

Mike Cushman witness statement:

1. I am Mike Cushman and I am chair of Free Speech on Israel and was present and spoke at the Jewish Voice for Labour rally in Parliament Square on 26 March 2018.
2. Free Speech on Israel was set up in the Spring of 2016 by representatives of a number of Jewish groups in response to a number of incidents where false accusations of antisemitism were raised in order to suppress defence of Palestinian rights. In particular, allegations were made against Oxford University Labour Club which on investigation by both the University and the Labour Party were found to be baseless. This was however the start of a widespread campaign which submerged a number of authentic and very disturbing antisemitic incidents within the Labour Party and elsewhere in a stream of either groundless or wildly exaggerated allegations.
3. These allegations were used to either prevent or severely impede the holding of meetings on Palestine and Israel by threatening venue owners with public attacks on them for antisemitism if they allowed the bookings to go ahead.
4. There was a trawl of social media posts of Corbyn-supporting Labour party members which could be presented as antisemitic, going back years. This revealed a small number of disturbing posts but also resulted in a flood of suspensions and investigations on flimsy foundations which unfairly disrupted people's lives and dragged on for months and years without resolution.
5. There has been no similar trawl to uncover racist, homophobic, misogynistic or other discriminatory posts by Labour Party members, nor any trawl of the posts of supporters of any other Party. This unbalanced approach has vitiated the discourse ever since and has led to legitimate questioning of the motives of those pursuing the campaign of demonization. All research has pointed to a far greater problem of antisemitism on the right of politics and that its prevalence on the left is declining and on the right is increasing. This is not a reason for complacency on the left which, as part of its commitment to equality, must hold itself to higher standards than are expected on the right. It, however, sets a context for understanding developments.
6. Free Speech on Israel has the slogan 'It is not antisemitic to oppose Zionism'. As Jews we are very clear about the distinction of Jew, Israeli and Zionist and that it is quite possible to be any one of these and not qualify as either of the others. We are also clear that some people try to smuggle antisemitism under the guise of anti-Zionism. We challenge that robustly on the infrequent occasions we encounter it in the Palestine support movement both because it is inherently wrong and because it discredits support for Palestinian rights. However, Zionism is a political stance, albeit rooted in a religious discourse but so is European Christian Democracy. Zionism is no more immune from challenge and spirited critique than any other ideology: Christian Democracy; Conservatism; Socialism and so on. It can have no protected status.
7. Zionism has been only one strain of European Jewish thought and is of relatively recent origin. It was a minority reaction to European antisemitism

until the horrors of the Nazi regime. Following the second world war and the Holocaust, surviving Jews naturally wanted a place of safety. The United States was the favoured destination of many, and quite possibly the large majority. However, the United States barred their entry and Britain limited their numbers. Palestine seemed to many to be the only option. Creating the State of Israel was the resolution of Europe's crimes at the expense of the Palestinians. Actually existing Zionism posited a state not where Jews seeking refuge could live among, and in equality with, the Christian and Muslim residents of the area, but a Jewish supremacist and exclusionary state.

8. Free Speech on Israel found its work on the Labour Party was drowning the rest of its work. Consequently, FSOI joined with other Jewish Groups with significant Labour Party membership and individual Jewish members of the Party to form Jewish Voice for Labour to campaign inside the Party. JVL was set up to campaign: for anti-racist policies and practice; for an end to the witch hunt; for Labour policies carrying forward the traditions of Jewish socialism and the Bund; and for the right to campaign for Palestinian rights without fear of reprisal. JVL was launched at the September 2017 Labour party conference; it sees its values reflected in the Jeremy Corbyn leadership of the Labour Party.
9. JVL has grown steadily over the last seven months and has attracted unremitting hostility and extreme abuse from both the Jewish community groups who support Zionism and from the elements inside the Labour Party who resent the tide in the membership supporting Jeremy Corbyn.
10. JVL organised its counter rally on 26 March because of what it saw as the selective outrage of the Board of Deputies and the Jewish Leadership Council. It argues that they use the general hatred of antisemitism, which JVL as a Jewish group naturally shares, as a weapon to attack the Labour Party and to deflect essential criticism of the Israeli regime, which is steadily becoming more oppressive of Palestinians, intolerant of dissent, and more and more prone to resort to extreme violence.
11. In Parliament Square some of the people from the BoD rally came over to the JVL rally. Some came with an obvious intent to shout down and disrupt: others came to argue; some with an obvious intent to engage in debate; and some to confront more aggressively, albeit verbally not physically.
12. Freedom of association and peaceful public demonstration is laid down in the European Convention on Human Rights and is thus enshrined in UK law. Freedom of speech without fear of sanction is similarly protected. Stan Keable was exercising these fundamental rights when he joined the rally and when he willingly engaged in spirited argument with a political opponent. The [opinion of Hugh Tomlinson QC](http://www.freespeechonisrael.org.uk/ihra-opinion/) <www.freespeechonisrael.org.uk/ihra-opinion/> on the International Holocaust Memorial Association definition of Antisemitism is relevant here. In particular:
 15. Public authorities cannot lawfully act in a manner which is inconsistent with rights under the European Convention on Human Rights ("the Convention"). This means that, for

example, a public authority cannot interfere with freedom of expression unless this is justified under Article 10(2) of the Convention or with freedom of assembly unless this is justified under Article 11(2). Such justifications must be “convincingly established”. It is, of course, fundamental that freedom of expression “is applicable not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that “offend, shock or disturb the State or any sector of the population.”⁷ However public authorities are likely to be justified in restricting or prohibiting statements or demonstrations which meet the strict test of being “a direct or indirect call for violence or as a justification of violence, hatred or intolerance”. Speech which is incompatible with Convention values, such as Holocaust denial or justification of pro-Nazi policies is outside the protection of Article 10.

16. In addition to the “negative obligation” on public authorities not to interfere with freedom of expression unless such interference is justified under Article 10(2) of the Convention, they are also under a “positive obligation” “to create a favourable environment for participation in public debates for all concerned, allowing them to express their opinions and ideas without fear, even if these opinions and ideas are contrary to those defended by the official authorities or by a large part of public opinion, or even if those opinions and ideas are irritating or offensive to the public”

13. The analysis of the History of the interactions between the Nazis and the German Zionist leadership in the 1930s is heavily contested. That there was limited cooperation is well established: the extent of this collaboration and how to understand it is the subject of fierce argument, as are many historical events. Keable’s remarks seem to have been totally unfairly represented as a statement that Jews are not welcome in contemporary Britain. This is a ludicrous and vindictive distortion. He was arguing that the Nazis did not believe that Jews were welcome in Germany, ‘here’ in that context. Nazi/Zionist limited collaboration was possible because the Zionist leadership believed that the correct place of German Jews was Palestine and not Germany. Whether this was a reaction to Nazi vicious oppression or whether it was more essentialist is open to legitimate debate but not germane here. Keable shows no tolerance either for Nazi thinking or even more limited antisemitism. Such an interpretation would only be possible if there were other compelling evidence in Keable’s speaking or writing of antisemitic intent. As such evidence has not been, and cannot be, produced, far too much weight is being placed on fragments of protected free expression. To take disciplinary action on such a

flimsy pretext would set a dangerous precedent for the suppression of any unpopular opinion.

14. Disciplinary action on the proposed basis would be in breach of both Human Rights and Employment law.

A handwritten signature in black ink, appearing to read "Mike Cushman". The signature is written in a cursive style with a long horizontal stroke at the end.

Mike Cushman
23 April 2018