

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**

Case No:

**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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**STATEMENT PURSUANT TO RULE 12 (2) OF THE SOLICITORS (DISCIPLINARY  
PROCEEDINGS RULES) 2019**

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I, Louise Culleton am a Barrister employed by Capsticks LLP, 1 St George's Road, London SW19 4DR. I make this Statement on behalf of the Applicant, the Solicitors Regulation Authority Limited ("SRA").

**The allegations**

1. The allegations against the Respondent, Mohammed Sarfraz, made by the SRA are that, while in practice as a Director and Solicitor at Cartwright Solicitors ("the Firm"):
  - 1.1. Between November 2019 and January 2022, he made inappropriate and/or offensive and/or antisemitic social media posts/tweets on his Facebook and/or Twitter accounts, as identified in Schedule 1.
  - 1.2. The social media posts/tweets identified for the purposes of Allegation 1.1 above were intentionally offensive and/or antisemitic.
  - 1.3. In so far as the conduct took place before 25 November 2019 the conduct alleged above breached any or all of Principles 2 and 6 of the SRA Principles 2011.
  - 1.4. In so far as the conduct took place on or after 25 November 2019, the conduct alleged above breached any or all of Principles 2, 5 and 6 of the SRA Principles 2019.

2. The facts and matters relied upon in support of this allegation are set out in paragraphs 9 to 96 below.

### **Appendices and Documents**

3. I attach to this Statement the following appendices:

Appendix 1: Relevant Rules and Regulations

Appendix 2: Anonymisation Schedule

4. I attach to this statement a bundle of documents, marked LIC1 to which I refer in this statement. Unless otherwise stated, the page references ("LIC1 p [ ]") in this statement relate to documents contained in that bundle.

5. The bundle is divided into the following sections:

Section A: Documents relied on by the SRA **[pages 1 to 154]**

Section B: Correspondence between the SRA and the Respondent **[pages 155 to 195]**

Section B: Guidance notes and authorities **[pages 196 to 462]**

### **Professional Details**

6. The Respondent is a solicitor having been admitted to the Roll on 1 February 2008. The Respondent was born in 1971 and was 48 years old at the time of the alleged conduct.
7. He is a solicitor and director at Cartwright Solicitors Ltd, a recognised body.
8. He holds a current practising certificate free from conditions, he has been the COLP since September 2014 and the Money Laundering Compliance Officer ('MLCO'), Anti Money Laundering Officer ('MLO'), and Money Laundering Reporting Officer ('MLRO') of the Firm since February 2018 and retains those positions to date.

### **The facts and matters relied upon in support of the allegations**

#### **Background**

9. The conduct in this matter came to the attention of the SRA when a number of complaints were made to the SRA regarding the Respondent's social media posts. The alleged conduct occurred between November 2019 and January 2022.
10. Two complaints were made by members of the public who had viewed the social media posts online, one of them a Person A, who provided a witness statement to the SRA following her original complaint **[LIC1, pages 97 to 100]**. Neither of these individuals were subject to the Respondent's posts but were concerned about the content of his posts.
11. Another report was received by GnasherJew, which is an antisemitic watchdog and which raised concerns about posts by the Respondent which they considered to be antisemitic **[LIC1, pages 85 to 96]**.
12. The posts were also identified by the SRA External Affairs team due to a further Twitter<sup>1</sup> user tagging the SRA Twitter account to highlight the content of posts **[LIC1, pages 17 and 18]**. The Respondent also tagged the SRA Twitter account in one of his posts **[LIC1, page 16]**.
13. As a result of the above complaints, a review of the Respondent's social media was undertaken by the SRA in light of the SRA Warning Notice on Offensive Communications **[LIC1, page 196 to 202]** and Topic guide **[LIC1, page 203 to 205]**.
14. The SRA created a bundle of evidence to show screenshots of relevant posts and tweets, with threads provided, where possible, to show what the Respondent has posted and/or his comments and some context surrounding the comments.
15. By way of background as to how the Respondent was identified as a solicitor which triggered the reports/complaints to the SRA:
  - 15.1. The Respondent's Facebook profile indicated that he was a director at Cartwright Solicitors **[LIC1, page 124]**. Although a director of a law firm is not necessarily a solicitor, they would still be an SRA regulated person and expected to comply with the SRA's Principles and Codes of Conduct. Given that the Respondent has not only identified himself as a director at a law firm but identified specifically at which firm, his status as a solicitor was readily able to be confirmed on the Law Society's website by any member of the public, as it was by the complainants who referred the matter to the SRA.

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<sup>1</sup> Twitter changed name to X in July 2023. The tweets/posts referred to in this statement pre-date that name change.

- 15.2. His profile page shows a collection of images in the 'Photos' section. The top middle picture shown on his Facebook profile [LIC1, page 124] is also his profile picture on Twitter. Therefore, the link between his Twitter and Facebook account makes him identifiable as a solicitor also on Twitter.
- 15.3. Mr Safraz identifies himself as a lawyer in a Twitter post referred to below [25 February 2021], saying "I'm a lawyer and my advice is go f### yourself" [LIC1, page 10].
16. The Respondent's Twitter and Facebook profiles were on a public setting. Person A references being able to access and view both and the world symbol also appears next to posts made by the Respondent on Facebook which indicates that they were public. As a result the tweets and posts made by the Respondent were in the public realm rather than the private realm.

### **Allegation 1.1 – Inappropriate/offensive/antisemitic posts and tweets on social media**

#### Legal Framework

17. The Warning Notice on Offensive Communications, August 2017 (updated in November 2019), reiterates the importance for solicitors to comply with the SRA Principles in light of a significant increase in the number of complaints concerning inappropriate communications, specifically in relation to (but not limited to) emails and the use of social media, both inside and outside of practice [LIC1, pages 196 to 202].
18. The Warning Notice sets out examples of types of conduct that the SRA has investigated and which have subsequently been referred to the SDT, including making offensive or pejorative comments relating to another person's race, sexual orientation or religion, referring to women in derogatory terms and making sexually explicit comments and using language intended to shock or threaten. The Warning Notice states:
- We expect you to behave in a way that demonstrates integrity and maintains the trust the public places in you and in the provision of legal services.*
- In the context of letters, emails, texts or social media, this means ensuring that the communications you send to others or post online do not contain statements which are derogatory, harassing, hurtful, puerile, plainly inappropriate or perceived to be threatening, causing the recipient alarm and distress.*
19. In respect of conduct outside the course of business, the Warning Notice emphasises the following:

*The above Principles continue to apply to you (as the context admits) outside your practice, whether in some other business capacity or in your personal life. It is in this sphere – namely outside of work – that we are currently receiving the majority of complaints.*

*The risk referred to above – namely that social media by its nature tends to encourage instant communication without the necessary forethought – tends to be greater when you are outside a work context. You must at all times be aware of the content you are posting and the need for professionalism.*

*This is especially true if you are participating in online discussion (whether this be on Facebook, Twitter, other social media, forums, blogs, etc) and you have identified yourself as, or are known to be, a solicitor. You should bear in mind the possibility that users will re-share the content you have posted on their own social network, potentially leading to rapid sharing with a huge number of users. Similarly, you cannot rely on your own privacy settings to prevent the posting from being passed on by others.*

*Even if you do not identify yourself as a solicitor, anonymity is not guaranteed; material which you post under a pseudonym may still be traced back to you or you may be identified as a solicitor if you include a photograph of yourself.*

*You should also consider carefully before retweeting an offensive comment. Unless you refute the content, you will be at risk of being seen as implicitly endorsing it. If it comes to your attention that a third party has accessed your computer and posted an inappropriate comment in your name on a social media network, you should take immediate steps to go online to refute the comment. It is advisable in any event to regularly audit your online presence to remove any material which makes you uncomfortable.*

20. The SRA also published a ‘*Topic Guide on Use of social media and offensive communications*’ in February 2019 (updated in November 2019). The Guide reiterates that the SRA treats seriously communications that are offensive, derogatory or inappropriate whether in nature, tone or content and that regulatory action can be taken if the sender is identifiable as someone the SRA regulates (even if acting in a personal capacity) and the communication would tend to damage public confidence [**LIC1, pages 203 to 205**].

21. The Respondent’s firm was emailed by the SRA using ‘saf@cartwrightsolicitors.co.uk’ and was sent the Compliance News in September 2017 which provided a link to the Warning Notice on Offensive Communications,

August 2017 (updated in November 2019). The SRA's digital content team have confirmed that this email was opened.

22. The SRA notes that in *Diggins v Bar Standards Board [2020] EWHC 467 (Admin)* [LIC1, page 206 to 231], where an unregistered barrister had made an offensive, derogatory and racist tweet, Mr Justice Warby dismissed the notion that conduct occurring in the private as opposed to public/professional realm was not properly within the remit of a regulator. The Court held that it was proper for a regulator to consider whether alleged conduct was likely to undermine trust and confidence in an individual professional or the profession as a whole. Mr Justice Warby stated that it was not necessary for a professional to be immediately or readily identifiable as a member of a profession, although reference or a link to something identifying a professional was an element of the factual matrix that was relevant to the panel's assessment and a tweet in any event is in the public domain, as a public tweet, available to anybody. Ultimately the question for the panel was whether the conduct was likely to undermine trust and confidence in an individual professional or the profession as a whole, which was a question for assessment on the basis of the facts of the individual case.

### Antisemitism

23. Antisemitism can broadly be defined or described as, or characterised by, prejudice, hostility, or discrimination towards Jewish people<sup>2</sup>.
24. There is also the International Holocaust Remembrance Alliance's (IHRA) working definition of antisemitism. Following its adoption in 2005 by the EU Monitoring Centre on Racism and Xenophobia (now the EU Agency for Fundamental Rights) as a "working definition of antisemitism", this non-legally binding guide has become a useful and important definition particularly to assist in understanding contemporary examples and experiences of antisemitism. In 2016 it was adopted by 31 countries which comprised the International Holocaust Remembrance Alliance, including Britain, as well as by the European Parliament (and thus member states) and many other countries, as well as other national and international bodies and it is employed for use by a number of governmental and political institutions<sup>34</sup>.
25. In line with the above, in December 2016, the IHRA definition was formally adopted by the British Government.

<sup>2</sup> The Oxford English Dictionary defines antisemitism as 'hostility to or prejudice against Jews'; the Oxford Dictionary gives as its meaning 'hatred of and hostility toward the Jews'. The Collins dictionary defines it as 'hostility to and prejudice against Jewish people'; all three definitions therefore combine hatred, hostility and/or prejudice against or towards Jews/Jewish people

<sup>3</sup> Sajid Javid written statement of 12 December 2016

<sup>4</sup> House of Commons Library Briefing on the [UK Government's adoption of the IHRA definition of antisemitism \(October 2018\)](#)

26. Whilst it is a non-legally binding definition, it has been described as an important tool for criminal justice agencies and other public bodies.

27. The IHRA definition is as follows [**LIC1 pages 125 to 132**]:

*“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*

28. This definition is then followed by an explanation and examples of what might be considered to be antisemitic (see **LIC1 pages 126 to 127**):

*To guide IHRA in its work, the following examples may serve as illustrations:*

*Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.*

*Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:*

- *Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.*
- *Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.*
- *Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.*
- *Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).*

- *Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.*
  - *Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.*
  - *Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.*
  - *Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.*
  - *Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.*
  - *Drawing comparisons of contemporary Israeli policy to that of the Nazis.*
  - *Holding Jews collectively responsible for actions of the state of Israel.*
29. The issue of defining antisemitism, or considering whether something is antisemitic, has been considered in a number of SDT hearings, including SRA v Mahmood [11625-2017] [LIC1, pages 312 to 350] and SRA v Husain 2023 [12463-2023] [LIC1, pages 351 to 462]
30. In SRA v Mahmood a further definition to the ones above was suggested on behalf of the Respondent in that case – as being “*hostility towards people because they are Jewish, as opposed to hostility towards people who happen to be Jewish*”/“*hatred or hostility towards Jews on account of their Jewish identity*”.
31. The Tribunal in Mahmood considered that all the respective definitions were extremely close to each other, the spirit of them being consistent – the shared element of hatred, hostility or discrimination towards Jewish people appearing in one form or another in each definition.
32. Both Tribunals in Mahmood and Husain took the approach of considering and using all definitions and testing the evidence against all definitions when making its decision. The Tribunal in Husain stated “*When applying its working definition of antisemitism to the Tweets the Tribunal considered that, essentially, there was the necessity for the Tweets in question to demonstrate a hatred or prejudice to Jews as an over-riding requirement*” [Para 27.28].



33. The SRA invites the Tribunal considering this matter to adopt the same approach as those Tribunals (whilst noting that the SRA does not accept the definition put forward on behalf of the Respondent in Mahmood, or the expertise of its 'author' but at the same time accepting that there is a very narrow difference between all definitions referred to – and as expressed by both Tribunals – the spirit of all of the definitions is consistent).

#### The tweets/posts

#### **9 November 2019**

34. On 9 November 2019 the Respondent shared an article by 'redressonline.com' titled '*Jews eight times over-represented in UK parliament*' on Facebook. He shared it with the comment, '*Anti-semitism? Really?*' [LIC1, page 4].
35. The link to the article is as follows: Jews – eight times over-represented in UK parliament – Redress Information & Analysis (redressonline.com) [LIC1, pages 133-138].
36. The world symbol next to his Facebook post confirms the post was public.
37. The article states that Jews are overrepresented in the UK parliament, saying: *"Too many pro-Israel MPs speak and act as if they would rather wave the Israeli flag than the Union Jack. These "Israel-firsters" refuse to condemn the illegal occupation, the racist policies and the war crimes. As Israel's interest often clashes with Britain's, their defence of the indefensible inevitably raises questions about loyalty, a deadly serious issue given the number of Zionists in public life"*.
38. Other aspects of the article are considered by the SRA to be antisemitic including for example;
- 38.1. references to "*Jewish over-representation*" as a problem for Parliament;
  - 38.2. the assertion that David Cameron, who had no significant achievement under his belt at the age of 42, but was "*able to manoeuvre himself, with the help of Jewish backers, into Britain's prime minister slot*";
  - 38.3. criticism of politicians for their ties with Israel, including in respect of "*two Jews*" Ed and David Miliband;
  - 38.4. the end paragraph states - "*So, stooging for Israel has made the transition from Labour to the Conservative-led coalition with seamless smoothness. It is business as usual between Britain and the rogue state's amoral thugs...*".

39. The Respondent shared the article with the comment “*Anti-semitism? Really?*”. His comment suggests that he supports and endorses the contents and views of the article, and also identifies that he is aware of the potential of such assertions being antisemitic and being controversial. Whilst he was seeking to suggest, in his question, that the article was not antisemitic, in sharing it with that question or statement, he must have been aware that the article had been criticised for being antisemitic.
40. The SRA contends that the article engages example two and six of the IHRA definition of antisemitism, namely making mendacious and stereotypical allegations about Jews as such or the power of Jews as a collective (including myths about Jews controlling the government or other social organisations) and accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations. The article obviously and explicitly refers to such things.
41. Not only that but the references are to Jewish over-representation in Parliament and to Ed and David Miliband as two Jews. In its initial paragraph the article explicitly refers to “*Jews and non-Jewish Zionists*” – thus referencing Jews per se as well as those who are Zionists but not Jewish. The article therefore targets Jews and its content and tone is one of prejudice and hostility towards Jews.
42. In referring to Jewish over-representation the article seeks to draw a distinction between the number of Jewish MPs and the number of Muslim MPs as minority groups in Britain and in comparison to their percentage of Britain’s population. It is submitted that that makes it clear that the criticism is about a racial or ethnic group of people.
43. The article thus contains both aspects of engaging examples of the IHRA definition as well as indicating an apparent hostility or prejudice towards Jews. The Respondent’s sharing of it, and his comment upon sharing it, indicates an endorsement of the contents of the article and an indication that the Respondent is aware of the controversy of the article for being antisemitic and despite which he is sharing it.

**27 November 2019, 17:13**

44. The Respondent responded to a Tweet by Andrew Neil (@afneil), a British journalist and Broadcaster. Mr Neil had tweeted in response to a tweet from Krishnan Guru-Murthy (also a British journalist and presenter) who had tweeted about the BBC no longer allowing journalists to call somebody a liar, Mr Neil then referring to a journalist’s job being to probe for truths and untruths.

45. The Respondent replied to Mr Neil's tweet, saying *'The chief rabbi should be charged with treason – his loyalty is to israel and not britain. He wants you to vote for whoever will best protect the interest of the Israelis not brits. You really don't see this mr Neil?'* [LIC1, page 2].
46. By way of background, on 26 November 2019 the Chief Rabbi, Ephraim Mirvis, had publically criticised Labour for not doing enough to root out antisemitism when he wrote an article in the Times which was then widely reported on. This appears to be the immediate context of the Respondent's tweet directed at Mr Neil [LIC1, pages 152 to 153].
47. The Respondent's tweet engages example 6 of the IHRA definition of antisemitism by accusing a British citizen of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations, here Britain. It shows a prejudice towards and hatred or hostility of Mr Mirvis as a result of him being Jewish and as a result of what he had spoken out about as the Chief Rabbi.

#### **27 November 2019, 17:19**

48. The Respondent responded to a Tweet by Rachel Riley (@RachelRileyRR) (a British television presenter of Jewish origin), tweeting: *'The chief rabbi and you should be charged with treason – your loyalty is to israel and not britain. Desperate attempts to wrongly smear someone in order to get people to vote for whoever will best protect the interest of the israellis not brits.'* [LIC1, page 3]
49. This post is similar to the Respondent's tweet above, and must arise out of the same context of the chief Rabbi's article on antisemitism in the Labour party. Also, at the time Rachel Riley had been vocal on Twitter about her concerns about antisemitism in the labour party [for example LIC, page 154].
50. It engages example 6 of the IHRA definition and targeting both the Chief Rabbi and Rachel Riley and indicates a prejudice against them, or hostility towards, them as Jews.

#### **10 December 2019**

51. On this date, the Respondent responded to a tweet by Rachel Riley (@RachelRileyRR) and two others (Judith Ornstein, a writer and instigator of Whitewashed and Forced Out projects – books and films exposing the Labour party's problems with Jews, and David Hirsh, a senior lecturer at University of London and co-founder of Engage, a campaign against the academic boycott of Israel, both of Jewish origin). He tweeted - *'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*'. [LIC1, page 4]

52. The Respondent's comment is criticising these three individuals as Jews who were publically speaking out about the antisemitism at that time and appears to be holding them, as Jews, collectively responsible for the actions of the state of Israel. The tweet also seeks to draw comparisons of contemporary Israeli policy to that of the Nazis (in the use of the word genocide). The tweet therefore engages examples 10 and 11 of the IHRA definition of antisemitism.

#### **14 December 2019**

53. The Respondent replied to a tweet by Lord Sugar inviting Jeremy Corbyn to resign and tweets *'Not the first JC to be stitched up by the jews – does that make me anti-semitic?'* [LIC1 page 28].
54. This is a reference to, or use of, the antisemitic reference or trope of Jewish deicide; the tweet referring to 'jc' – which must be referring to Jesus Christ (the tweet making use of the reference to JC being the same initials as Jeremy Corbyn) and the suggestion that Jews were responsible for his death. The trope of Jewish deicide is that Jews as a people are collectively responsible for the killing of Jesus (even through the successive generations following his death). It has been used to justify antisemitism for centuries. Without delving into this in too much detail, making such assertions or statements, or indeed believing in them, forgets the Jewish origins of Christianity, the fact that Christianity emerged years after Jesus' death and that the only non-Jews present in the account of Jesus' crucifixion were the Romans. Such references and tropes are used to demonize Jews and propagate antisemitic myths.
55. This engages example 9 of the IHRA definition. The Respondent's question at the end indicates an awareness and intention of the potential offensiveness and antisemitic nature of his tweet. Directing it towards, or in response to a tweet by, Lord Sugar, who is Jewish, together with the use of the trope itself, demonstrates a prejudice or hostility towards Jews.

#### **16 February 2020**

56. The Respondent tweeted *'Anyone who denied the holocaust is a ##### idiot – why give them airtime? On that point – what about the holocaust that's taking place in gaza and the west bank right now?'* [LIC1, page 5]
57. The Respondent's comment goes beyond political discourse. It engages the IHRA definition of antisemitism by drawing comparisons of contemporary Israeli policy to that of the Nazis. It appears to be directed at HMD\_UK (Holocaust Memorial Day)

and David Baddiel, as well as BBC 2, and whilst it appears to criticise anyone who denies the holocaust, it then inverts that against an individual of Jewish origin.

## 2 April 2020

58. The Respondent responded to a tweet by Andrew Neil (@afneil), tweeting *'The problem are the zionists who pay for prostitutes like you to peddle their agenda – what have they got on you?'* [LIC1, page 6].
59. The term 'Zionists' is arguably used as a synonym or proxy word for Jew and as a term of abuse. The accusation here is that 'Zionists' are making payments to control the media, which falls within example 2 of the IHRA definition of antisemitism and which, with the reference to Mr Neil being a prostitute, is offensive to him and in general, quite apart from being antisemitic.

## 25 July 2020

60. The Respondent responded to Twitter users David Baddiel (@Baddiel) (English comedian, presenter, screenwriter and author – who is Jewish) and @NME (New Musical Express – British music, film, gaming and culture website and brand). Mr Baddiel had criticised NME for an article about Wiley (a rapper) who had said that he was not antisemitic but was *"anti slippery people"*. Mr Baddiel had tweeted *"'Israel tweets' my arse. Calling Jews "slippery people" is stone-cold racist. Change the headline @NME. Fuck this depressing shit show on here tonight"*. The Respondent responded, tweeting *'It would be good to read you tweeting about the rights of the palestinians and the apartheid jewish regime (yes its is a Jewish regime) – is that anti semitic?'* [LIC1, page 7].
61. This response from the Respondent was to a tweet where Mr Baddiel was calling out antisemitism and the Respondent responds with antisemitism – and what he appears to acknowledge is antisemitism, or is likely to be considered antisemitism – in referring to Israel as *"the apartheid jewish regime"* and emphasising the fact that he is saying it is a *"Jewish regime"*.
62. The Respondent's comment engages examples seven and eleven (detailed above) by claiming that the existence of a State of Israel is a racist endeavour and holding Jews collectively responsible for actions of the state of Israel. It is directed at someone who is of Jewish origin and who – like Rachel Riley – was calling out antisemitism at the time.

## 30 October 2020

63. The Respondent responded to Twitter users, including David Baddiel (@Baddiel\_), tweeting *'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'* [LIC1, page 8].

64. Mossad is the national intelligence agency of Israel. The Respondent is therefore insinuating that Mossad was involved in some way in 9/11 (and as part of an 'inside job' so suggesting that 9/11 was an inside job by the USA with the assistance of Mossad) for the benefit of Zionists (again arguably used as a synonym for Jew). The Respondent's comment engages examples two and three of the IHRA definition of antisemitism (detailed above). The Respondent's comment – '*There I said it*' arguably indicates an awareness and intention in respect of what he is saying and insinuating.

### **23 February 2021**

65. David Baddiel (@Baddiel) shared a Facebook post by Jenny Tonge and tweets: '*As people know, I don't give a fuck about stupid fucking Israel. But I give a fuck about anti-Semitism. And this woman should not be a Baroness or sitting in any house in Parliament.*
66. @TracyAnnO responds to @Baddiel with '*The @LibDems banished her to the Lords because she was an embarrassment. Now they should strip her of her title.*'
67. The Respondent responded to this, tweeting '*Jews did whack jesus*' [LIC1, page 9].
68. As referred to above in respect of an earlier tweet, the Respondent's comment is using the antisemitic trop of Jewish deicide. The Respondent's comment engages example 9 of the IHRA definition of antisemitism. It exposes a prejudice towards Jews.

### **25 February 2021**

69. The Respondent responded to a tweet from the Union of Jewish Students, advertising that Rachel Riley and Marie Van der Zyl (President of the Board of Deputies of British Jews) would be joining them for their virtual rally. He tweets '*I'm a lawyer and my advice is go f#### yourself*' [LIC1, page 10].
70. The Respondent's comment is offensive and plainly inappropriate. Whilst he may have used "f####" it is fair to assume which word he is using, namely "fuck", and would be offensive to Ms Riley and Ms Van der Zyl, as well as in general. He identifies himself as a lawyer in his comment and it is reasonable to conclude that his words would shock the reasonable reader. Such a comment demonstrates hatred or hostility towards Ms Riley and Ms Van der Zyl as Jewish individuals and because of the cause they were supporting.

**Post dated 25 February 2021**

71. Rachel Riley (@RachelRileyRR) shared a post congratulating John Ware (British journalist, author and reporter) on the progression of his court case concerning 'Labour Antisemitism'.
72. The Respondent responded, tweeting: *'John ware was clearly paid handsomely by the Zionists to further there (sic) cause – he was Sneaky enough to do it with lots of insinuations – hes a lying c### as are u – your time is coming to an end very soon'* [LIC1, page 11].
73. Again, the term 'Zionist' is arguably used as a synonym or proxy word for Jew and is used in an abusive way. The Respondent's comment makes the accusation that Zionists are making payments to control the media, engaging example 2 of the IHRA definition of antisemitism.
74. The Respondent's comment is inappropriate and offensive. Whilst he may have used "c###" it is fair to assume which word he is using, namely "cunt" which he uses towards both Mr Ware and also Ms Riley, again demonstrating hatred or hostility towards Ms Riley as a Jew. The reasonable reader would believe his comment to be a threat *"your time is coming to an end very soon"*, which appears to be directed to Ms Riley and the reference to 'Sneaky' is arguably a negative stereotype used towards/against Jews.

**Post dated 26 February 2021**

75. Mukhtar @elusiveman01 shared a post stating *'Is this not Islamophobic?'*
76. The Respondent responded tweeting, *'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'* [LIC1, page 12].
77. The Respondent's comment refers to Jews controlling Twitter (social media) and refers to Jews as being the master race. The Respondent's comment engages example two of the IHRA definition of antisemitism (as detailed above). It is also an inversion of Nazi ideology which was used against Jews and engages example 10 of the IHRA definition of antisemitism.

**Post dated 5 March 2021**

78. The Respondent tweeted *'These students are a bunch of prostitutes who have clearly take the check – this has nothing to do with anti-semitism – its everything to do with the Israeli lobby who have got their dirty claws in every aspect of UK life – if you can't see that then you're an idiot'* [LIC1, page 13].



79. User @Adam-Green\_ responds, tweeting, *'Mo...pls continue to embarrass yourself and in particular make sure you use anti-Semitic tropes. (ps you may need to look that word up In a dictionary 😊)*.
80. The Respondent responds, tweeting *'Look up 'knob' [LIC1, page 16]*.
81. User @Adam\_Green\_ responds, tweeting, *'Mo I think there's an echo in here...Can I call you Mo?'*.
82. The Respondent responds by tweeting, *'The board of deputies are a bunch of prostitutes who's Loyalty is only to Israel This has nothing to do with anti semitism which is disgusting in any form but don't use anti semitism to further the Zionist agenda – this will cause Resentment and increase anti semitism' [LIC1, page 13]*.
83. It appears the Respondent is referring to Jewish students as prostitutes, taking money to further the alleged priorities of Jews worldwide and also refers to the Israeli lobby having their *"dirty claws in every aspect of UK life"*. The 'board of deputies' that the Respondent is referring here is the Board of Deputies of British Jews.
84. The Respondent's thread of comments in this post are offensive and inappropriate. He is referring to the students (and Jewish students) in derogatory terms, making mendacious, demonizing and stereotypical allegations about Jews controlling societal institutions, or *'every aspect of UK life'* and accusing Jewish citizens of being more loyal to Israel or the alleged priorities of Jews worldwide than to the interests of their own nations, thus engaging examples 2 and 6 of the IHRA definition.

**Post dated 12 May 2021**

85. Sajid Javid (@sajidjavid), former Chancellor the Exchequer, tweeted *'Imagine living in London while terrorists indiscriminately fire 1000s of rockets at your family's neighbourhood. You'd expect the government to do everything in its power to find and target those attackers'*.
86. This was during the Israeli-Palestinian conflict that mainly commenced on 10 May 2021 and continued until a ceasefire came into effect on 21 May 2021. On 11 May there had been an Israeli airstrike on an area in Gaza, which the Israeli Defence Forces said contained offices used by Hamas, who had at that time heavily attacked Israeli territory.
87. The Respondent responded to Mr Javid's tweet - *'How many shekels was it you bald c###' [LIC1, page 14]*.



88. This was offensive and inappropriate. Whilst he may have used “c####” it is fair to assume which word he is using, namely “cunt”. It also references shekels, the currency in Israel, and thus implies that Mr Javid has been ‘bought’ by Israel/Jews, and so engages example 2 of the IHRA definition of antisemitism.

**Post dated 19 May 2021**

89. Twitter user @unionlib tweeted ‘*So does Matthew Offord want to cancel Alexei Sayle because he’s an anti-racist or because he’s Jewish? Come on Matt – let us know.*’
90. The Respondent responded - ‘*Because he’s been offered some shekels to keep people like this quiet A jew speaking up against Israel – shitbags like baddiel and riley could learn a thing or two*’ [LIC1, page 15].
91. As above, shekels is the basic monetary unit of modern Israel. The Respondent’s comment engages example two of the IHRA definition of antisemitism by insinuating that Jews control the media. It also refers to Mr Baddiel and Ms Riley as ‘shitbags’ which is offensive in itself and arguably demonstrates hatred or hostility towards them because they are Jewish. Indeed, the Respondent’s other posts towards Mr Baddiel and Ms Riley indicate a hostility/hatred towards them and he appears to regularly target them and make offensive comments to and about them.

**Post dated 6 January 2022**

92. The Respondent responded to a tweet by user (@samisaviv) and the SRA (@SRA), tweeting ‘*That’s amazing that you find my entire twitter history that even I couldn’t find if I tried. Like I told your pals previously its not anti semitic to dislike c#### who just happen to be jewish*’ [LIC1, page 16].
93. The Respondent’s language is inappropriate and offensive in this post. Whilst he may have used “c####” it is fair to assume which word he is using, as indicated previously above.

**Person A’s complaint**

94. In Person A’s report to the SRA she provides screenshots of some of the Respondent’s posts which she considered to be offensive and antisemitic [LIC1, pages 97 to 100].
95. As well as tweets (which are included in the paragraphs above and so not repeated), she provides screen shots from the Respondent’s Facebook account, including images of politicians “bought and paid for” by “backhanders from the Israel lobby” and the reposting or sharing of an article titled “*Five Israelis were seen filming as jet liners ploughed into the Twin Towers...*” [September 9, 2021] [LIC1, page 98].

96. Further he posted *“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”* [May 22, 2021]. All of these feed into the same sentiments as expressed by the Respondent in the tweets identified above **[LIC1, page 98]**.

#### The Respondent’s response

97. The Respondent has made various representations himself, or via his solicitors, to the SRA.
98. Sigma Law Solicitors submitted a letter to the SRA on behalf of the Respondent on 6 April 2022 **[LIC1, pages 58 to 62]**.
99. The SRA responded on 28 April 2022 setting out a response to the letter and also asking for the Respondent to answer a number of questions **[LIC1, pages 63 to 65]**.
100. Sigma Law Solicitors submitted a response to that request dated 12 May 2022 **[LIC1 pages 66 to 81]**.
101. The Respondent also submitted a response to the Notice dated 9 May 2024 **[LIC1, pages 166 to 183]**.
102. In brief summary across those communications and responses, it is asserted by and on behalf of the Respondent that:
- 102.1. The tweets were made entirely in a private capacity not as a practitioner and that the Respondent does not identify himself as a solicitor on Twitter and therefore the matter is beyond the scope of the SRA’s governance and determination;
- 102.2. That the SRA does not have any legitimate governance over, and regulation of the political views and beliefs of members of the Law Society of England & Wales. He states that *“[t]here is no democracy if solicitors are censored from expressing their views”* and for the SRA to attempt to do so is a breach of Articles 8, 9 and 10 of the European Convention of Human Rights;
- 102.3. As a devout practising Muslim, he abhors crude language and did not use any expletives, but rather resorted to the # symbol; and that what he wrote was equally capable of non-expletive interpretation. He did not use any foul

language or expletives in his posts and the fact that he used the # symbol and refrained from using inappropriate language evidences his intention to act with integrity and in upholding the public's trust and confidence;

- 102.4. The context of some of the posts/tweets angered the Respondent in his private capacity and lawyers should not be censored from expressing their political views. In his latest response he states that the context of the twitter exchanges originated in the housing/persecution of a university professor for expressing his views on the right of self-determination and oppression of the Palestinian people which "vexed" him;
- 102.5. The tweets were heat of the moment retorts but there is concession in respect of some of them that the Respondent acted with his heart rather than his head and one or two of them were "*a little over-board*" but nothing more;
- 102.6. Some of the tweets (such as '*Jews did whack Jesus*') are misplaced humour;
- 102.7. He has taken trouble to distinguish those of Jewish ethnicity from Zionists, who are the only object of his private dislike; he is anti-Zionist in a limited and acceptable sense;
- 102.8. He appreciates he may have offended some people which was not his intention, he simply intended to add humour to a depressing situation or highlight the plight of innocent lives due to geo politics, but he apologises for any upset he may have caused;
- 102.9. He has been targeted by an extremist group who have exposed him unfairly and improperly to the SRA and he has been the victim of a campaign to diminish his standing with his own regulatory body. It is stated on his behalf - "*[t]he only reason the Respondent was ever identified/'outed' as a solicitor was solely due to the Complainants' trolling of him and illegally accessing and republishing the content of his Facebook account; conduct atypical of contemporary minority extremists of whatever persuasion, as is their use of the donkey of regulation to persecute those whose views they oppose and seek to suppress [sic]*".;
- 102.10. The settings on his Facebook profile were set so that only his friends could view his posts and that his account must have been hacked. His Twitter account was in the public domain but his Facebook account was a locked private account;

- 102.11. Whilst he agrees “*whole-heartedly*” with the IHRA working definition of antisemitism and the dictionary definition, and the vast majority of the 11 contemporary examples, they do not have the force of law and he has “*difficulties*” with a number of the examples, including examples 7 and 9;
- 102.12. The SRA does not appear to grasp a fundamental difference between antisemitism and anti-Zionism as opposing and criticising the decisions of the Israeli government does not equate to an opposition or criticism of Jewish people or Israeli citizens.

#### The SRA’s position on the Respondent’s responses

103. So far as the indication by the Respondent that he was expressing political views and beliefs that the SRA does not have governance over, the SRA would respond as follows:
- 103.1. The right to freedom of expression is not an unqualified right and must be balanced against other rights and values. It does not allow for the dissemination of hate speech. The protections to free speech are overridden by Article 17 of the Human Rights Act when those protections are used to violate the rights of others.
- 103.2. There is a distinction to be drawn between legitimate expression of political views or beliefs, and expression of such views or beliefs in a manner which goes beyond the wide latitude allowed for such expression and where it is delivered in a manner which is seriously offensive, derogatory or abusive;
- 103.3. The SRA’s Warning Notice and Topic Guide have set out the expectations of solicitors as far as social media use is concerned in clear terms and it is the responsibility of a solicitor to be aware of, and follow, such guidance/warning from his/her regulator.
- 103.4. The same can be said in respect of the right for Article 8, it is not an absolute right and is qualified in much the same way as Article 10. This is addressed further below as per the High Court’s judgement in the *Beckwith* case and the question of nexus.
104. As far as the Respondent’s contention that the posts are not antisemitic but rather are anti-Zionist is concerned, the SRA has referenced the definitions of antisemitism that are useful to consider and apply and maintain that the tweets and posts identified are individually, and cumulatively, antisemitic. They indicate a perception of prejudice or hostility against Jews and engage one or more of the examples of contemporary

antisemitism set out under the IHRA definition. Furthermore many of the tweets reference Jews and do not use the terminology of Zionists or Anti-Zionism. Using the terminology of anti-Zionism is in any case often used to conceal the reality of antisemitic sentiment. Furthermore, in its true sense, “anti-Zionism” can, depending on the language used and context, be considered antisemitic and may engage Example 7 of the IHRA definition. Given that the posts themselves – mostly – do not in fact seek to couch their antisemitic sentiment or meaning in the terminology of being ‘anti-Zionist’ this aspect is not addressed in more detail at this stage, but it can be in due course if necessary.

105. As far as the Respondent has indicated that he has not used any expletives or foul or crude language in his tweets/posts, the SRA contends that the use of the # symbol and the letters or words that it stands for is clear from the number of #'s used and the context. To replace the actual letters or words with #s does not remove the offensive nature of what is clearly intended.
106. The SRA does not otherwise accept any of the other Respondent's claims or assertions.

Objectively offensive/inappropriate and antisemitic or intended to be so?

*The objective test*

107. PSA v GPhC v Nazim Ali [2021] EWHC 1692 (Admin) established that for panels considering whether a statement made is antisemitic the test is an objective one, not reliant on an individual's intention. The same must apply to allegations that statements are inappropriate and/or offensive. The assessment is of whether the language used was objectively antisemitic/inappropriate/offensive. At paragraph 32 of the judgment, Mr Justice Johnson said that in this way, the panel in Mr Ali's case had wrongly taken account of his intention when assessing whether his language was objectively antisemitic. It is also noted that Mr Justice Johnson stated that the panel in Mr Ali's case had erroneously failed to assess whether the remarks, considered cumulatively, were objectively antisemitic, as opposed to whether each remark in isolation was antisemitic. The second point will be addressed further below.
108. In the first instance it is the SRA's contention that the tweets/posts identified above are objectively antisemitic and/or inappropriate and/or offensive.

*The Respondent's intention or motivation behind the tweets/posts identified in the Allegation*

109. It is further contended by the SRA that the language used by the Respondent in his tweets/posts was intentionally inappropriate, offensive and antisemitic. This requires

the Tribunal to more deeply investigate the context and intentions underlying the language used.

110. In Lambert-Simpson v HCPC [2023] EWHC 481 (Admin), Mr Justice Fordham approved of the suggested formulation of the HCPC which suggested that an inappropriate and/or offensive communication will be ‘racially motivated’ if two conditions are satisfied: (i) the act in question must have a purpose behind it which at least in significant part is referable to race; and (ii) the act must be done in a way showing hostility or a discriminatory attitude to the relevant racial group [Paragraph 24 (iii)].
111. The Court also gave a clear indication that, when considering the intentions behind racist language, the suggestion that it was done to ‘*get a laugh*’ among friends was unlikely to detract from the fact that it was referable to race and done in a way showing hostility and / or a discriminatory attitude:  
  
*“In my judgment, it is appropriate and important that a regulatory supervisory authority should be able to see in this a serious “attitudinal” problem. There is a hostility in this behaviour. There is a hostility in the state of mind of the person communicating. Attitudes matter. The relevant hostility can thrive in attempted ‘humour’, as it can in ‘ridicule’. The ‘private’ context may be relevantly – indeed may be especially– revealing”.* [Para 24(iv)]
112. The Respondent does indicate (as set out above) that some of the tweets in question were misplaced humour, but even in respect of others where such an argument is not raised it is submitted that the above indication from the judgment has wider implications and relevance to cases where motivation or a hostile/racist state of mind or attitude is apparent.
113. The SRA contends that individually and cumulatively/collectively the identified tweets had an offensive and/or antisemitic intent or motivation behind them.
114. The comments/statements made by the Respondent were referable to race/ethnicity and made/said in a way which showed hostility or a discriminatory attitude towards Jews.
115. It is apparent from the tweets that there was a hostility in his state of mind when making such statements to the extent of one even culminating in a threat, which had been preceded by a focused and repeated attack on that individual (Rachel Riley).
116. There are repeated themes, and a recurring and persistent pattern of expression, across the tweets and repeated targeting of particular individuals of Jewish origin, or

of those who are not Jewish but whom the Respondent claims to have been bought or influenced by those who are of Jewish origin.

117. There is a varied use of antisemitic tropes and references and generally negative and hateful stereotyping – all against Jews.
118. In this way it is submitted that the Respondent demonstrated a deep seated attitudinal problem and one which was premised against one particular ethnicity or group – namely Jews.
119. Contrary to what he asserts in his responses, he was not seeking to criticise the Israeli government or indicate his dislike of Zionism, rather he was directing his tweets as an attack mainly against British Jews who were seeking to speak out against antisemitism.

Nexus and engagement of a standard of behaviour set out in or implicit from the Code

120. In *Beckwith v SRA [2020] EWHC 3231 (Admin)*, [LIC1 page 232 to 261] in considering how far a regulator should take action in relation to matters of private life (in that instance sexual misconduct), the High Court addressed the issue of integrity and concluded that three points of principle could be established:
  - 120.1. While decisions around the application of the Principles are to be made on a case-by-case basis - it not being appropriate to attempt a comprehensive list of what is permitted and prohibited - breach of the integrity principle should, wherever possible, be grounded in one or more underlying provisions of the relevant Code of Conduct, or applicable regulatory rules or guidance.
  - 120.2. Integrity is a legitimate and relevant Principle for solicitors (and some other professionals), and is ingrained in the SRA Principles and through decisions ratifying the application of the principle of integrity (eg. Malins and Wingate). This is a higher ethical standard than that which is imposed on ordinary citizens but is legitimately imposed upon solicitors as a condition of their membership of the profession.
  - 120.3. Solicitors and their employees are not required to be '*paragons of virtue*'.
121. At paragraph 54, the Court said (emphasis and reference to the current equivalent Principles added):

*“There can be no hard and fast rule either that regulation under the Handbook may never be directed to the regulated person’s private life, or that any/every aspect of her private life is liable to scrutiny. But Principle 2 or Principle 6 may reach into private*

*life only when conduct that is part of a person's private life realistically touches on her practise of the profession (Principle 2) or the standing of the profession (Principle 6). Any such conduct must be qualitatively relevant. It must, in a way that is demonstrably relevant, engage one or other of the standards of behaviour which are set out in or necessarily implicit from the Handbook. In this way, the required fair balance is properly struck between the right to respect to private life and the public interest in the regulation of the solicitor's profession."*

(It is noted for clarity that under the Principles then in force, Principle 2 was the equivalent of what is now Principle 5 (integrity) and Principle 6 was similarly worded to the current Principle 2 (public trust), the only material difference being the use, now, of the word, 'uphold' rather than 'maintain'. It is further noted that rather than the Handbook, under the Principles there is the Code for Solicitors).

122. There are, therefore, two important points which apply to both principles in slightly different ways:
  - 122.1. Whether the conduct touches upon the solicitor's practice of the profession or the standing of the profession; and
  - 122.2. Whether the conduct engages a standard of behaviour set out in or implicit from the Handbook/the Code for Solicitors.
123. As to the first point, the SRA's position is that there was a sufficient nexus between the Respondent's conduct so that it can properly be said to touch upon both his practice as a solicitor and the standing of the profession.
124. As set out above, the Respondent's Twitter feed was on a public setting for anyone to see. His conduct was thus very much in the public realm, rather than the private. Further, he identified himself as a Director at Cartwright Solicitors on his Facebook page, which must have been on a public setting, by virtue of the complainants being able to access it, he further identified himself as a lawyer in a tweet. Not only that but he was easily identified as a solicitor by the complainants at the time (and thus was easily identifiable as such).
125. In any event, the Respondent should not have been communicating in such a way, using such language and tweeting such inappropriate and/or offensive and/or antisemitic tweets on a public twitter page.
126. The quantity of such tweets, and the period of time over which such tweets were posted, indicate that they are the considered views of the Respondent, repeatedly expressed in a consistent manner and tone. That in turn has potential implications



on how the Respondent would or might provide professional services to, or engage in professional settings with, individuals he did not agree with or who are from certain ethnic backgrounds.

127. In and of itself – given the public nature of the tweets and being identifiable as a lawyer/solicitor who was expressing such views and posting such inappropriate and offensive content, that is sufficient to justify and engage disciplinary action.
128. As the Warning Notice, Topic Guide and Diggins v BSB, referred to above, make clear, whether the conduct alleged occurred outside the workplace does not reduce the relevance or seriousness of such matters for a registered professional. In Diggins, even for a non-practising barrister, it was held that there was *no “bright line” to be drawn between that which falls purely within the private realm, and that which is sufficiently public to engage the disciplinary jurisdiction* of the relevant Tribunal. It was held that ultimately the question for the Tribunal in such a case is whether the conduct is likely to undermine trust and confidence in an individual professional or the profession, which is a question for assessment on the basis of the facts of the individual case. Mr Justice Warby referring to the Bar Standard Boards submissions on appeal agreed that “[t]he public expects, and trusts, members of the profession to exercise judgment, restraint and a proper awareness of the feelings of others”. The same would be expected of solicitors.
129. This ties in to the second aspect set out in Beckwith.
130. As to the requirement that the conduct must engage a standard of behaviour, paragraph 54 of Beckwith as set out above is relevant and further the Court stated at paragraph 44:

*“The submission of the SRA in this appeal was that the standard to be derived from the Handbook relevant to the conduct alleged against the Appellant was that the public would have a “... legitimate concern and expectation that junior members [of the profession or of staff] should be treated with respect ...” by other members of the profession. We accept that submission; in our view it is a reasonable formulation having regard to the “outcomes” and “indicative behaviours” set out in Chapter 11 of the 2011 Code of Conduct. Seriously abusive conduct by one member of the profession against another, particularly by a more senior against a more junior member of the profession is clearly capable of damaging public trust in the provision of professional services by that more senior professional and even by the profession generally.”*

131. As the Court made clear above, the conduct complained about must engage one or other of the standards of behaviour which are set out in, or necessarily implicit from, the requirements (in the circumstances of this case) in the Code for Solicitors.
132. It is submitted on behalf of the SRA, using the formulation from Beckwith, the Respondent's conduct does "*in a way that is demonstrably relevant, engage one or other of the standards of behaviour which are set out in or necessarily implicit from the Handbook*". Principles 2, 5 and 6 are able to flow from standards of behaviour implicit from the Code, namely that solicitors must treat others with respect (all others, only other professionals or members of staff). Inappropriate, offensive and/or antisemitic tweets or posts are not treating others with respect at a most basic level and would be capable of damaging public trust in the provision of professional services by the Respondent and by the profession generally.

### **Breaches of Principles in respect of Allegations 1.1 and 1.2**

#### **Principle 2 of the 2011 Principles and Principle 5 of the 2019 Principles**

133. The Respondent's conduct in this regard amounted to a failure to act with integrity (i.e. with moral soundness, rectitude and steady adherence to an ethical code) in breach of Principle 2 of the 2011 Principles and Principle 5 of the 2019 Principles.
134. In Wingate v Solicitors Regulation Authority v Malins [2018] EWCA Civ 366, [LIC1, pages 275 to 311] the following was set out:

*"In professional codes of conduct, the term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members. ....The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.*

*Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty. To take one example, a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the general public in daily discourse. The duty to act with integrity applies not only to what professional persons say, but also to what they do...."*

135. The Respondent failed to act with integrity in posting such tweets on his public Twitter feed which contain inappropriate and/or offensive and/or antisemitic statements and

references. Such conduct was not acting in adherence to the ethical standards expected of a Solicitor.

#### Principle 6

136. Such conduct was also in breach of Principle 6 of the 2019 Principles. The SRA expects regulated individuals to treat people fairly, with dignity and with respect. Solicitors are responsible for making sure that their personal views are not imposed on, and do not have a negative impact on, others, in particular by expressing personal, moral or political opinions on social media which may cause offence. The conduct as set out above, including publishing tweets to a public audience that were antisemitic and offensive, would have a negative impact on others who follow the Respondent's opinions on social media and does not encourage equality, diversity and inclusion.

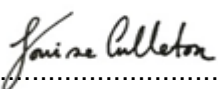
#### Principle 6 of the 2011 Principles and Principle 2 of the 2019 Principles

137. The SRA requires regulated individuals to uphold the reputation of the profession, not only in their professional life but also in their personal life. For the same reasons set out above, the language used by the Respondent in the tweets would diminish the trust and confidence the public places in the legal profession in breach of Principle 2 of the Principles.

#### The SRA's investigation

138. The SRA has taken the following steps to investigate the allegations which it makes against the Respondent:
- 138.1. A Notice dated 24 April 2024 was sent to the Respondent's representative [**LIC1 pages 155 to 173**];
- 138.2. The Respondent made representations in response to the Notice on 9 May 2024 [**LIC1, pages 174 to 187**].
- 109 On 29 May 2024, an Authorised Decision Maker of the SRA decided to refer the conduct of the Respondent to the Tribunal [**LIC1 pages 190 to 195**].

I believe the facts and contents of this statement are true.

.....  


Dated this 6 day of September 2024...

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL****Case No:****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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**SCHEDULE 1**

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<b>Date</b>	<b>Recipient</b>	<b>Content</b>
09.11.19	Facebook	<i>'Anti-semitism? Really?'</i>
27.11.19	Andrew Neil	<i>'The chief rabbi should be charged with treason – his loyalty is to israel and not britain. He wants you to vote for whoever will best protect the interest of the Israelis not brits. You really don't see this mr Neil?'</i>
27.11.19	Rachel Riley	<i>'The chief rabbi and you should be charged with treason – your loyalty is to israel and not britain. Desperate attempts to wrongly smear someone in order to get people to vote for whoever will best protect the interest of the israellis not brits'.</i>
10.12.19	Rachel Riley; Judith Ornstein; David Hirsh	<i>'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'</i>
14.12.19	Lord Sugar	<i>'Not the first JC to be stitched up by the jews – does that make me anti-semitic?'</i>

16.02.20	Holocaust Memorial Day (HMD_UK), David Baddiel and BBC 2	<i>Anyone who denied the holocaust is a ##### idiot – why give them airtime? On that point – what about the holocaust that's taking place in gaza and the west bank right now?</i>
02.04.20	Andrew Neil	<i>'The problem are the zionists who pay for prostitutes like you to peddle their agenda – what have they got on you?'</i>
25.07.20	David Baddiel; New Musical Express	<i>'It would be good to read you tweeting about the rights of the palestinians and the apartheid jewish regime (yes its is a Jewish regime) – is that anti semitic?'</i>
30.10.20	David Baddiel	<i>'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'.</i>
23.02.21	@TracyAnnO	<i>'Jews did whack jesus'</i>
25.02.21	Union of Jewish Students, Rachel Riley and Marie Van der Zyl	<i>'I'm a lawyer and my advice is go f#### yourself'</i>
25.02.21	Rachel Riley	<i>'John ware was clearly paid handsomely by the Zionists to further there (sic) cause – he was Sneaky enough to do it with lots of insinuations – hes a lying c#### as are u – your time is coming to an end very soon'</i>
26.02.21	Mukhtar	<i>'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'.</i>
05.03.21	Tweet	<i>'These students are a bunch of prostitutes who have clearly take the check – this has nothing to do with anti-semitism – its everything to do with the Israeli lobby who have got their dirty claws in every aspect of UK life – if you can't see that then you're an idiot'.</i>

05.03.21	@Adam-Green_	<i>'Look up 'knob'</i>
05.03.21	Tweet	<i>'The board of deputies are a bunch of prostitutes who's Loyalty is only to Israel This has nothing to do with anti semitism which is disgusting in any form but don't use anti semitism to further the Zionist agenda – this will cause Resentment and increase anti semitism'.</i>
12.05.21	Sajid Javid	<i>'How many shekels was it you bald c####'.</i>
19.05.21	@unionlib	<i>'Because he's been offered some sheckles to keep people like this quiet A jew speaking up against Israel – shitbags like Baddiel and riley could learn a thing or two'.</i>
06.01.22	@samisaviv @SRA	<i>'That's amazing that you find my entire twitter history that even I couldn't find if I tried. Like I told your pals previously its not anti semitic to dislike c#### who just happen to be jewish'</i>
09.09 21	Screen shots provided by Person A	Images of politicians "bought and paid for" by "backhandlers from the Israel lobby" and the sharing of an article <i>"Five Israelis were seen filming as jet liners ploughed into the Twin Towers..."</i> .
22.05.21	Screen shots provided by Person A	<i>"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"</i>

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**

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**SOLICITORS REGULATION AUTHORITY LIMITED**

Applicant

and

**MOHAMMED SARFRAZ**

Respondent

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**APPENDIX 1 TO STATEMENT PURSUANT TO RULE 12 (2) SOLICITORS  
(DISCIPLINARY PROCEEDINGS RULES) 2019**

**Relevant Rules and Regulations**

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**SRA Principles 2011**

You must:

Principle 2     act with integrity

Principle 6     behave in a way that maintains the trust the public places in you and in the provision of legal services

**SRA Principles 2019**

Principle 2     You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

Principle 5     You act with integrity.

Principle 6     You act in a way that encourages equality, diversity and inclusion.