

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**

**Case No. 12682-2024**

**IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)**

**AND IN THE MATTER OF:**

**SOLICITORS REGULATION AUTHORITY LIMITED**

Applicant

and

**MOHAMMED SARFRAZ**

Respondent

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**REPORT OF DR DAVE RICH**

**DATED 16 APRIL 2025**

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## **1 INTRODUCTION**

- 1.1 I, Dave Rich, am Director of Policy at the Community Security Trust (CST), Shield House, Harmony Way, London NW4 2BZ, where I have worked in various roles since 1994. CST is a charity that works to protect British Jews from antisemitism and terrorism, and whose objects include the promotion of research and education into racism, antisemitism and extremism. In addition, I am a research fellow at the London Centre for the Study of Contemporary Antisemitism and I am on the editorial board of the *Journal of Contemporary Antisemitism*.
- 1.2 My specialist field is antisemitism, including the interaction between antisemitism and anti-Zionism. This is based on academic study and practical research. I completed my PhD at Birkbeck, University of London, in 2015 on *Zionists and anti-Zionists: Political Protest and Student Activism in Britain, 1968 – 1986*. I have published two

books about antisemitism and several academic book chapters on antisemitism, anti-Zionism, and associated topics. My full CV is attached as an appendix to this report.

- 1.3 I have previously acted as an expert witness on this topic for an Employment Tribunal in 2024, and in a small number of criminal prosecutions of alleged antisemitic hate crimes.
- 1.4 The substance of material instructions that I received from the SRA on 4 April 2025, and on the basis of which my report was written, was to prepare a report in relation to a series of social media posts ("the Material") made by the Respondent, and specifically whether in my opinion any of the Material is antisemitic. I have also been asked to provide my opinion regarding the Respondent's defence that the Material is not antisemitic but is instead anti-Zionist.
- 1.5. I have been provided with the Rule 12 Statement containing the Material; the original complaints; the witness statement of Person A with exhibits; the Respondent's responses to the SRA to date; the Respondent's Answer to the Rule 12 statement. I have also been provided with the decisions in SRA v Mahmood and SRA v Husain.
- 1.6. I have been provided with Rule 30(6) of the Solicitors Disciplinary Rules (SDT) 2019 and Part 35 of the Civil Procedure Rules.
- 1.7 I have no connection to any of the parties in this case nor am I aware of any other potential conflicts of interest. I am not being paid for writing this report.
- 1.8 I understand and have complied with my duty to assist the Tribunal on matters within my expertise and I understand that this duty overrides any obligation to any party from whom I have received instructions.
- 1.9 The facts and opinions stated in this report are true to the best of my knowledge.

## **2. MATTERS TO ADDRESS**

### **Definitions**

- 2.1 Antisemitism is anti-Jewish prejudice, discrimination or hostility. In its most extreme form it provides the motivation for anti-Jewish hate crimes and terrorism that targets Jewish individuals, organisations and property. However, most antisemitism is not

violent but rather is expressed through a set of ideas, stereotypes and beliefs about Jews.

2.2 Antisemitic stereotypes and tropes are often contradictory in their specific content (for example, Jews have been accused of being responsible for both predatory capitalism and subversive communism), but they tend to share the following characteristics:

- The idea that the Jews are a danger to humanity, are bloodthirsty and evil, and lack normal human compassion and mercy.
- That Jews only have loyalty to each other and conspire together in secret to pursue some malign Jewish purpose to the detriment of the rest of society, undermining the national interest and common norms and values.
- That Jews are greedy, stingy, dishonest, physically repulsive, dirty and cowardly; but also immensely wealthy, powerful, conniving, clannish and untrustworthy.
- That Jews use their supposedly unimaginable wealth and power to control and corrupt politicians, governments, the media, the financial system and society in general.
- That whenever something bad happens in the world, whether, war terrorism, pandemic, economic crash or some other calamity, there will usually be a powerful Jew, group of Jews or Jewish entity causing it to occur or seeking to benefit from it.
- That the presence and activity of Jews beyond a certain number – or a certain level of wealth and power – is a danger to society.

These antisemitic stereotypes and tropes can be directed at all Jews (i.e. “the Jews”); at Jewish individuals or groups of individuals (e.g. the Rothschilds); or at Jewish entities, including the State of Israel.

2.3 The International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism<sup>1</sup> is a widely-accepted practical guide to the types of language that may, depending on context, constitute antisemitism. Importantly, it warns that ordinary

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<sup>1</sup> <https://holocaustremembrance.com/resources/working-definition-antisemitism>

criticism of the State of Israel cannot be antisemitic. It is not intended to act as a legal code, but rather as a practical guide to inquiry, and I will use it in this spirit. I note that The Respondent accepts the IHRA definition in his Response to Notice of Recommendation (paragraph 39). In paragraph 38 of the Respondent's Answer he takes issue with aspects of three of the eleven examples in the IHRA definition, but does not wholly reject them.

- 2.4 It is worth spending a moment to define Zionism and anti-Zionism, given that the Respondent has offered the defence that his social media posts are expressions of anti-Zionism rather than antisemitism. Zionism is defined by Britannica.com as follows:<sup>2</sup>

“Jewish nationalist movement that has had as its goal the creation and support of a Jewish national state in Palestine, the ancient homeland of the Jews (Hebrew: Eretz Yisra’el, “the Land of Israel”). Though Zionism originated in eastern and central Europe in the latter part of the 19th century, it is in many ways a continuation of the ancient attachment of the Jews and of the Jewish religion to the historical region of Palestine, where one of the hills of ancient Jerusalem was called Zion.”

As this indicates, Zionism is the belief that the Jewish people, having been geographically dispersed in a diaspora since the destruction of the second Jewish temple in Jerusalem in 70AD, should return to their historic homeland of *Eretz Yisra’el* – The Land of Israel. This idea took political form at the end of the 19<sup>th</sup> century with the goal of achieving Jewish national self-determination, which came to fruition with the establishment of the modern State of Israel in 1948. Since that date, Zionism has come to mean support for the ongoing existence and well-being of the State of Israel as a Jewish state, and, for many Jewish people, identification with Israel as part of their own Jewish identity.

- 2.5 Just as modern-day Zionism is support for Jewish national self-determination as realised in the State of Israel, so anti-Zionism is its antithesis: rejection of Jewish national self-determination and opposition to the existence of the current State of

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<sup>2</sup> <https://www.britannica.com/topic/Zionism>

Israel. As such, anti-Zionism is not defined by mere opposition to, or criticism of, the policies and actions of the Israeli government or military, and indeed it is common for people and organisations who describe themselves as Zionist to oppose and criticise Israeli government policies and actions (whatever the political complexion of the Israeli government of the day).

- 2.6 There is also a version of anti-Zionism that treats Zionism as an international conspiracy of hidden Zionist power, that uses wealth and intimidation to manipulate and corrupt politicians, media outlets, banks and other institutions. This version of anti-Zionism is completely detached from rational critique of the Zionist movement or of Israeli government policies and actions, and is instead a variant of traditional antisemitic conspiracy theories and stereotypes about Jews as described in 2.2.
- 2.7 Normal political criticisms of the State of Israel or of the policies and actions of the Israeli government and military would not ordinarily be considered to be antisemitic. However, if antisemitic stereotypes or tropes are used to describe the behaviour of the Israeli state then this can be antisemitic, given that Israel is widely recognised to be a Jewish state and defines itself as such. The same applies to antisemitic stereotypes or tropes applied to Zionism or Zionists, conceived as a Jewish political movement. This is recognised in example nine of the IHRA definition.

### **The Material**

- 2.8 I will set out in this section the items in the Material that involve the expression of antisemitic attitudes. I will do so with reference to the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, as well as to other sources and to my own expertise. I will first analyse a selection of social media posts and tweets by the Respondent, and then make some general observations.
- 2.9 On 9 November 2019 the Respondent posted on Facebook an article from the website Redressonline.com titled “Jews eight times over-represented in UK parliament”, with the comment “Anti-semitism? Really?” The article itself, which the Respondent did not write, is based on a statistical analysis of the number of Jewish Members of the House of Commons relative to the size of the UK Jewish population, compared to the same data for the Muslim community. It was published on 21 May

2010, a little more than two weeks after the General Election of that year. It noted that the election of 24 Jewish MPs is disproportionately high when set against the size of the overall Jewish population of the UK. I have not checked whether the article's numerical claims are accurate, as this is not relevant to the question of whether the article is antisemitic or not. The relevant feature of the article that makes it antisemitic is that the author describes the presence of 24 Jewish MPs in the House of Commons as a "problem" and therefore something negative or threatening, writing "Jewish over-representation is only part of our problem". The article suggests that this is a problem because Jewish MPs are allegedly not loyal to Britain. It notes disapprovingly that "two Jews – the Miliband brothers – are battling for the leadership of the beaten Labour Party." The inference is that their Jewish identity makes them unsuitable to lead a British political party. The article also refers to "non-Jew Zionists that have stealthily infiltrated every level of political and institutional life." It claims that David Cameron became Prime Minister with the help of "Jewish backers" and that several named Ministers in the new government are "stooges" for Israel. Taken together, it paints a picture of a sinister conspiracy involving Jewish and non-Jewish Parliamentarians who act secretly on behalf of Israel to infiltrate and control British politics. This allegation of conspiracy is a central charge of modern antisemitism as recognised in example two of the IHRA definition. Alleging that Jewish MPs who are British bear more loyalty to Israel than to the UK is the antisemitic charge of 'dual loyalty', recognised in example six of the IHRA definition.

- 2.10 The Respondent commented on this article, when posting it on Facebook, with the message "Anti-semitism? Really?" This message appears to indicate that the Respondent was aware that others were calling the article antisemitic, and that he was casting doubt on this characterisation. This reading of the comment is confirmed in paragraph 40 of the Respondent's Answer dated 22 November 2024. In paragraph 40 the Respondent also asserts that disproportionate Jewish representation in Parliament "in turn facilitates a potentially disproportionate influence of Zionists over Palestinian views." This indicates that the Respondent equates Jews with Zionists, in that the presence of the former in his view determines the probable presence (and scale of presence) of the latter. He does not offer any evidence that these Jewish MPs

support Israel, for example by reference to their voting record, speeches or other public statements. Nor does he allow for any variation of opinion between them on political matters relating to Israel and Zionism. Instead he relies on their Jewish identity to infer that their Jewishness equates to Zionist influence. This is a racist assumption.

- 2.11 There are a number of tweets in which the Respondent accuses prominent British Jews of disloyalty to Britain, up to and including treason. These include tweets directed at, or about, the Chief Rabbi and Rachel Riley (a Jewish TV presenter) on 27 November 2019; a tweet about students on 5 March 2021; a tweet about the Board of Deputies of British Jews on 5 March 2021. The timing of these tweets is significant. The first pair, in November 2019, were made shortly before the 2019 General Election, when debate over alleged antisemitism in the Labour Party was a prominent part of public and media discourse; a debate to which the Chief Rabbi and Rachel Riley had both contributed. The tweets in March 2021 were expressions of support for Professor David Miller, an academic who had been suspended by Bristol University due to allegations of antisemitism in relation to comments he had made about Jewish students at Bristol and elsewhere (the Respondent acknowledges this context, for example in a letter from Sigma Law Solicitors to the SRA dated 6 April 2022, and in paragraph 5 of the Respondent's Answer). In both cases, it is important to note that these various public debates related to allegations of antisemitism within the UK, rather than foreign policy debates over Israeli policies and Israel's treatment of the Palestinians. The implication of the Respondent's tweets is that it is disloyal to Britain for British Jews to express concerns about alleged antisemitism, because in doing so they are secretly doing the bidding of a foreign state. Such an allegation would invoke the antisemitic tropes of conspiracy and dual loyalty, while also denying any legitimacy to British Jewish concerns about antisemitism within the UK.
- 2.12 The idea that British Jews bear a secret loyalty to some collective Jewish interest that outweighs their loyalty to their country and would even lead them to act against Britain's interests is a common and long-standing antisemitic trope, as indicated in example six of the IHRA definition. It was, for example, a central belief of Nazism that German Jews were not loyal to Germany. Similarly, at different phases during the

existence of the Soviet Union, Jews were persecuted due to unfounded suspicions of disloyalty. The idea that Jews in Britain today bear greater loyalty to Israel than to the UK, even to the point of treason, follows this antisemitic trope.

- 2.13 A series of tweets and posts by the Respondent make the allegation that politicians, journalists or other public figures are paid by Israel or “Zionists”, and that this alleged payment explains their behaviour. Examples include a tweet to Andrew Neil on 2 April 2020; a tweet to Rachel Riley and Mark Lewis about the BBC journalist John Ware dated 25 February 2021; a tweet to Sajid Javid (at that time a Conservative MP) on 12 May 2021; a tweet about Matthew Offord (also at that time a Conservative MP) on 19 May 2021; an image posted on Facebook on 3 November 2021 and 28 December 2021 titled “All Bought And Paid For”, showing several Labour politicians who it claims have taken money “from the Israel lobby”. This allegation combines the antisemitic trope that Jews are wealthy, with the conspiracy trope that Jews use that wealth to unduly influence or corrupt the media and politicians. Alleging that this conspiracy is run by “Zionists” rather than explicitly by “Jews” does not remove the antisemitic component of the allegation, which is found in the allegation of conspiracy that underlies the statements. This is reflected in example two of the IHRA definition of antisemitism, which relates to antisemitic conspiracy theories of this nature; especially in combination with example nine, which relates to the way in which classic antisemitism is transposed onto Israel or Israelis.
- 2.14 To look in more detail at two of these examples, on 12 May 2021 Sajid Javid, at that time a Conservative MP, posted a tweet supporting the Israeli government in its conflict with Hamas. The Respondent replied with “How many sheckels was it you bald c###.” Sheckels are the currency of Israel. The inference is that Sajid Javid was not expressing his own opinion about conflict in the Middle East but was acting as a paid mouthpiece of a foreign government without declaring it. The Respondent does not offer any evidence that Javid was paid by the Israeli government to post this tweet and without any such evidence it is a baseless imputation that Israel has used money to secretly corrupt a British Member of Parliament. A similar example can be seen in a tweet to Rachel Riley about the BBC journalist John Ware on 25 January 2021, in which the Respondent claims that Ware “was clearly paid handsomely by



the Zionists to further there [sic] cause – he was Sneaky enough to do it with lots of insinuations – he’s a lying c### as are u – your time is coming to an end very soon.” The context for this was a retweet by Riley of a post showing that Ware had won a legal judgement in a libel case he brought against a third party in relation to an episode of Panorama he had made about antisemitism in the Labour Party (Ware ultimately won that case). The Respondent’s allegation is nonetheless that Ware was dishonest in his making of that Panorama episode and furthermore was paid by “the zionists” for his dishonesty. Again, the Respondent does not provide any evidence for this, and indeed Ware subsequently won damages for defamation against an unrelated individual who had made a similar allegation of dishonesty in relation to the same programme. In both of these tweets, the Respondent’s allegation of financially-induced dishonesty from Javid and Ware was accompanied by personal abuse by calling them a “bald c###” and “lying c###” respectively. The tweet to Riley about Ware also included an implied threat, i.e. “your time is coming to an end soon.” Taken together, these two examples display an antisemitic conspiracy allegation that Israel or Zionists used money to corrupt a politician and a journalist into dishonesty, and this allegation was expressed in hostile tones.

- 2.15 On two occasions the Respondent made the allegation that Jews, or “the Jews”, killed Jesus Christ. On 10 December 2019 he replied to a tweet by Lord Sugar, a prominent Jewish businessman and TV personality, calling on then-Labour Party leader Jeremy Corbyn to resign: “Not the first JC to be stitched up by the Jews – does that make me anti-semitic?”. On 23 February 2021 he tweeted at Tracy-Ann Oberman and David Baddiel, both of whom are celebrities who are Jewish, “Jews did whack jesus.” The allegation that the Jews were responsible for the death of Jesus Christ is one of the formative tropes of European antisemitism. It originates in a particular reading of the Gospels, which claimed that the Jewish religious leadership in Jerusalem persuaded the Roman prefect, Pontius Pilate, to execute Jesus, and that when Pilate gave the Jewish crowd an opportunity to ask for Jesus to be released, they refused. The Gospels’ version of the story, combined with a belief that successive generations of Jews bore continual guilt for Jesus’s death, became the basis for centuries of anti-Jewish persecutions in Christian Europe, from the medieval period into modernity.

- 2.16 The Respondent claims that his posts saying “Jews did whack Jesus” and that Jesus Christ (“JC”) was “stitched up by the Jews” reflect “historic fact/religious belief” (Respondent’s Answer paragraph 38(c)). However, the consensus of historians is that, while Jewish leaders played a role in the events leading up to Jesus’s execution, the ultimate authority to impose and carry out a sentence of death lay with the Roman authorities. It is also of note that major Christian denominations have developed theological interpretations that respect the original Gospels while dispensing with the aspects that have been used to justify hostility towards Jews. Most famously, in 1965 Pope Paul VI proclaimed in *Nostra Aetate*: “what happened in His passion cannot be charged against all the Jews, without distinction, then alive, nor against the Jews of today.”
- 2.17 On neither occasion when the Respondent posted his view that the Jews were responsible for Jesus’s death, was he replying to a conversation that was already discussing this subject. Instead, he was replying to comments by prominent British Jews about antisemitism in modern Britain. It is not clear what his purpose was in reviving the allegation that the Jews killed Jesus and inserting it into debates about contemporary antisemitism, but doing so was likely to cause offence, and to derail and delegitimise Jewish concerns about antisemitism in present-day Britain. Nor can the allegation that the Jews killed Jesus be read in any way as a criticism of the State of Israel, which was not founded until 1948, some 1,915 years after the estimated year of Jesus’s crucifixion.
- 2.18 The Material includes screenshots of two Facebook posts by the Respondent linking to content that appears to suggest the official account of the 9/11 terrorist attacks is unreliable, and that other, more conspiratorial, explanations of who carried out those attacks are worthy of consideration. One is a Facebook post dated 10 February (no year given) of a video from the alternative video-sharing website BitChute titled “911 False Flag – American Traitors Mossad – Where are the Oath Keepers – Ken O’Keefe”. The other is a Facebook post dated 9 September 2021 of a link to an article titled “Five Israelis were seen filming as jet liners ploughed into the Twin Towers on September 11, 2001.” In general, the idea that the 9/11 terrorist attacks were in fact not carried out by Osama Bin Laden’s al-Qaeda terrorist group but were in fact a

“false flag” carried out by some other actor is a common conspiracy theory. Antisemitic versions of this conspiracy theory include the allegation that Israel’s external intelligence agency Mossad was responsible, and the claim that a group of Israelis were seen filming and celebrating the attacks as if they had prior knowledge of it. I am not able to view the video in the first post, or to read the article in the second. Nor can I give a view regarding the Respondent’s endorsement or otherwise of either, as they were posted without comment and I cannot access the comment thread on each post that might provide more information.

- 2.19 More explicit is a tweet by the Respondent on 30 October 2020 in which he wrote: “Yes 9/11 really helped the Muslims of the world An inside job helped by mossad as a pretext to destroy the middle East so a few Zionist can continue with the greater Israel project There I said it”. This tweet fully endorses an antisemitic conspiracy theory about the 9/11 terrorist attacks, by claiming that the attacks were an inside job – i.e. carried out by or with the knowledge of the United States – assisted by Israel via its external intelligence agency Mossad, with the motive of serving the expansion of Israel. The final words “There I said it” indicate that the Respondent was aware this is a controversial or offensive viewpoint. The allegation that the 9/11 attacks were carried out by, or with the assistance of, Israel is utterly baseless, and as such it is an antisemitic conspiracy theory and this is an antisemitic tweet.
- 2.20 On 26 February 2021 the Respondent tweeted “Twitter is run by jews – now Let’s see how long it takes for me to get banned Different rules for the master race we are just cattle.” He repeats this claim in the Respondent’s Response to Notice of Recommendation (9 May 2024) paragraph 43(i), in which he writes: “Prior to Elon Musk’s takeover of Twitter in October a significant majority of Twitter’s founders, directors and shareholders were of Jewish extraction.” This assertion is factually incorrect. Twitter was founded in 2006 by Jack Dorsey, Noah Glass, Biz Stone and Evan Williams. Of these, Stone is the only one who is publicly identified as Jewish. At the time of Musk’s takeover of Twitter, its major shareholders were all institutional investors, not individuals.<sup>3</sup> The outgoing CEO at the point of takeover was Parag

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<sup>3</sup> <https://www.techmonitor.ai/digital-economy/big-tech/who-owns-twitter?cf-view#h-who-owned-twitter-before-elon-musk>

Agrawal, who is not Jewish; nor were most of the outgoing directors. The allegation that a major media company – in this case, social media – is run or controlled by Jews, and that this explains the company’s behaviour, repeats the antisemitic conspiracy theory that claims Jews control the media. There is no apparent claim by the Respondent that the Jews who he believed ran Twitter were pro-Israel or supported Zionism: it is simply their alleged Jewishness – in itself, entirely false – which is highlighted, with the inference that this should be viewed negatively.

- 2.21 The reference to Jews behaving as the “master race” is antisemitic on two grounds. First, it appears to be a subtle reference to, and distortion of, the Jewish theological concept of the “chosen people”. This is a belief in Judaism that God chose the Jewish people to live according to His laws. It is viewed in Jewish thought as a burden of responsibility rather than a status of privilege, but it is often abused by antisemitic propagandists to wrongly claim that Jews consider themselves to be better than other people. Second, it uses the Nazi language of “master race”, which is how Nazi Germany described the Aryan people, which implies that Jews are comparable to Nazis. This is a grossly offensive comparison to make, given that Nazi Germany and its accomplices exterminated six million Jews in Europe during the Holocaust. This antisemitic trope is reflected in the tenth example of the IHRA definition.
- 2.22 A Facebook post by the Respondent dated 24 January (no year given) states “Corbyn was not and is not remotely antisemitic. He was the subject of a concerted campaign of smears and lies.” The Respondent goes further in The Respondent’s Answer paragraph 44(b), writing “the Corbyn myth of antiemetic [sic] labour has been largely debunked”. This is factually incorrect. An investigation by the Equality and Human Rights Commission (EHRC) found in October 2020 that the Labour Party under Jeremy Corbyn’s leadership had breached the Equality Act 2010 by committing unlawful harassment and by acts of indirect discrimination in relation to antisemitism. It is worth noting, given the wording of the Respondent’s Facebook post, that the EHRC found that manifestations of antisemitism in the Labour Party included suggesting that complaints of antisemitism were fake or smears.<sup>4</sup>

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<sup>4</sup> <https://www.equalityhumanrights.com/our-work/inquiries-and-investigations/investigation-labour-party>

- 2.23 On 8 May 2015 the Respondent posted an article from The White Resister website titled “Free Speech Is Not for Everyone: Sylvia Stolz has been Jailed Again for Questioning the Holocaust.” Stolz is a German lawyer who has been convicted in Germany of Holocaust Denial. The White Resister is a white supremacist, neo-Nazi website that carries articles supportive of Adolf Hitler and Nazism. The Respondent posted this article without comment, so it is not possible to know his motivation in doing so. However, I have been able to read the original article and it is highly sympathetic to Stolz and critical of her conviction, referring to “so-called ‘Holocaust denial’.” Holocaust denial is a form of antisemitism not only because it denies the facts of the Holocaust, but because it usually involves an allegation – either implicit or explicit – that Jews or others have invented a false story of the Holocaust for material, political or financial gain. Examples four and five of the IHRA definition cover both of these aspects of Holocaust denial. Five years after this post, the Respondent tweeted (on 16 February 2020) that anybody who denies the Holocaust is “a ##### idiot”. It is not clear whether his views regarding Holocaust denial changed over this period, but in any event, the posting of an article sympathetic to Holocaust denial taken from a neo-Nazi website necessarily involves the promotion of antisemitism, irrespective of any contradictory posts made by the Respondent elsewhere or subsequently.
- 2.24 In that same tweet of 16 February 2020, having said that anyone who denies the Holocaust is an “idiot”, the Respondent continued: “On that point – what about the holocaust that’s taking place in gaza and the west bank right now?” This tweet was sent to the Holocaust Memorial Day Trust, David Baddiel, and BBC 2. Comparing Israel to Nazi Germany, or equating the conflict and loss of life in Gaza to the Holocaust, is antisemitic, as per example ten in the IHRA definition. This antisemitism works on a number of levels. It causes immense offence and hurt to Jewish people, many of whom will have lost relatives in the Holocaust, and who may also have relatives who are Israeli. It exploits Israel’s identity as a Jewish state to cause this hurt, the implication being that Jews are no better than their Nazi persecutors. In this particular example, it misappropriates the term “Holocaust”. In the Respondent’s Response to Notice of Recommendation paragraph 43(c) the Respondent argues that

“The terms ‘holocaust’ and ‘genocide’ are interchangeable”, and that “holocaust” has been used throughout history to refer to many different examples of mass killing. However, whatever its usage prior to 1945, today the term “Holocaust” is broadly accepted to refer to the murder of six million Jews by Nazi Germany and its accomplices between 1933 and 1945. For example, the Holocaust Educational Trust website defines “Holocaust” as follows:

“Term most commonly used to describe the mass murder of approximately 6 million Jews by the Nazis and their collaborators. Although certain other groups were victims of Nazi persecution and genocide, only Jews were targeted for complete destruction. Thus, when used by historians, the term refers specifically to the murder of Europe’s Jews rather than to Nazi persecution in general.”<sup>5</sup>

There is consensus on this point: the Holocaust Memorial Day Trust website states “The Holocaust (The Shoah in Hebrew) was the attempt by the Nazis and their collaborators to murder all the Jews in Europe.”<sup>6</sup> Similarly, the Imperial War Museum website says: “The Holocaust was the systematic murder of Europe's Jews by the Nazis and their collaborators during the Second World War.”<sup>7</sup> The Respondent’s assertion that “holocaust” and “genocide” are interchangeable terms is not reflected in its usage by authorities on this matter.

- 2.25 In a tweet dated 25 July 2020, the Respondent replies to a tweet by David Baddiel with the request “It would be good to read you tweeting about the rights of the palestinians and the apartheid jewish regime (yes its [sic] is a Jewish regime) – is that anti semitic?” Describing Israel as an “apartheid Jewish regime” would be considered to be offensive by many Jewish supporters of Israel. However, the question of whether or not Israel practices some form of apartheid in its treatment of Palestinians is a common part of political debate over the conflict, and Israel describes itself as a Jewish State. While the language the Respondent uses is robust (in keeping with much social media commentary), accusing Israel of practicing

<sup>5</sup> <https://www.het.org.uk/images/downloads/Glossary.pdf>

<sup>6</sup> <https://hmd.org.uk/learn-about-the-holocaust-and-genocides/the-holocaust/>

<sup>7</sup> <https://www.iwm.org.uk/history/what-was-the-holocaust>

apartheid and calling it a “Jewish regime” would not on its own constitute antisemitism. However, the tweet by Baddiel to which this is a reply concerns media reporting of allegedly antisemitic comments made by the rapper Wiley. Replying to this comment by demanding that Baddiel comments about alleged Israeli apartheid implies that Baddiel should not post about antisemitism in Britain without also posting about alleged Jewish apartheid in Israel. This implication carries the potential for antisemitism, as it risks denying the right of a British Jew – David Baddiel – to comment on, and condemn, antisemitism in Britain, without first answering for the alleged wrongdoing of the State of Israel.

- 2.26 The Material includes a tweet dated 25 February 2021 to the Union of Jewish Students (UJS) that reads “I’m a lawyer and my advice is go f#### yourself”. This is obviously offensive and hostile, and it is directed at a Jewish student organisation, but the Respondent’s motivation for sending the tweet is not explicit. In addition, there is a missing tweet that was originally present in the thread, in between the tweet from UJS and the reply from the Respondent, but which is not visible in the Material provided to me as it was posted by an account that had since been removed. Without reading this intervening tweet it is not possible to assess whether the Respondent’s “go f#### yourself” tweet is antisemitic or simply offensive.
- 2.27 In a tweet dated 6 January 2022 the Respondent writes “Like I told your pals previously its not anti semitic to dislike c#### who just happen to be Jewish.” On its own, this statement is correct: disliking somebody who happens to be Jewish is not antisemitic, as long as that dislike is not motivated by that person’s Jewishness and – crucially – as long as it is not expressed through antisemitic language, stereotypes, conspiracy theories or tropes.
- 2.28 In a Facebook post dated 22 May 2021, the Respondent posted an article from the Mondoweiss website titled “Jewish groups that aid Israel’s war crimes can’t deny all responsibility for those crimes”. I have not been able to read this article. In an accompanying comment, the Respondent wrote: “the reason why so many people believe that British Jews are responsible for what happens in Gaza is because Zionist organisations like the Board of Deputies repeatedly support Israeli war crimes whilst, at the same time declaring that they are ‘the voice of the Jewish community.’ – you

can't have it both ways". The Board of Deputies of British Jews is widely regarded as the closest thing that the British Jewish community has to a nationally representative organisation. It is broadly supportive of Israel, in line with the majority of the UK Jewish community, but rarely comments on specific Israeli government policies or military operations. Within the Board of Deputies there is a diversity of opinion regarding the conduct of the war in Gaza, as evidenced in a recent [letter](#) to the Financial Times by 36 members of the Board of Deputies criticising the ongoing war. Similarly, there is a diversity of opinion amongst British Jews regarding the conflict. It is too much of a leap to assume from the Board of Deputies' broad sympathy for Israel that all British Jews can be held responsible for every individual act that happens in Gaza. Even if some British Jews feel that the policies of the Israeli government in relation to the war in Gaza are justifiable and correct, they are only observers of the conflict, not direct protagonists, and it does not follow that they are responsible for the consequences of those policies: that responsibility lies with the Israeli government and military who enact them. As such, this post appears to justify the type of antisemitism described in example 11 of the IHRA definition, namely holding Jews collectively responsible for the actions of the State of Israel.

### General Observations

- 2.29 The question of whether a statement is antisemitic can rely on the specific language that is used, as well as the intended target and purpose of the statement. Criticising Israel or Zionism can be done in antisemitic or non-antisemitic ways, depending on the language used. For example, it is not antisemitic to accuse Israel of committing war crimes, because this allegation does not employ traditional antisemitic stereotypes or tropes. However, the allegations in the Material that Israel (or unidentified "Zionists") use financial inducements to corrupt and control British politicians and journalists does employ a well-known antisemitic trope. The only way for such an allegation to not be antisemitic would be if it is true, but the Respondent does not offer any evidence to that effect.
- 2.30 The Respondent repeatedly states that his social media posts comprise criticisms of, or opposition to, the Israeli government, rather than hostility towards Jewish people. For example, in the Respondent's Answer paragraph 27 he writes: "To oppose and



criticise a hardline Israeli government does not equate per se to criticism of its citizens or Jewish people.” I agree with this statement; however, very few of the Respondent’s social media posts included in the Material contain any specific criticisms of the Israeli government, so this explanation cannot apply to most of the posts under review. The post that most meets this description is a tweet on 10 December 2019 in which he writes “Why don’t you put a little effort into speaking up for the Palestinians? Or are their lives worth less than yours? Stop the genocide of the Palestinians and stealing their land and houses and it may stop all anti-semitism.” Taken in isolation, this comment is not necessarily antisemitic. However, the IHRA definition requires us to consider the context of a statement when making this assessment, and in this case, the context must include the identity of the recipients of this post. It was sent to three British Jews – Rachel Riley, Judith Ornstein and David Hirsh – none of whom are Israeli government representatives, nor are they personally guilty of the actions that the Respondent alleges in this tweet, namely stealing land and houses and committing genocide. By ascribing these actions to these three British Jews and instructing them to stop carrying them out or face the prospect of more antisemitism, the Respondent is holding Jews collectively responsible for the alleged actions of the State of Israel as outlined in example 11 of the IHRA definition. Given this context, this post is antisemitic, whereas if the same comment had been directed at, say, the Israeli Ambassador to the UK, it would not be.

- 2.31 The Respondent claims that his comments are only directed at hardline supporters of Israel. For example, in the Respondent’s Answer paragraph 30(c) he writes that he has never “incited any sentiment against Jewish people other than hardline Zionist hawks”; paragraph 42(b) describes Rachel Riley as “a Zionist hawk”; under Mitigation And Costs point 4, it states “his ire being solely directed towards Zionist extremists.” The Respondent does not provide a definition of a “Zionist hawk” but I interpret it to mean somebody who is strongly and consistently supportive of Israeli militarism and expansionism and opposed to Palestinian rights. However, the people towards whom the Respondent has directed his ire online do not fit this description. For example, on 23 February 2021 the Respondent tweeted “Jews did whack Jesus” in response to David Baddiel, who is well known as a campaigner against antisemitism but publicly

decries any connection to Israel. Indeed, the tweet by Baddiel to which the Respondent was replying began with the sentence “As people know, I don’t give a fuck about stupid fucking Israel.” This is hardly the language of a Zionist hawk. Similarly, Rachel Riley became a prominent campaigner against British antisemitism from around 2018 onwards but this does not make her an advocate for the policies and actions of the Israeli government.

- 2.32 Repeatedly and throughout the Material, the Respondent appears to equate opposing antisemitism in Britain with supporting the Israeli government. However, these are two different activities that should not be conflated: it is perfectly possible to oppose antisemitism in the UK while also being a critic of the Israeli government, or indeed having no opinion on Israeli politics at all.
- 2.33 In The Respondent’s Response to Notice of Recommendation, he argues (paragraph 43(b)) that accusing two Jewish individuals of being more loyal to Israel than to the UK does not amount to antisemitism as he does not level that charge at all Jews. However, for a comment to be antisemitic does not require a person to express hostility to all Jews; only for them to use antisemitic stereotypes or tropes to attack the individual Jew or Jews who are the subject of their comment. As a comparison, if a person utters a racist slur about a person who is black, it is not necessary to establish that they would utter the same racist slur about all black people for the slur to be recognised as racist.
- 2.34 The Respondent repeatedly posts antisemitic material with a comment indicating that he is aware the material may be considered antisemitic, or that (in the case of the Redressonline.com article) it has already been accused of being so. He appears to dismiss such concerns without considering them properly. Nor does he appear sensitive to the impact on Jewish people of him dismissing concerns of antisemitism in such terms.

### **3. CONCLUSION**

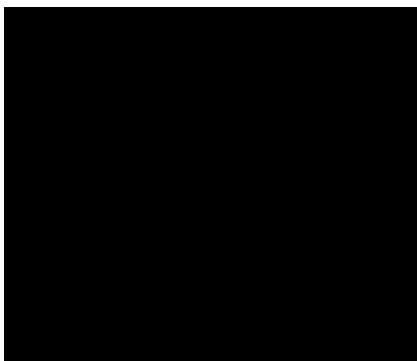
- 3.1 The Respondent has made several antisemitic posts on social media. The most common antisemitic theme in these posts involve allegations of a conspiracy by Israel or unnamed “Zionists” to unduly influence or corrupt British politicians and journalists

through financial inducements. A secondary antisemitic theme is the repeated allegation that prominent British Jews are disloyal to Britain and are acting against Britain's interests. At times, these two themes are entwined.

- 3.2 Some of the Respondent's antisemitic tweets are expressed in personally hostile terms towards their targets.
- 3.3 The Respondent's defence that his social media posts constitute criticism of the State of Israel is not borne out by the content or targets of those posts, which mostly relate to British public figures who are Jewish expressing opposition to antisemitism in the UK.
- 3.4 The Respondent is highly critical of the actions and policies of the Israeli government but his views do not amount to anti-Zionism.

#### **STATEMENT OF TRUTH**

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Dave Rich

1 May 2025

## APPENDIX: DR DAVE RICH – CV

Dr Dave Rich is Director of Policy for the Community Security Trust (CST), a UK Jewish charity that provides security advice and assistance to the UK Jewish community and assists victims of antisemitic hate crime, where he has worked since 1994. Dave completed his PhD at the Pears Institute for the Study of Antisemitism, Birkbeck, University of London, in 2015 on *Zionists and Anti-Zionists: Political Protest and Student Activism in Britain, 1968 – 1986*. He is a Research Fellow at the London Centre for the Study of Contemporary Antisemitism and is on the editorial board of the *Journal of Contemporary Antisemitism*. Dave writes regularly about antisemitism, anti-Zionism and extremism for publications in the UK and overseas including *The New York Times*, *The Guardian*, *The Observer*, *The New Statesman*, *The Huffington Post*, *Standpoint*, *World Affairs Journal*, *Ha'aretz*, *The Jerusalem Post*, *The Jewish Chronicle*, and *Fathom*. Dave is a member of the Crown Prosecution Service External Consultative Group on Hate Crime and represents CST on the National Independent Advisory Group on Hate Crime for Policing and Criminal Justice.

Published work includes:

*Everyday Hate: How antisemitism is built into our world and how you can change it* (Biteback, 2023 & 2024)

*The Left's Jewish Problem: Jeremy Corbyn, Israel and Anti-Semitism* (Biteback, 2016 & 2018)

'What Role Does Antisemitism Play in Jeremy Corbyn's Labour Party?' in *Contending with Antisemitism in a Rapidly Changing Political Climate*, ed. Alvin H. Rosenfeld (Indiana University Press, 2021)

‘Why is the British Left anti-Israel, and Why Does It Matter?’ in *Confronting Antisemitism in Modern Media, the Legal and Political Worlds*, ed. Armin Lange, Kerstin Mayerhofer, Dina Porat, Lawrence H. Schiffman (De Gruyter, 2021)

‘The British Summer of 2014: Boycotts, Antisemitism, and Jews’, in *Boycotts Past and Present: From the American Revolution to the Campaign to Boycott Israel*, ed. David Feldman, (Palgrave Macmillan, 2019)

‘Walking a Mile in Asghar Bukhari’s Shoe: Conspiracy Theories, Antisemitism, and Extremism’, in *Unity and Diversity in Contemporary Antisemitism: The Bristol–Sheffield Hallam Colloquium on Contemporary Antisemitism*, eds. Jonathan G. Campbell & Lesley D. Klaff (Academic Studies Press, 2019)

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‘The Activist Challenge: Women, Students, and the Board of Deputies of British Jews in the British Campaign for Soviet Jewry’, *Jewish History* vol. 29, no. 2 (2015)

‘Campus War, 1977: The Year that Jewish Societies were banned’, in *Anti-Semitism on the Campus: Past and Present*, ed. Eunice G. Pollack (Academic Studies Press, 2011)

‘The Very Model of a British Muslim Brotherhood’ in *The Muslim Brotherhood: The Organization and Policies of a Global Islamist Movement*, ed. Barry Rubin (Palgrave Macmillan, 2010)

‘The Holocaust as an anti-Zionist and anti-Imperialist tool for the British Left’, in *The Abuse of Holocaust Memory: Distortions and Responses*, ed. Manfred Gerstenfeld (Jerusalem Center for Public Affairs, 2009)

‘British Muslims and UK Foreign Policy’, in *Britain and the Middle East: From Imperial Power to Junior Partner*, eds. Zach Levey & Elie Podeh (Sussex Academic Press, 2008)