyping. Jewish members are disadvantaged by the hostile environment that this creates and by their consequent inability to participate comfortably. It persists because of the failure of the Party to openly and adequately recognise and address its existence by policy, example and leadership. JLM calls upon the Commission to act to ensure recognition and action, in order to eliminate this corrosive disease.
151. JLM has presented its evidence to the Commission with both sadness and hope. JLM hopes that the Commission will recognise the overwhelming evidence that antisemitic behaviour is rife within the Party, and that the Party is itself responsible for committing, permitting and encouraging antisemitic acts. The Party's structures, processes, agents and employees have all contributed to creating an environment that is profoundly hostile to Jewish members and an organisation that is now institutionally antisemitic. JLM hopes that, having recognised this, the Commission will intervene in a way that will require the Party to make practical and lasting changes. Ultimately, JLM hopes that, following such changes, the Party will return to being a safe and welcoming political home for Jewish people on the

²⁸¹ MacPherson Report at paragraph 6.34,
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf

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ANNEX A

TABLE OF RECOMMENDATIONS FROM THE REPORTS PUBLISHED BY BARONESS ROYALL, SHAMI CHAKRABARTI AND THE HOME AFFAIRS COMMITTEE

Recommendation	Steps taken to implement the Recommendation	Elements of the Recommendation not implemented
BARONESS ROYALL REPORT (17 May 2016)		
1. OULC should consider procedures that allow for greater continuity of leadership than is provided by electing new leadership each term.	Unknown	
2. The Executive of the OULC and other Labour Clubs should examine the culture of their Club and take action to ensure all those who wish to participate in meetings feel that there is a safe space to discuss and debate without discrimination.	Unknown	
3. Training should be organised by Labour Students with the JLM for officers of all Labour Clubs in dealing with antisemitism.	JLM were commissioned to deliver training. This was rolled out to clubs, societies and CLPs throughout 2016 and 2017	Only after 2018 was this training put into question by the new General Secretary, Jennie Formby.
4. The Executive of OULC and all Labour Clubs should have a clear line of reporting for incidents of discrimination and other forms of racism, discrimination and harassment. This should include the ability of individual students to report incidents directly to the Executive Director of Governance of the Labour Party.	Unknown	
5. Where documented evidence of incidents which are alleged to show anti-Semitic behaviour has been presented in respect of OULC members who are members of the Labour Party, I will be recommending to the General Secretary that these allegations are investigated in line with normal procedures.	Unknown	

6.	There should be no requirement for the Labour Party to determine its own investigation into antisemitic behaviour on the outcome of any criminal investigation or other third party inquiry.	Unknown	
7.	The Labour Party and the NEC should provide the leadership and training in equalities issues including antisemitism and ensure that post-holders through the Party have access to materials and guidance which will help them identify and deal appropriately with any incidents.	Not implemented until late 2019 for antisemitism.	
8.	That the national complaints procedure is properly resourced so that it may deal effectively with complaints of antisemitism.	Most certainly not implemented.	As of today, for example, there are 136 cases that have been passed to the NCC for hearing, which have not been processed because they have not had their casefiles collated ready for presentation.
9.	There should be no statute of limitation on antisemitic behaviour. Any incident, even when not in Party membership, may be considered by Labour's disciplinary procedures in respect of current members.	Not implemented	Chakrabarti specifically overrules this, with the introduction of the moratorium. There have been deliberate attempts not to change the rules in order to enable the Party to enforce this. See the commentary on Derek Hatton ²⁸² .
10.	That there is a standing report to each meeting of the NEC Equalities Committee and the NEC Disputes Panel, of any complaints and the action taken.	Not implemented	
11.	It is not recommended that where a person is excluded from membership for antisemitism this should automatically be a life ban. I recognise that people may change their views and where that is demonstrable a person may be allowed to seek NEC approval for any future application to join the Labour Party.	No lifetime ban introduced	
SHAMI CHAKRABATI REPORT (30 June 2016)			
1.	Epithets such as "Paki", "Zio" and others should have no place in Labour Party discourse going forward.	A new social media code of conduct was implemented, and reference to these kind of phrases was included in the Code of Conduct. This was as much about political tone setting as it was a hard and fast recommendation that led to action.	The enforcement of standards set out by the Codes of Conduct that stemmed from these recommendations are open to subjective interpretation by Party staffers and political office holders, for the reasons set out elsewhere in our evidence.

²⁸² <https://www.theguardian.com/politics/2019/feb/20/derek-hatton-suspended-from-labour-ove>

2.	Critical and abusive reference to any particular person or group based on actual or perceived physical characteristics cannot be tolerated.	Ibid	Ibid
3.	Racial or religious tropes and stereotypes about any group of people should have no place in our modern Labour Party.	Ibid	Ibid
4.	Labour members should resist the use of Hitler, Nazi and Holocaust metaphors, distortions and comparisons in debates about Israel-Palestine in particular.	Ibid	Ibid
5.	Excuse for, denial, approval or minimisation of the Holocaust and attempts to blur responsibility for it have no place in the Labour Party.	Ibid	Ibid
6.	Beliefs out-with the Labour Party's values are not to be protected when considering whether a member has acted in a way which is prejudicial or grossly detrimental to the party.	Whilst 2.1.8 was changed to specifically list protected characteristic discrimination as a disciplinary offense, the definitions applied by the Labour Party on antisemitism were then amended by the Code of Conduct (detailed elsewhere).	Use of IHRA alongside the contradictory Code of Conduct has created space in which definitions of values can be interpreted subjectively by the lay panels that consider disciplinary cases at NEC and NCC levels.
7.	That Rule 2.1.8 of the Party's Rules be amended (as suggested in the Appendix to the report) so as to make clear that beliefs out-with the Labour Party's aims and values are not to be protected when considering whether a member has acted in a way which is prejudicial or grossly detrimental to the Party.	Ibid	Subjective decision making by factional membership on the NCC ensures that this does not actually apply. [REDACTED] has personally sat on panels where members have effectively ignored this. See the NCC outcome for [REDACTED], and the charge not proven for [REDACTED]. If a respondent can make the argument that antisemitism is 'mood music', they seem to be able to evade charge.
8.	The Code of Conduct approved in May 2016 should be amended so as to comprehensively rule out all forms of prejudice, but in the light of this and the guidance in my Report, I do not find other substantive (as opposed to procedural) rule changes to be strictly necessary.	Code of Conduct amended in line with the changes made to 2.1.8	Rule changes moved at 2019 Party conference to give greater powers to the politicised factional NEC.
9.	Procedural rule changes to improve the Party's disciplinary process (as well as a wider review of the relevant provisions of the rules and procedural guidelines in light of those recommendations) and the adoption and publication of a complaints procedure.	Reviews took place throughout 2018-19.	Procedural working groups for disciplinary and for antisemitism were established, but contained only NEC members who were empowered to take the final decision. Stakeholders and the NCC were not engaged in direct discussions.
10.	The appointment of a General Counsel to the Labour Party and additional and appropriately expert staff.	Post created. Gordon Nardell was appointed.	Concerns were raised over Nardell's appointment, due to his role within LRC, and for

			public statements endorsing the position taken by JVL on Labour Antisemitism.
11.	That the power of interim suspension be vested in the NCC and give guidance as to how it might be exercised more proportionately.	Not implemented	Rather than move disciplinary function over to the NCC, recent changes moved further NCC powers over to the NEC.
12.	The appointment of a Legal Panel of volunteer lawyers of standing so as to assist the NCC in its functions and to provide a review on procedural and proportionality grounds in cases of suspension or expulsion from the Party.	Not implemented	The NCC has a solicitor in the instances that lawyers are required to attend hearings. There has been much discussion about setting down tariffs for types of disciplinary charges, but these discussions have yet to progress to implementing changes. As it stands, the application of sanctions is extremely subjective and there is little clarity for either the respondent, complainant or NEC as to what to expect at the end of the process. There have been instances of respondent's lawyering-up unnecessarily for minor infractions and vice versa, respondents being shocked to learn that they had committed an offence that could result in expulsion.
13.	Consideration of a greater range of NCC sanctions short of suspension and expulsion.	Procedural guidelines were adopted in mid-2019.	The NCC has always had latitude to apply whatever sanction, below the higher limit of expulsion, it wishes.
14.	I do not recommend lifetime bans from the Labour Party and recommend time limits on the bringing of disciplinary charges.	Lifetime bans not introduced.	
15.	Once my report is disseminated and so as to give members an opportunity to be guided by it, I recommend a moratorium on triggering new investigations into matters of relevant language and conduct arising before publication. This in no way effects investigations and disciplinary proceedings already in train.	No clear decision on a moratorium was ever communicated	Decisions on complaints to take forward to investigation stage were contained within the delegated powers exercised by GLU. If Gardiner has been informally deciding not to pursue complaints on the basis of this recommendation then it is a possibility.
16.	The formation of an NEC working group into comprehensive education and trainings needs across the Party with a view to partnership with Trade Unions and Higher Education providers. Staff and members involved in the new disciplinary process should receive appropriate training.	Not established.	Only in the instance of sexual harassment were training requirements established for NCC and NEC members. This was not the case for antisemitism. The Party had previously commissioned JLM to provide antisemitism training, delivered for the first time at 2016 Party

				conference. This clause was a justification for taking it away.
17.	A review of the Party's Equal Opportunities Policies with a view to adopting an over-arching Equal Opportunities Policy.		Unknown	
18.	Better dissemination and explanation of the Party's Rule Book.		Unknown – assumed not to have been systematic	
19.	The NEC gives urgent attention to any parts of the country that have been under "special measures" for more than six months.		Some discussion that there was a review, but unknown	
20.	No part of the Party should be subject to "special measures" for more than six months without NEC review of that decision. Further, the NEC must provide a plan as to how the local part is to improve its practice and return to full democratic rights within the Party.		Unknown	
21.	The Party should increase the ethnic diversity of its staff.		Unclear as to implementation	
HOME AFFAIRS COMMITTEE REPORT (published 16 August 2016)				
1.	That the IHRA definition of antisemitism, with the Committee's additional caveats, should be formally adopted by the UK Government, law enforcement agencies and all political parties to assist them in determining whether or not an incident or discourse can be regarded as antisemitic.		See 2018 controversy over adoption of Code of Conduct and the amending of IHRA definition.	
2.	The Government and all political parties should communicate to those responsible for determining whether or not an incident should be regarded as anti-Semitic that, for the purposes of criminal or disciplinary investigations, use of the words "Zionist" or "Zio" in an accusatory or abusive context should be considered and potentially antisemitic.		The Party, in late 2019, claimed to have put this into operation. Lack of regular publication of statistics at all levels of complaint have failed to evidence this however.	
3.	The Labour Party, and all other political parties in the same circumstances, should publish a clear public statement alongside every reinstatement or expulsion of a member after any investigation into suspected antisemitism.		Not implemented.	The Labour Party reversed transparency in NCC outcomes in 2019, by removing details that had hitherto been included in the annual conference report.

4.	[disagreeing with Chakrabarti's recommendation for a statute of limitations on antisemitic misdemeanours] The Labour Party should investigate all allegations of antisemitism with equal seriousness, regardless of when the behaviour is alleged to have taken place.	Not implemented	
5.	The Labour Party and all political parties should ensure that their training on racism and inclusivity features substantial sections on antisemitism. This must be formulated with Jewish community representatives and must acknowledge the unique nature of antisemitism.	Not implemented	Instead, the Labour Party deliberately excluded JLM from discussions, despite having previously commissioned it to develop training. Instead discussions took place with Birkbeck for an academic course to be developed.
6.	The Labour Party's disciplinary process must acknowledge the fact that an individual's demonstrated opposition to other forms of racism does not negate the possibility that they hold antisemitic beliefs; nor does it neutralise any expression of these beliefs.	Not implemented.	
7.	Political leaders should also make themselves responsible for taking swift investigatory or disciplinary action when a party member is identified by Twitter as being a perpetrator of abuse.	Not implemented.	