

Ken Livingstone's submission to the Labour Party National Constitutional Committee

Introduction

The Tories, and other opponents of Labour and its Leader Jeremy Corbyn, have been trying to falsely depict both the Labour Party and its Leader as anti-Semitic. This attempt to discredit Labour needs to be opposed.

In April 2016 I made a series of comments to the media, aimed at defending both the Labour Party, its Leader and one of its Members of Parliament, Naz Shah, from what I believe were false allegations of anti-Semitism. Nothing I said was intended to offend anyone, least of all the Jewish community. The purpose of my remarks was to defend my Party and its reputation.

In doing this I did not breach any Labour Party rule. I just expressed my beliefs and opinions, which as a Labour Party member I am entitled to do.

It is unfortunate that Labour Party officials are pursuing this disciplinary action against me, particularly in such a partisan way.

My suspension from the Labour Party membership for the past 11 months has significantly breached any normal understanding of natural justice. It has removed me from the Labour Party's National Executive Committee (NEC) and effectively blocked me from playing a full role.

This case against me at Labour's National Constitutional Committee (NCC) is essentially a political charge. It is not really about whether Labour's rules have been broken or not.

I am a supporter of Palestinian human rights and I also back Jeremy Corbyn's leadership of our Party.

What is at issue at the NCC hearing is whether I, and other Party members who support Palestinian rights, are free to express our views on issues of Palestine and Israel.

The Tory government is seeking to clamp down on people's rights to criticise Israel's actions and in parallel is placing restrictions on criticisms of Zionism - broadly speaking the political philosophy underpinning the Israeli state and its actions.

Supporters of Israel, in particular, have called on Labour to expel me, to silence my criticism of Israeli aggression. Some are seeking a type of McCarthyism, where accusations are made without proper regard for evidence in order to restrict political discussion.

The Labour Party, its Leader and one of its MPs, Naz Shah, were vilely smeared in the run up to the May 2016 elections. I stood up to vigorously defend them. That is not against any Labour Party rule.

Racism and anti-Semitism

The issues of racism and anti-Semitism are of the utmost importance in my opinion, and ought to be treated very seriously by the Labour Party.

Racism is a uniquely reactionary ideology, used to justify some of the greatest crimes in history - including the slave trade, the extermination of all original inhabitants of the Caribbean and Apartheid. The Holocaust was the ultimate, 'industrialised' expression of racist barbarity.

Racism is a belief that due to genetic, cultural, religious or some other feature an entire group is inferior or has negative features. Anti-Semitism is a belief that Jewish people as a category are inferior or have negative features.

An ideology that starts by declaring one human being inferior to another is the slope whose end is at Auschwitz. I totally reject such a view of Jews, black people or any other group. I detest racism and condemn anti-Semitism. Indeed throughout my entire political career I have totally opposed any such views concerning any religious or ethnic group.

The contribution of Jewish people to human civilisation and culture parallels that of people from the world's other great religions, and is extraordinary. It includes such giants such as Einstein, Freud and Marx. Human civilisation would be unrecognisably diminished without these achievements.

When I was Leader of the Greater London Council (GLC), it funded a number of Jewish community organisations, including: the Jewish Social Responsibility Council, the Jewish Association for the Physically Handicapped, the Jewish Employment Action Group, the Redbridge Jewish Youth Association and Agudas Israel in Hackney.

As London Mayor, I hosted, took part in and promoted events to mark the annual Holocaust Memorial Day. I hosted the Anne Frank exhibition at City Hall and also lighting of the Menorah ceremonies for the Hanukkah festival. I organised, in partnership with Jewish cultural organisations, a Jewish festival in Trafalgar Square - the Simcha on the Square. I also supported the Jewish Museum's exhibition on multicultural Britain and published several guides to Jewish London.

As London Mayor I also introduced the monitoring of faith hate crime in 2008 and the Metropolitan Police (MPS) has done that since. The approach I advocated for this monitoring was that recommended by the Macpherson inquiry into the death of Stephen Lawrence: that for the purposes of recording racist or anti-Semitic incidents the opinion of the victim should inform the way a reported incident was recorded. I instructed the MPS that in recording such incidents that they should include any reported incident 'that is perceived to be racist by the victim or any other person'. This was of course not a means to judge whether an incident had actually been racist or anti-Semitic or not, still less whether an accused person was actually guilty of racism or anti-Semitism. The main purposes were to monitor incidents and ensure their appropriate investigation. We wanted the MPS figures at a minimum to reflect the number of incidents described as such by the victims. We also wanted allegations of racism and anti-Semitism investigated if an incident was reported as such.

During the period I was Mayor of London anti-Semitic offences recorded by the MPS fell from 272 in my first year to 157 in my final year. They subsequently rose to 251 in Boris Johnson's first year as Mayor and further increased to just under 400 in his final year.

The NEC's charge

I absolutely refute the charge, as set out in the letter from Iain McNicol to me, that I have engaged in 'conduct prejudicial and/or grossly detrimental to the Labour Party'.

Contrary to the charge being made against me, it was the allegations levelled at the Labour Party, its Leader and Naz Shah MP, that were highly prejudicial to the Party. I was one of the main public figures defending Labour from these detrimental charges. It turns reality on its head to suggest my defence of Labour is what was detrimental, not the attacks on the Party. The Party was being unjustly smeared and my conduct was to refute these prejudicial and detrimental attacks.

In the media interviews I expressed my opinions on these issues. That is all I did. As a Labour Party member I was free to put forward such views. The Labour Party's rules are absolutely clear on this. In considering whether a member has engaged in conduct prejudicial or grossly detrimental to the Party, the National Constitutional Committee 'shall not have regard to the mere holding or expression of beliefs and opinions.'ⁱ I did not breach any Party rule by expressing these opinions. Only a biased or rigged jury could conclude otherwise.

It has been an absurd waste of Labour Party resources for its staff to assemble a 500 plus page dossier of material to attack me at this hearing, no page of which proves this charge against me.

Anti-Semitism, racism and prejudice

It should be properly noted that there is no charge being made that I have expressed anti-Semitism or that I am anti-Semitic, racist or prejudiced in any way. This is important because my detractors, including within the Labour Party, have made vile, malicious, public smears against me.

Examples of such attacks on me from right-wing Labour MPs have included the following:

On 28 April 2016, I was heading into an interview on the BBC Daily Politics when I was confronted by John Mann MP, who amongst other things shouted and called me a 'lying racist', a 'disgusting Nazi apologist' and a 'fucking disgrace'.

On 14 June 2016, at a Home Affairs Committee hearing Chuka Umuna MP described me as 'a pin-up for the kind of prejudice that our Party was built to fight against.'

For many years I have had to fight the Tories and the right-wing British establishment when such false accusations have been made. In 2006 in the High Court Of Justice case between myself and The Adjudication Panel for England, Mr Justice Andrew Collins in his judgement stated: 'It could not sensibly be suggested that he [Ken Livingstone] is or ever has been anti-Semitic. He has not approved of some of the activities of the State of Israel and has made his views about that clear. But that has nothing to do with anti-Semitism.'ⁱⁱ

Anti-Semitism and Israel

I believe the fundamental issue on which my main detractors and I differ is not that of anti-Semitism, which I totally condemn, but the policies of successive Israeli governments.

Several thousand Palestinians were killed by Israel's military assaults on Gaza in 2008-9 and 2014. I consider that attempts to automatically portray anyone who forcefully criticises the policies of Israel as anti-Semitic are wrong. The truth is the opposite: the same universal human values that recognise the Holocaust as the greatest racist crime of the 20th Century require condemnation of the policies of successive Israeli governments - not on the absurd grounds that they are Nazi or equivalent to the Holocaust, but because ethnic cleansing, discrimination and terror are immoral.

It is suggested that members of the Labour Party, including myself, who hold this view therefore reject the right of Israel to exist or the right of Jewish people to have their own state.

Personally I am not in favour of religiously or ethnically defined states anywhere, or a politics advocating that, whether it is an alleged Islamic state like that of Saudi Arabia or advocated by ISIS, or a Hindu-state as advocated by Modi, or a pure Japanese state as advocated by Abe – and I believe I am consistent on this. But this is a political argument that has to be won, not imposed by force. And I have been just as outspoken about Saudi Arabia as I have about Israel.

And on the right of Israel to exist, I support a two state solution to the Israeli-Palestine conflict and believe that would be aided by having a single economy.

What is anti-Semitism

As with all allegations of racism, anti-Semitism can only be established by objective criteria.

Anti-Semitism is hostility to Jews because they are Jews. Note, however, that three components are present in this simple but rigorous definition. The three components are: hostility; and prejudice; directed at Jews as a category of person.

To elicit whether all three factors are present in words spoken or written or actions taken, particularly where anti-Semitism is disputed, four additional factors require consideration. They are: who spoke, wrote or acted, about or towards whom, in what circumstances, and with what intention.

A definition from Professor David Feldman

Professor David Feldman, the Director of the Pears Institute for the Study of Anti-Semitism at Birkbeck College, University of London, has contributed much to the understanding of anti-Semitism in Britain. He served as the Vice Chair of the Labour Party's Chakrabarti Inquiry into anti-Semitism and other forms of racism.

In a report Professor Feldman prepared for the UK All-Party Parliamentary Committee on Anti-Semitism in 2015ⁱⁱⁱ he offered two distinct but complementary definitions of anti-Semitism, one focused on discourse, the other on discrimination:

(i) 'When we consider discourse we focus on the ways in which Jews are represented. Here we can say, following the philosopher Brian Klug, that anti-Semitism is "a form of hostility towards Jews as Jews, in which Jews are perceived as something other than what they are." Accordingly, anti-Semitism is to be found in representations of Jews as stereotyped and malign figures. One such stereotype is the notion that Jews constitute a cohesive community, dedicated to the pursuit of its own selfish ends'.

(ii) 'In addition to anti-Semitism which arises within the process of representation there is also anti-Semitism which stems from social and institutional practices. Discriminatory practices which disadvantage Jews are anti-Semitic. Taking a historical view, we can say that British society and the British state became less anti-Semitic in past centuries as Jews were allowed to live in the country, to pray together, to work, to vote and to associate with others in clubs and societies to the same degrees as their Christian fellow-subjects. Discrimination against Jews need not be accompanied by discursive anti-Semitism, even though in many cases it has been.'

The International Holocaust Remembrance Alliance definition

In May 2016 The International Holocaust Remembrance Alliance (IHRA) put forward a definition of anti-Semitism in which it included controversial examples. These examples seek to widen the definition of anti-Semitism to include a range of critical views of Israel, in addition to hostile views about Jewish people.

The IHRA definition is in essence identical with the European Union Monitoring Centre on Racism and Xenophobia (EUMC) 'Working Definition' of Anti-Semitism, produced in 2004 by a working party of the EUMC. The definition was never adopted by EUMC, hence it was called a 'working definition'. The EUMC was

folded into the EU Agency for Fundamental Rights (FAR) in 2007. In 2013 the definition was removed from that organisation's website in 'a clear-out of non-official documents'. A spokesperson stated that the document had never been viewed as a valid definition and that 'We are not aware of any official definition'.

The Home Affairs Committee's (HAC) 2016 'Inquiry on the rise of anti-Semitism' received evidence highlighting the problems with the IHRA/EUMC definition. Despite this the Committee decided to broadly accept the IHRA definition. However it did propose two additional caveats to protect freedom of speech in the context of discourse about Israel and Palestine.

The HAC recommended the adoption of an amended IHRA definition including the following statements:

'It is not anti-Semitic to criticise the Government of Israel, without additional evidence to suggest anti-Semitic intent.'

'It is not anti-Semitic to hold the Israeli Government to the same standards as other liberal democracies, or to take a particular interest in the Israeli Government's policies or actions, without additional evidence to suggest anti-Semitic intent.'

These two caveats are important as they partially protect free discourse on Palestine and Israel.

In December 2016 the Tory government adopted the IHRA definition, without the additional caveats.

In December 2016 it was reported that the Labour Party had agreed to the IHRA definition, although it is unclear what attitude there is to the two additional caveats recommended by the Home Affairs Committee. It is also unclear how the Labour Party made this decision, on such an important issue, when the controversial IHRA definition was not raised in the Chakrabarti Report, at Labour Party Conference, or at the National Policy Forum. Labour's National Executive Committee has certainly not explored the serious concerns that exist about the IHRA definition.

Professor David Feldman has clearly stated that he is sceptical that the IHRA definition will help Jewish people.^{iv} Any definition of anti-Semitism, at a minimum, ought to be able to pass this basic test. In particular the Labour Party's approach to the definition of anti-Semitism needs to help Jewish people combat hostility to Jews because they are Jews. Restricting free discussion around the issues of Palestine and Israel does not bear down on prejudice against Jewish people.

The context in which I defended the Labour Party against false charges

In the summer of 2015 Jeremy Corbyn was a candidate for Labour's leadership, conducting a positive campaign, that went on to win him that election in September.

Also that summer a vile negative campaign was waged suggesting that Jeremy and the Labour left were linked with anti-Semitism. Jeremy is known both for his determined opposition to anti-Semitism and for his support of Palestinian human rights. Many newspapers and websites reported, and many also fanned, these allegations against Jeremy.^v

In April 2016, with important elections due in May in England, Scotland and Wales, there was a growing campaign alleging that Jeremy Corbyn and the Labour Party were not tackling a serious problem of anti-Semitism. These allegations were widely reported.^{vi}

The overwhelming majority of this media coverage of Labour's Leader and the Party's actions contained false accusations of anti-Semitism. Unfortunately some MPs on the right-wing of the Labour Party were helping

whip up these allegations. It was the responsibility of MPs and NEC members, including myself, to rebut these false charges.

In April I received a number of requests for media interviews on the subject of the anti-Semitism allegations being made against the Party and Jeremy, so I went on to programmes to defend both from the smears being made. From 26 April such defence became caught up in the issues of Naz Shah MP and her posts.

Following the 26 April 2016 news stories about Naz Shah's social media posts I was aware of the anti-Israel narrative of these posts and understood that broadly speaking it was this that was being falsely described as anti-Semitism. The news reports carried no serious evidence that Naz Shah was promoting anti-Semitism.

In the subsequent media interviews my principal goal was to defend the Labour Party and Jeremy Corbyn. In relation to Naz Shah it was necessary to point out the absence of evidence of anti-Semitism. Given the approaching elections, and the way these serious charges were being used to try and harm the Labour Party, it was important to challenge the unjustified vilification and rebut the attacks.

Naz Shah's 2014 media posts - republished in 2016

On 26 April 2016, just over a week before the 5 May elections, the right wing Guido Fawkes blog site re-published some of Naz Shah's social media posts. The accompanying media narrative was that these posts were anti-Semitic.

I defended Naz Shah in interviews because I did not believe that either herself as an individual, or the news reports of her 2014 social media postings indicated she was promoting anti-Semitism.

I believed that in 2014, when these posts were originally made by her, she had been engaging in an entirely legitimate campaign, demanding that Israel halt its deadly bombardment of Gaza. When I was questioned in an interview about one of her posts I did think some of the language had been 'over the top' and inaccurate, but not anti-Semitic.

On 8 July 2014 Israel launched a seven week military offensive into Gaza. This was the context in which hundreds of thousands of people across the globe were protesting on the streets about Israeli aggression, plus there were wide spread protests on social media. Some of this outrage was channelled through satirical graphics such that re-posted by Naz Shah.

After the summer 2014 offensive the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported the following death toll:

PALESTINIANS KILLED	
Civilians killed	1,462 (65%)
Combatants killed	789 (35%)
Total killed	2,251
ISRAELIS KILLED	
Civilians killed	6 (8%)
Combatants killed	67 (92%)
Total killed	73

The military assault was widely seen as a criminal act, the numbers of civilian fatalities clearly went far beyond Israel's claim of military necessity and self-defence. Deputy Prime Minister John Prescott described the bombardment as a 'war crime'.

Naz Shah's postings/re-postings on 29 July 2014 (poll on Prescott's comment), 5 August 2014 (Israel as 51st state of the US), and 5 September 2014 (quoting Martin Luther King) were all about this Israeli military aggression. They were made during and immediately following Israel's assault on Gaza. The other postings in July 2014 and on 14 December 2014 were about Hamas, the movement/political party that won Palestinian parliamentary elections in 2006 and is the governing party in Gaza.

Naz Shah's media posts are not obviously anti-Semitic

It is claimed that Naz Shah's social media posts are obviously anti-Semitic and diminish the enormity of the holocaust, and that therefore by defending her I brought the party into disrepute. This is an entirely false charge. An objective and fair-minded examination of these posts, formed without knowledge of the authors' intentions, could not reach such a conclusion.

It is disingenuous, in the letter from Ian McNicol to me, to put together words from different posts made by Naz Shah over the course of a month - 'rallying', 'solution' and 'transportation' – in order to claim that this constitutes language connected with the Nazis' atrocities. These words are everyday English words used in a wide variety of contexts. The overwhelming majority of the time, in fact more than 99.99% of the time, the use of these words has absolutely no connection with the Nazis' atrocities. In Naz Shah's two posts, from which these three words are taken, there is no reference at all to 1930s or 1940s Germany or the Nazis etc, nor could one be inferred from the use of these words in their context. The word 'solution' for example appeared in the phrase 'Solution to the Israel-Palestine conflict'; absolutely nothing can be inferred from this about Nazi Germany. It is factually incorrect to suggest otherwise.

Naz Shah's post that does reference the Nazis' enormous crimes, posted one month after the other two posts, does not contain any of the three words ('rallying', 'solution' and 'transportation') used in the other two posts - the words McNicol suggests are offensive. This particular post promotes a famous quote from the heroic anti-racist campaigner Martin Luther King.

One of Naz Shah's posts draws out the parallels between Israel's policies and Apartheid South Africa. But nothing in any of these posts equates the actions of Israel with the Nazis.

It cannot be deduced from what the social media posts actually say that Naz Shah's motivation or intention was hostility to Jewish people because they are Jewish, rather than hostility to the state of Israel for its violence against the Palestinians. Of course, if the former was her motivation or intention then anti-Semitism was involved, but that is for her to say, it is not apparent in the posts.

At the time that I defended Naz Shah from the attacks on her, I believed Naz Shah had been solely taking part in the international effort to denounce the military assault on the Palestinians. I did not believe that this was about expressing hatred towards Jewish people, but hostility to Israel's violence. I had met her and canvassed for her election in Bradford and considered it very unlikely she would promote anti-Semitic views.

I understand that at the time of making her social media postings that Naz Shah also did not consider them to be anti-Semitic and that she was campaigning to bring about an end to Israel's attack on Gaza. She subsequently has revised her assessment of the posts, but maintained that she does not have anti-Semitic views.

It should be evident to any objective and fair-minded observer that it is not possible to deduce that Naz Shah's social media postings are anti-Semitic by looking at the actual text and graphics. Nothing

in the statements these posts make is obviously, nor self-evidently, nor apparently anti-Semitic. On the face of it, based on the actual words used, there is no hostility expressed to Jewish people as Jewish people.

Naz Shah did not at the time indicate that her postings were made with any anti-Semitic intent. If subsequently she has concluded she did have such intent, that is a matter for her. It remains the case that such intent cannot be deduced from the postings themselves. They are not obviously, nor self-evidently, nor apparently anti-Semitic.

In April 2016 I defended the Labour Party, its leadership and Naz Shah's social media postings, against allegation of anti-Semitism. There was no evidence presented that supported the charges being made. So it was correct to defend the Labour Party, Jeremy Corbyn and Naz Shah.

At the time I was aware, from the news reports, of the type of material in Naz Shah's social media posts, their anti-Israel narrative and that this was being described as anti-Semitism with no evidence reported to justify such a charge. I did not study the posts in detail at the time, but I have since and it is evident they are not obviously, nor self-evidently, nor apparently anti-Semitic, as is being falsely claimed.

An examination of each post reveals no obvious, self-evident, apparent, evidence of anti-Semitism, either in the text or graphics posted. The posts are looked at separately below, and numbered similarly to numbering used in the 'Statement of Facts' document presented to the NCC.

Naz Shah's media post 1 - posted 5 August 2014

I do not believe this post is anti-Semitic. It makes the satirical suggestion that the conflict could be solved if Israel was moved to the US. Some may consider the suggestion is unwise or in poor taste, but I can see no hostility to Jewish people being expressed in this social media post.

The exact words used in the graphic are that a 'Solution to the Israel-Palestine conflict' is to 'relocate Israel into United States'. There is no prospect of Israel being relocated – this was a social media meme, not a draft UN resolution.

Norman Finkelstein, a US political scientist, published the same graphic, that Naz Shah shared, on his blog in 2014. Finkelstein is a Jewish author whose parents survived the Nazi's concentration camps. He shared it, the day before Naz Shah shared it, because he considers it funny and has stated that such 'jokes are commonplace in the US'.^{vii}

There is no reference in any of the text, of this social media post, to people of any religion, Jewish or otherwise. To make reference to Israel is not equivalent to making a reference to people of any religion. Approximately three quarters of Israel's population are Jewish and one quarter is not. According to the Israel Central Bureau of Statistics, the population of Israel at the end of 2015 was 74.9% Jewish, 17.6% Muslim, 2.0% Christian, and 1.6% Druze.^{viii}

If Naz Shah was 'expressly supporting the relocation of Jews from Israel to the United States', which the letter from Iain McNicol to me claims, this was not something that was stated in this particular social media post. The starting point for any fair and also serious assessment of the meaning of this post must be to consider the words it actually contains, not to add in words that are clearly not included, and then denounce something that was not said.

Locating Israel in the US, which is jokingly proposed, is similar to other commentary that likens Israel to being a 51st state of the US. These are commonplace quips that are also made about other countries thought to be too closely tied to US policy. It was often said of the UK when Tony Blair took it into Bush's war in Iraq.

Graphical maps superimposing an outline map of Israel on the map of the US are not in themselves anti-Semitic. Some are even produced by ardent supporters of Israel, such as the Information Regarding Israel's Security (IRIS) website in Israel, which has produced a similar graphical map.^{ix}

The post does express hostility to Israel and its actions, but not to Jewish people. It expresses its hostility in a similar way, for example, that people expressed hostility to the US in the Vietnam War.

No one could seriously read this satirical post and its comments as a serious foreign policy proposal, that Naz Shah was going to raise with the US President and UK Prime Minister. I certainly did not see this as an actual policy position that simultaneously rejects both a 'one-state' and a 'two-state' solution to the conflict. It is surprising that the letter from Iain McNicol claims to read so much into this comical tweet.

I can see no evidence in the posting that either the original author of the graphic, or Naz Shah herself, were expressing hostility to Jewish people as opposed to the state of Israel for its specific actions.

Naz Shah's media post 2 - posted 29 July 2014

In the second post Naz Shah states that 'the Jews are rallying to the poll at the bottom....'. I considered this post 'over the top' and that it might be perceived as offensive, as clearly what was actually meant was pro-Zionists or supporters of Israel were rallying to the poll. I also considered it inaccurate as there are many Jewish people who will have supported John Prescott's view. Such generalisations about groups of people in my opinion should be avoided.

Deputy Prime Minister John Prescott had written an article^x in the Mirror stating that Israel's bombardment of Gaza was a war crime. An on-line poll was recording opinions for and against John Prescott's view. I do not believe it was anti-Semitic to rally support for John Prescott's position. The words of the posting indicate that this was Naz Shah's objective. There is no evident intention to insult or denigrate Jewish people because they are Jewish in the posting.

Naz Shah's media post 3 - posted 5 September 2014

Martin Luther King was one of the most prominent black leaders campaigning for civil rights in the US in the 1960s. At the time the US was considerably more racially divided than it is today, with many bombings of black peoples' homes and churches, exceptionally brutal policing and unjust courts etc.

King was arrested and imprisoned in April 1963. From that prison he wrote his famous 'Letter from Birmingham City Jail'^{xi}. The letter was widely published and became an important text for the American Civil Rights Movement.

In the letter King defended the strategy of non-violent resistance to racism and he said that people have a moral responsibility to break unjust laws and to take direct action.

The text in his letter, from which the excerpt on Naz Shah's re-posted graphic is drawn, reads as follows:

'We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in

Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers.'

It is not anti-Semitic to reproduce King's prison photo and quote his call for civil disobedience. He was an opponent of anti-Semitism and fascism. There is nothing in this graphic to suggest otherwise.

Nor is it necessarily anti-Semitic to attach the text 'Apartheid Israel' to the graphic. Israel is widely regarded as operating an internal regime similar to Apartheid South Africa, by Jews and non-Jews, including by some Israelis. Some recent prominent examples include the following^{xii}:

In a 2007 report, United Nations Special Rapporteur for Palestine John Dugard stated, 'elements of the Israeli occupation constitute forms of colonialism and of Apartheid, which are contrary to international law'.

In 2009, a comprehensive academic study was carried out over 18 months by the Human Sciences Research Council of South Africa. This concluded that Israel's practices in the Occupied Palestinian Territories correlated almost entirely with the definition of Apartheid as established in Article 2 of the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Convention had been adopted by the United Nations General Assembly in 1973.

In 2010 United Nations Special Rapporteur for Palestine Richard Falk reported that criminal Apartheid features of the Israeli occupation had been entrenched since the report of his predecessor John Dugard.

If Naz Shah meant to express hostility to Jews by re-posting this graphic, it is clearly not evident in the actual social media post.

Naz Shah's media post 4 - posted 18 December 2014

There is nothing anti-Semitic in my opinion in Naz Shah re-tweeting a post that links to the *Asian Express* article, headlined ' Hamas should be removed from terror list'^{xiii}. That article, like similar articles published around that date, reported the news that the General Court of the European Union, the second-highest court in the EU, had decided that Hamas should be removed from the EU's list of international terrorist organisations - as the tweet clearly states.

Would Labour's NCC be discussing this if a Party member had tweeted a link to the Independent^{xiv} article or the Reuters^{xv} article that reported the exact same news story?

It is not anti-Semitic to share this article. Neither the tweet nor the piece in the *Asian Express*, indicate any hostility to people of any religion at all. It merely reports an EU decision. In fact it is a pretty grotesque attack on freedom of speech to suggest otherwise.

Naz Shah's media post 5 - in July 2014

The Guido Fawkes website, which 'exposed' Naz Shah's tweets, said that in July 2014 she had tweeted a statement from Osama Hamdan, the head of international relations for Hamas, in which he argued that Hamas is a 'legitimate resistance movement'.

I do not believe that tweeting such a statement is an act of hostility to Jewish people. Hamas claims that its resistance to the illegal occupation of Palestine is legitimate. One can disagree, or agree, with Hamas' claim on this issue, but whatever view is taken does not mean one is hostile or friendly to people of any religion.

The interview with Vanessa Feltz and the 1933 Transfer Agreement

In my interview with Vanessa Feltz on 28 April, my sole aim was to defend both the Labour Party, its Leader and Naz Shah from charges of anti-Semitism.

I did respond to a question from Vanessa Feltz about Hitler, assuming she was talking about the period when Hitler was running Germany in the 1930s. I had not intended to discuss this matter, but Vanessa Feltz raised a direct question about what Hitler did. I was not aware at the time that she was referring to the social media graphic referencing a letter written by Martin Luther King discussed above. Having misunderstood the thrust of her question, in my response I raised the issue of the collaboration between Hitler and a section of Zionism in the early 1930s.

The 1933 Transfer Agreement (Ha'avarah) is a matter of historical record. It was a plan, drafted in the summer of 1933, involving the German Economics Ministry, the German Zionist Federation and the Jewish Agency for Palestine, to allow German Jews emigrating to Palestine to retain some of the value of their property in Germany by purchasing German goods.

Understandably many Jews were critical of the Agreement from the outset, particularly because one of the principal goals of the Nazi authorities, in negotiating with the Zionist movement, was to fragment the Jewish boycott of German goods.

Much authoritative material has been written about the Agreement and the opposition to it by Jewish people. One such source is an excellent article for the Holocaust Memorial centre at Yad Vashem in Jerusalem by the historian Professor Yfaat Weiss. The article is called 'The Transfer Agreement and the Boycott Movement: A Jewish Dilemma on the Eve of the Holocaust'^{xvi}. Another useful examination of these issues can be found in Professor Francis R. J. Nicosia's article 'Zionism in National Socialist Jewish Policy in Germany, 1933-39'^{xvii}.

This agreement, between the Nazis and a section of Zionism, was not referred to in order to express hostility to Jewish people. The Transfer Agreement was a major political issue at the time as the Jewish movement to boycott German goods was a huge international campaign to turn public opinion against Nazi Germany.

In my remarks to Vanessa Feltz, I was just pointing out the Nazi policy in relation to the Transfer Agreement had the effect of supporting Zionism.

I did not say or suggest that Hitler was a Zionist. I did not make any equation of Hitler and Zionism. I neither criticised the Transfer Agreement or the section of Zionism that participated in the Agreement. I did not draw any historical parallels with the situation today anywhere, including with the conflict between Israel and Palestine.

Any suggestion that my intention was to draw equivalence between Nazism and Zionism is entirely false. I do not believe that Zionism or the policies of Israeli governments are at all analogous to Nazism. Israeli governments have never had the aim of the systematic extermination of the Palestinian people, in the way Nazism sought the annihilation of the Jews. There is a gigantic difference between Israel's ethnic cleansing and the Nazis' extermination policies.

As I have said before, my view is that the holocaust against the Jews is the greatest racial crime of the 20th Century.

After I was suspended I was overwhelmed by people stopping me on the street to assure me they knew what I had said was true and urging me not to give in. Many of these people told me that they were Jewish and knew about this history.

It has been suggested that my comments were offensive. For the sake of absolute clarity I reiterate that I had absolutely no intention for my remarks to cause offence, least of all to Jewish people, and I am sorry if they did.

The attempts to portray Labour's supporters of Palestinian rights as anti-Semitic and offensive

Since Jeremy Corbyn stood for election as Leader in the summer of 2015 there has been a significant vilification campaign against supporters of Palestinian rights within Labour, attempting to unjustly depict, particularly Jeremy Corbyn and his supporters, as anti-Semitic. The campaign is overwhelmingly based on falsehoods and it objectively helps the Tory Party and harms Labour.

This campaign has been observed by many Party members, including by Jewish members, who oppose it.

On Friday 29 April 2016 a group of more than 80 Jewish Labour members and supporters expressed their opposition to this campaign in a letter to the Guardian^{xviii}, saying:

'We, personally, have not experienced any anti-Semitic prejudice in our dealings with Labour Party colleagues.

We believe these accusations are part of a wider campaign against the Labour leadership, and they have been timed particularly to do damage to the Labour Party and its prospects in elections in the coming week. As Jews, we are appalled that a serious issue is being used in this cynical and manipulative way.....'

These attacks on Jeremy Corbyn and other Labour supporters of Palestinian rights are largely not about anti-Semitism or even whether social media posts actually cause offence. Their aim is to curtail the freedom to criticise the policies of Israel.

Following the May 2016 elections the Labour Party's own investigations of some of the issues raised have partially clarified the situation.

In June 2016 the Shami Chakrabarti Inquiry reported that 'the Labour Party is not overrun by antisemitism, Islamophobia or other forms of racism'.^{xix}

In January 2017 the Labour Party NEC cleared two Labour members, who are students at Oxford University, of charges of anti-Semitism.

It is important that the Labour Party distinguishes clearly between prejudice against Jews, which is unacceptable, and criticisms of Israeli aggression.

The May 2016 elections

There is no evidence at all that either my interviews between the 27 and 30 April, or Naz Shah's social media posted up by Guido Fawkes, or even John Mann MP's much reported abuse of me on 28 April, had any negative effect on Labour's 5 May 2016 election results.

In England Labour registered a significant advance on 5 May 2016, with its national vote share rising 3% on 2015.

Labour's poorer performance in the Scottish Parliament and Welsh Assembly elections that day, in both of which it failed to advance, was widely anticipated by opinion polls prior to the re-publication of Naz Shah's social media posts, my media interviews and the abuse from John Mann.

The House of Commons Library's Briefing Papers on elections in England report the following facts on the 5 May 2016 elections:

Overall Labour's national vote share in the English local elections increased from 30% in 2015 to 33% in 2016, a rise of 3%. The Conservative Party fell from 37% to 32%. Labour secured a national lead over the Conservative Party of 1% and the Conservative to Labour swing was 4%.

Similarly, the results of other elections that day, including Mayoral contests, were:

- a) In Bristol, Labour's candidate Marvin Rees was elected Mayor with a combined first and second preference vote of 63.5%. Labour's first preference vote up 11.4% on the previous election.
- b) In Liverpool, Labour's candidate Joe Anderson was elected Mayor without the need for second preference votes after receiving 51.6% of the first preference votes. Labour's first preference vote was up 6.7% on the previous election.
- c) In Salford, Labour's candidate Paul Dennett was elected Mayor with a combined first and second preference vote of 66.2%. Labour's first preference vote was up 3.6% on the previous election.
- d) In London, Labour's candidate Sadiq Khan was elected Mayor with a combined first and second preference vote of 56.8%. Labour's first preference vote was up 3.9% on the previous election.
- e) In the London Assembly Elections, Labour's combined vote for Constituency and London Members was 41.9%, this vote was up 0.2% on the previous election.
- f) In the Ogmere Parliamentary by-election Labour's candidate Chris Elmore won with 52.6% of the vote.
- g) In the Sheffield Brightside and Hillsborough Parliamentary by-election Labour's candidate Gill Furniss won with 62.4% of the vote, up 5.9% on the General Election.
- h) In the Bury Metropolitan Council elections, an election referred to in the document bundle presented to the NCC, Labour's vote share rose (from 2015) by 3.1% in Holyrood ward, by 0.2% in Sedgley ward and by 0.8% in St Mary's ward. This is hardly the 'haemorrhaging' and 'collapse' of Labour's vote referred to in a 'witness statement' provided to Labour's NCC. As with elsewhere, in Bury the turnout was down from 2015 as that had been a general election year. Labour's vote share increased, similar to the rest of England that day. Evidently no collapse!

Labour Party members and their views

The Labour Party has more than 500,000 members, the vast majority of whom abhor anti-Semitism and any form of racism. Labour has a record of choosing Jewish people for leading roles in politics; for example, Labour's previous leader Ed Miliband is Jewish, and for most of my time as Mayor of London my Deputy

Mayor was Jewish. Labour members have always played a leading role in campaigns against racism and anti-Semitism.

In May 2016 YouGov, for The Times, polled Labour Party members^{xx} on some of the issues being raised at this NCC hearing. Their findings included the following:

49% of Labour members expressed the view that Labour does not have problem with anti-Semitism and that it has been created by the press and Jeremy Corbyn's opponents to attack him, as against 35% who think the Party does have a problem with anti-Semitism but it is used by the press and Jeremy Corbyn's opponents to attack him.

47% of Labour members think anti-Semitism is a problem in the Labour Party, but no worse than in other parties, whilst 38% do not think anti-Semitism is a problem within Labour.

54% of Labour members do not think Ken Livingstone's comments were anti-Semitic, as against 26% who think them anti-Semitic.

only 27% of Labour members support Livingstone's expulsion, where as 51% are against expelling him.

A number of Jewish Labour Party members have put on record that they do not consider the disciplinary charges against me to be credible and that they are appalled that such a serious issue as anti-Semitism is being used in this cynical and manipulative way.^{xxi} Also a number of clear statements have been made in my support.

Labour Party membership

I joined the Labour Party in February 1969.

Within the Party, I have been elected to the National Executive Committee for the following years:

1987 to 1989, 1997 to 1998 and from 2010 to 2016.

I have fought and won many elections for Labour. The public positions I have held include:

Councillor in the London Borough of Lambeth from 1971 to 1978

Councillor in the London Borough of Camden from 1978 to 1982.

Leader of the Greater London Council from 1981 to 1986.

Member of Parliament for Brent East from 1987 to 2001

Mayor of London from 2000 to 2008.

Conclusion

I made comments to the media in April 2016 that were entirely aimed at defending both the Labour Party, its Leader and Naz Shah MP from prejudicial and detrimental attacks on them.

I definitely did not engage in 'conduct prejudicial and/or grossly detrimental to the Labour Party'. On the contrary, my conduct was aimed at defending the Party. The Labour Party was being unjustly traduced.

I expressed my sincerely held opinions on these issues, as all Labour Party members are entitled to.

There is no evidence being presented that matches the charge that has been made against me. What is being presented to the NCC hearing is a political allegation, that I stand up for the rights of Party members expressing their support for Palestinian human rights. That is the real charge against me.

Labour Party members overwhelmingly do not support my expulsion from the Party.

The NCC should act impartially and reject the false charge being made against me.

End Notes

ⁱ Clause 2.1.8 of the Labour Party's rules:

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. Any dispute as to whether a member is in breach of the provisions of this subclause shall be determined by the NCC in accordance with Chapter 1 Clause IX above and the disciplinary rules and guidelines in Chapter 6 below. Where appropriate the NCC shall have regard to involvement in financial support for the organisation and/ or the activities of any organisation declared ineligible for affiliation to the Party under Chapter 1.II.5 or 3.C above; or to the candidature of the members in opposition to an officially endorsed Labour Party candidate or the support for such candidature. The NCC shall not have regard to the mere holding or expression of beliefs and opinions.

ⁱⁱ Judgement in the case of Ken Livingstone Appellant v The Adjudication Panel for England, In The High Court Of Justice Queen's Bench Division Administrative Court, Case No: CO/1789/2006, Mr Justice Collins, 19 October 2006, <http://portal.nasstar.com/75/files/Livingstone-v-Adjudication%20Panel%20for%20England%20Admin%2019%20Oct%202006.pdf>

ⁱⁱⁱ Sub-Report for the Parliamentary Committee Against Antisemitism, Professor David Feldman, <http://www.antisemitism.org.uk/wp-content/themes/pcaa/images/david-feldman-subreport.pdf>

^{iv} Will Britain's new definition of antisemitism help Jewish people? I'm sceptical, Professor David Feldman, <https://www.theguardian.com/commentisfree/2016/dec/28/britain-definition-antisemitism-british-jews-jewish-people>

^v A few examples of the numerous news stories and opinion pieces covering the allegations against Jeremy Corbyn:

Jeremy Corbyn attacked as newspaper claims anti-semitic links, Kiran Stacey, Financial Times, 14/08/2015, <https://www.ft.com/content/c2c5c47a-4273-11e5-b98b-87c7270955cf>

Jewish Chronicle accuses Corbyn of associating with Holocaust deniers, Rowena Mason, The Guardian, 13/08/2015, <https://www.theguardian.com/politics/2015/aug/13/jewish-chronicle-accuses-jeremy-corbyn-associating-holocaust-deniers>

Jeremy Corbyn 'disgusted' by claims of anti-Semitism, Mikey Smith, The Mirror, 19/08/2015, <http://www.mirror.co.uk/news/uk-news/jeremy-corbyn-disgusted-claims-anti-6281250>

Corbyn may say he's not anti-Semitic, but associating with the people he does is its own crime, Howard Jacobson, The Independent, 4/09/2015, <http://www.independent.co.uk/voices/corbyn-may-say-hes-not-anti-semitic-but-associating-with-the-people-he-does-is-its-own-crime-10487318.html>

^{vi} Some examples of the many news stories covering the allegations against Jeremy Corbyn and Labour:

Anti-semitism at the heart of Corbyn's Labour Party: Devastating dossier exposes how extensive anti-Jewish bigotry is in Labour and poses profoundly troubling questions its leaders MUST answer, Guy Adams, Daily Mail, 1/04/2016, <http://www.dailymail.co.uk/news/article-3519864/Anti-semitism-heart-Corbyn-s-Labour-Party-Devastating-dossier-exposes-extensive-anti-Jewish-bigotry-Labour-poses-profoundly-troubling-questions-leaders-answer.html>

Jeremy Corbyn Letting Labour Members 'Get Away' With Being Anti-Semitic, MP Warns, Jack Sommers, Huffington Post, 3/04/2016, http://www.huffingtonpost.co.uk/entry/jeremy-corbyn_uk_57011e18e4b069ef5c00629d

Corbyn not doing enough to stamp out anti-Semitism, Stephen Pollard, Express, 9/04/2016, <http://www.express.co.uk/comment/expresscomment/659526/Jeremy-Corbyn-anti-Semitism-Labour-party-Piers-Corbyn-Gerry-Downing-Vicki-Kirby>

Labour's problem with anti-Semitism, Ross Hawkins, BBC News, 13/04/2016, <http://www.bbc.co.uk/news/uk-politics-36034657>

^{vii} **Jewish author whose Israel 'relocation' map was shared by Naz Shah condemns 'obscene' Labour antisemitism row**, Lizzie Dearden, The Independent, 4 May 2016, <http://www.independent.co.uk/news/uk/politics/labour-antisemitism-row-naz-shah-israel-map-norman-finkelstein-obscene-a7012461.html>

^{viii} **Israel Central Bureau of Statistics, Population By Religion**, Published 1 September 2016, http://www.cbs.gov.il/shnaton67/st02_02.pdf

^{ix} **A graphical map of Israel superimposed on the US** can be downloaded from the website of the organisation Information Regarding Israel's Security at <http://www.iris.org.il/sizemaps/usa.htm>

^x **Israel's bombardment of Gaza is a war crime - and it must end**, John Prescott, The Mirror, 26/07/2014, <http://www.mirror.co.uk/news/world-news/john-prescott-israels-bombardment-gaza-3918413>

^{xi} **Letter from Birmingham City Jail**, Martin Luther King, 16/04/1963, available to download from The Martin Luther King, Jr. Research and Education Institute at Stanford University, http://okra.stanford.edu/transcription/document_images/undecided/630416-019.pdf

^{xii} **Israel and the Apartheid analogy**, Wikipedia entry, https://en.wikipedia.org/wiki/Israel_and_the_apartheid_analogy

^{xiii} **Hamas should be removed from terror list**, Asian Express, 17/12/2014, <https://www.asianexpress.co.uk/2014/12/hamas-should-be-removed-from-terror-list/>

^{xiv} **Hamas removed from list of terrorist organisations by EU court**, Adam Withnall, The Independent, 17/12/2014, <http://www.independent.co.uk/news/world/middle-east/hamas-removed-from-list-of-terrorist-organisations-by-eu-court-9930124.html>

^{xv} **EU court says Hamas should be removed from terror list**, Philip Blenkinsop, Reuters, 17/12/2014, <http://www.reuters.com/article/us-eu-hamas-courts-idUSKBN0JVOS020141217>

^{xvi} **The Transfer Agreement and the Boycott Movement: A Jewish Dilemma on the Eve of the Holocaust**, Yfaat Weiss, Shoah Resource Center, The International School for Holocaust Studies, Yad Vashem Studies Vol. XXVI, Jerusalem 1998, pp 129-172, http://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%203231.pdf

^{xvii} **Zionism in National Socialist Jewish Policy in Germany, 1933-39**, Francis R. J. Nicosia, The Journal of Modern History, Volume 50, Number S4 Dec.1978, <http://www.journals.uchicago.edu/doi/pdfplus/10.1086/241844>

^{xviii} **Guardian Letter 29 April 2016** <http://www.theguardian.com/politics/2016/apr/29/labour-antisemitism-and-where-jeremy-corbyn-goes-from-here>

^{xix} **Report of the Shami Chakrabarti Inquiry**, <http://www.labour.org.uk/page/-/party-documents/ChakrabartiInquiry.pdf>

^{xx} **YouGov/Times Survey of Labour Party Members 9 - 11 May 2016**
http://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/1u5r7s2duv/TimesResults_160511_LabourMembers_W.pdf

^{xxi} **Letter from Jewish members and supporters of the Labour Party to the Labour Party National Constitutional Committee**, 19/3/2017