

**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

**CEMIL GURSEL**

Respondent

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

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I, James Danks, make this Statement on behalf of the Applicant, the Solicitors Regulation Authority Limited ("SRA").

**The allegation**

1. The allegation against the Respondent, Cemil Gursel, made by the SRA are that, whilst a solicitor, he:

Between May 2022 and February 2023, made antisemitic and/or inappropriate and/or offensive social media posts/tweets on his Twitter account.

And in doing so breached any or all of Principles 2, 5 and 6 of the SRA Principles 2019 ('**the Principles**').

The facts and matters relied upon in support of this allegation are set out in paragraphs 15 to 100 below.

**Appendices and Documents**

2. I attach to this Statement the following appendices:

Appendix 1: Relevant Rules and Regulations

## Appendix 2: Anonymisation Schedule

3. I attach to this statement a bundle of documents to which I refer in this statement. Unless otherwise stated, the page references **[JD1, xx]** in this statement relate to documents contained in that bundle.

4. The bundle is divided into the following sections:

Section A: Documents relied on by the SRA

Section B: Correspondence between the SRA and the Respondent, and documents relating to the referral to the SDT

Section C: Guidance notes and authorities

[REDACTED]

### **Professional Details**

5. The Respondent is a solicitor having been admitted to the Roll on 15 April 2003, and his date of birth is [REDACTED].

6. The Respondent at the relevant time held a practising certificate free from conditions. His practising certificate was revoked on 7 December 2023.

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

#### **Background**

7. The conduct in this matter came to the attention of the SRA when a complaint was made to the SRA regarding the Respondent's social media posts on Twitter (now known as 'X').

8. The report was received from GnasherJew, an antisemitic watchdog, which raised concerns about posts / messages by the Respondent made on Twitter, which they considered to be antisemitic **[JD1, 28]**.

9. 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 **[JD1, 69]** and Topic guide **[JD1, 76]** regarding the Use of social media and offensive communications.

10. The SRA was provided with 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.
11. By way of background as to how the Respondent was identified as a solicitor which triggered the reports/complaints to the SRA:
  - 11.1. The Respondent's Twitter handle was @Lawandjustice10, which was accompanied by the name of Av cemil gursel [sic] **[JD1, 1]**.
  - 11.2. The Twitter handle name is indicative of a person who is involved in the legal profession;
  - 11.3. On LinkedIn, Cemil Gursel is stated to be a Consultant Solicitor and is described as 'well known and highly regarded solicitor' **[JD1, 7]**
  - 11.4. The Respondent has not only identified himself as a solicitor on public profiles, but that status is readily able to be confirmed on the Law Society's website by any member of the public, as it was by the complainant who referred the matter to the SRA.
12. At the time of this statement, there is one individual on The Law Society's 'Find a Solicitor' section of its website with the surname of 'Gursel'. That individual is the Respondent **[JD1, 68]**.
13. By the nature of GnasherJew being able to view the Respondent's Twitter profile, it was viewable to the public. The posts made by the Respondent were therefore in the public realm rather than the private realm.
14. That fact is corroborated by the Respondent's explanation (please see paragraph 82) that the posts he made were as a political commentary.

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

#### Legal Framework

15. 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 **[JD1, 69]**.

16. 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 **[JD1, 70]**:

*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.*

17. In respect of conduct outside the course of business, the Warning Notice emphasises the following **[JD1, 73]**:

*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.*

18. 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 [JD1, 76].
19. The SRA notes that in *Diggins v Bar Standards Board [2020] EWHC 467 (Admin)* [JD1, 79], 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.
20. 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.
21. 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

22. Antisemitism can broadly be defined or described as, or characterised by, prejudice, hostility, or discrimination towards Jewish people<sup>1</sup>.

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<sup>1</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

23. 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 **[JD1, 17]**.
24. 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>2 3</sup>.
25. In line with the above, in December 2016, the IHRA definition was formally adopted by the British Government.
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 **[JD1, 17]**:

*"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 (for the purposes of this Rule 12 statement, the definition has been produced with the original Americanised spellings of some words). Those examples that are pertinent to this matter have been highlighted in bold below **[JD1, 17]**:

*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*

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<sup>2</sup> Sajid Javid written statement of 12 December 2016

<sup>3</sup> House of Commons Library Briefing on the [UK Government's adoption of the IHRA definition of antisemitism \(October 2018\)](#)

*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] [JD1, 105] and *SRA v Husain* [12463-2023] [JD1, 144]
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

##### **30 May 2022 at 2359**

34. On 30 May 2022, a Twitter user (@OnlinePalEng) posted a video, with a comment of “*Israeli undercover forces attack Palestinian girls in Salah Al-Din street in occupied Jerusalem*”.
35. Another Twitter user commented on the video ‘*How is this ok?*’, to which the Respondent replied [JD1, 1]:

*“Are these invaders occupiers really Jewish or Nazis pretending to be Jews? I’m inclined to believe the second option for their barbaric crimes against the Palestinians.”*

36. The original post by @OnlinePalEng and the response from another user, appear as statements of fact or a question.
37. In contrast, the Respondent’s message as a whole, and especially with its use of phrases such as ‘invaders’, ‘Nazis’ and ‘barbaric crimes’ is hostile in nature.
38. In addition, the Respondent terms the Israeli security forces as being ‘invaders’. That term, in the context of the Respondent’s link to Jewish people, appears to be delegitimising the Jewish presence in Israel, and the existence of Israel as a Jewish homeland.
39. The Respondent’s language has the effect of denying Jews the right to self-determination.
40. The SRA contends that the Respondent’s message engages examples 7 and 10 of the IHRA definition of antisemitism, namely denying the Jewish people their right to self-determination, and drawing comparisons of contemporary Israeli policy to that of the Nazis.

#### **07 August 2022 at 1934 [JD1, 2]**

41. The Respondent responded to a Tweet by Avi Mayer (@Avi Mayer), the former Editor in Chief of the Jerusalem Post.
42. Mr Mayer commented that:

*“BREAKING: Israel confirms it has video evidence that proves “beyond a shadow of a doubt” that it was a Palestinian Islamic Jihad rocket, not Israeli military action, that caused the deaths of several Palestinian civilians, including children, in Gaza’s Jabalia Refugee Camp”.*

43. In response, the Respondent stated:

*“What else can expect from NAZIS in Jewish Musks!*

*Get out of Palestine you invaders - occupiers – murderers!”*

44. The Respondent's language in response to an article rebutting a suggestion that Israel military action had caused deaths of Palestinians is clear and categorical. He uses terms such as 'invaders' 'occupiers' and 'murderers'.
45. Those terms referenced in the paragraph above are clearly offensive, and even more so with the capitalisation of the term 'Nazis'. The published message of the Respondent is directly hostile to the existence of the Jewish state.
46. The SRA contends that engages examples 7 and 10 of the IHRA definition of antisemitism.

**12 August 2022 at 1727 [JD, 2]**

47. The Respondent, in a reply to a Tweet for @OnlinePalEng, stated that:

*"They are NOT Jews, they are NAZIS pretending to be Jews and these invaders have been abusing the land of Palestine and the NATIVES, Palestinians Christians and Muslims."*

48. The Respondent again uses capitalisation of words, which reinforces the content of the message.
49. The Respondent's message describes and / or links Jews to Nazis, which can only be considered as offensive and inappropriate. The Respondent is not comparing Jews and Nazis, but instead states the Jews are Nazis.
50. With the Respondent's use of the terms 'invaders' and 'Natives, which it can be inevitably inferred is in reference to Israel, denies Jews their right to self-determination.
51. It engages examples 7 and 10 of the IHRA definition.

**31 August 2022 [JD1, 3].**

52. On 30 August 2022, @OnlinePalEng published a drawing of a person who appears emaciated.
53. Accompanying the drawing, @OnlinePalEng tweeted the following message:

*"Again, an Israeli court has rejected the appeal request submitted for the release of Palestinian prisoner Khalil Awawdeh, who has been on hunger strike"*

*for 181 days protesting his illegal detention in Israeli jails, despite being on the verge of death. #FreeKhalil”*

54. In a response to the drawing, on 31 August 2022 the Respondent stated:

*“This is not from Concentration Camp of then Germany. This is from Palestine, his eternal home, where he is subjected by his Land’s Occupiers to inhumane treatment!*

*#All Human Rights Lawyers Unite and condemn his abusers!”*

55. The Respondent uses a hashtag at the end of his message. That hashtag, albeit one that only contains the word ‘All’ asks that all human rights lawyers should unite. It can be clearly inferred that the author is therefore also a lawyer.

56. The Respondent’s use of the phrase of the ‘Concentration Camp of then Germany’ is used as a comparison to contemporary Israeli policy. It is a clear engagement of example 10 of the IHRA definition.

#### **4 October 2022 at 1739 [JD1, 4]**

57. On 4 October 2022 at 1739, the Respondent replied to a message from Twitter user @RaggedTP, whose message included reference to a “...*genocide bigger than the holocaust*”.

58. The Respondent’s published reply was:

*“The same thing [i.e. a genocide bigger than the holocaust] is now taking place in Palestine, by Zionists and landless criminal Europeans who call themselves Jewish, killing the natives and eternal owners of the land.”*

59. The Respondent’s use of the term ‘Zionists’ is arguably used as a synonym or proxy word for Jew and as a term of abuse in its juxtaposing of the word alongside ‘criminal Europeans’.

60. In doing so, the SRA contend that the Respondent is demonising a central aspect of Jewish identity.

61. The Respondent’s language of “...*by Zionists and landless criminal Europeans who call themselves Jewish, killing the natives and eternal owners of the land*”, especially with the term ‘eternal’ contradicts the historic connection of Jewish people to the land of Israel.

62. The SRA contend that the Respondent's message engages examples 2 and 7 of the IHRA definition.

**26 November 2022 at 2103 [JD1, 4]**

63. On 26 November 2022, the Respondent published a tweet that stated:

*“Again do read some history it was the sultan A.Hamid 2 who sold the land just before WW1 to the Zionists to pay off his debts to the Jewish loan sharks. The Palestinians are fighting to repel terrorists oppressors who murder defenceless people every day!”*

64. The Respondent again uses the term 'Zionists' apparently as a synonym or proxy word for Jew and as a term of abuse in its juxtaposing of the word alongside 'Jewish loan sharks'.
65. The reference to 'Jewish loan sharks' is offensive and inappropriate. It relates to a long standing trope in respect of Jewish people, who historically were forced into money lending due to being excluded from other professions to their detriment.
66. The offensive trope engages example 2 of the IHRA definition.

**7 December 2022 at 0054 [JD1, 5]**

67. On 6 December 2022, Twitter user @Africa4Pal tweeted a message stating that *“The similarities can't be ignored. #FreePalestine #ApartheidIsrael”* [JD1, 5].
68. The similarities that the tweet referred to were shown in an accompanying picture [JD1, 5], which included two images.
69. The first image was women and children and titled 'GERMANY, 1944' along with the words *“Here are Jews in in Nazi cages”*.
70. The second image shows a number of individuals, tightly packed apparently within a cage and titled 'PALESTINE, 2021', along with the words *“Here are Palestinians in Israeli cages”*.
71. The Respondent responded to the tweet and photo with:

*“Invaders Jews should take their REVENGE from their abusers and not from the people whose land they have stolen and committing evil crimes on daily basis.*

*Sooner or later abusers will be held accountable just like their abusers were.”*

72. The Respondent did not need to reply to the message with the photo, and none of the words he uses indicates that he disagrees with it. By replying to the message, it inevitably disseminated the photo and original message wider.
73. In addition to not rebutting the inference taken from the wording in the photo, the Respondent’s message indicates that he agrees with the wording.
74. The Respondent draws a direct comparison between Jews (to whom he refers to as ‘invaders’ and ‘abusers’) and the Nazis (referred to as ‘their [i.e. Jews] abusers’).
75. The SRA contend that, as a result of the Respondent’s message, example 10 of the IHRA definition is engaged.
76. The Respondent also states that Jews are ‘invaders’ and have stolen land. This engages example 7 of the IHRA definition as it denies Jewish people their right to self-determination.

### **3 February 2023 at 1134 [JD1, 6]**

77. On 2 February [2023], Twitter user Emily Schrader tweeted **[JD1, 6]**:

*“A kindergarten in #Gaza held a show in which the children imitate the actions of the terrorist who carried out the attack on Jerusalem. The boys held a funeral and prayer for the martyr and the girls waved pictures of the terrorist and praised him”.*

78. In response, user @NJA\_UK replied **[JD1, 6]**:

*“Peace will become even more elusive as #Palestinian continue to be taught that it is ok, honourable even, to murder #Jews & #Israelis.*

*This indoctrination of generations of Palestinian kids is nothing short of wide scale child abuse.*

*Children are not born to hate or want to kill”.*

79. In a reply to @NJA\_UK, the Respondent stated **[JD1, 6]**:

*“Learning to protect themselves against the killers of defenceless people i.e invaders occupiers murderers and thieves of their own country and land.*

*The Palestinians have no problem with Jews as they lived together for hundreds of years till invaders came!”*

80. The Respondent, again, uses the offensive and inappropriate terms of ‘invaders’, ‘occupiers’ ‘murderers’ and ‘thieves’.
81. The Respondent’s message appears to support justification of violence against Jews, and is a denial of Jewish self-determination.

### The Respondent’s response

82. In brief summary across those communications and responses, it is asserted by and on behalf of the Respondent that:
  - 82.1. As a human rights lawyer, and as a political commentator, it is his duty to stand up against abuses of human rights **[JD1, 25]**;
  - 82.2. The context of some of the tweets are not against the ‘innocent people of Israel or any Jewish people’. The Respondent also states that he identifies himself as a Semite **[JD1, 25]**;
  - 82.3. Were he not to make any comment, that would be “...condoning the violence and occupation of Palestine is similar to condoning the crimes committed by and invasion of Ukraine by Russia” **[JD1, 25]**

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

83. 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:
  - 83.1. 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.

- 83.2. 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;
- 83.3. 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.
- 83.4. Article 8 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 judgment in the *Beckwith* case and the question of nexus.

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

84. In *Beckwith v SRA [2020] EWHC 3231 (Admin)*, [JD1, 256] 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:
- 84.1. 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.
- 84.2. 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 (e.g., *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.
- 84.3. Solicitors and their employees are not required to be '*paragons of virtue*'.
85. 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).

86. There are, therefore, two important points which apply to both principles in slightly different ways:
- 86.1. Whether the conduct touches upon the solicitor's practice of the profession or the standing of the profession; and
  - 86.2. Whether the conduct engages a standard of behaviour set out in or implicit from the Handbook/the Code for Solicitors.
87. 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.
88. As set out above, the Respondent's Twitter feed was on a public setting for anyone to see. His conduct was in the public realm, rather than the private.
89. The Respondent's Twitter name indicates that he is involved in the legal industry, and at least one of the Respondent's messages is clearly indicative that he is a lawyer. Further, the Respondent identified himself as a solicitor on LinkedIn, a professional social media network, which must have been on a public setting, by virtue of GnasherJew being able to access it.
90. In addition to the above, as stated above at paragraph 12, there is only one individual who is currently stated by The Law Society to have been admitted to the roll (albeit the Respondent is non-practising) with the surname of Gursel.

91. 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.
92. The period of time (over half a year) during which the Respondent's 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.
93. In and of itself – given the public nature of the tweets and being identifiable as a solicitor who was expressing such views and posting such inappropriate and offensive content, that is sufficient to justify and engage disciplinary action.
94. 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.
95. 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.
96. This ties in to the second aspect set out in Beckwith.
97. 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.”*

98. 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.
99. 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 (that being all others, not only other professionals or members of staff).
100. 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 Allegation 1**

#### **Principle 5 of the 2019 Principles**

101. The SRA relies on *Wingate v Solicitors Regulation Authority v Malins [2018] EWCA Civ 366*, which stated the following:

*“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....”*

102. The Respondent failed to act with integrity in posting such tweets on his public Twitter feed, which contained inappropriate and/or offensive and/or antisemitic statements and references.
103. The Respondent had clearly given some thought to the messages he drafted: it was not, for instance, pressing one button to 're-tweet' another message (although that could, depending on the original message, be sufficiently serious to amount to a breach of the Principles).
104. It is an almost inevitable inference that the name the Respondent chose for his Twitter profile, and an indication he was a lawyer, was to allow him to gain some benefit of credence on how the messages he published were viewed.
105. Despite this, the Respondent, amongst other messages and on a number of occasions, makes a direct correlation between the acts of the Nazis in the 1930s and 1940s, and Jewish people in modern times.
106. The comments made by the Respondent, which include the capitalisation of grossly offensive terms, is exactly the turns of phrase that the SRA's Warning Notice **[JD1, 70]** states would be contradictory to adherence to the Principles.
107. Such conduct was not acting in adherence to the ethical standards expected of a Solicitor, and by doing so the Respondent breached Principle 5 of the SRA Principles.

#### Principle 6

108. 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.
109. 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. In doing so the Respondent breached Principle 6 of the SRA Principles.

#### Principle 2 of the 2019 Principles

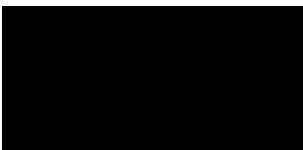
110. The SRA requires regulated individuals to uphold the reputation of the profession, not only in their professional life but also in their personal life. For the same reasons set

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**

111. The SRA has taken the following steps to investigate the allegations which it makes against the Respondent:
- 111.1. A Notice Recommending the Respondent's Referral to the SDT was sent to him on 10 February 2025 **[JD1, 42]**;
- 111.2. The Respondent responded to the SRA by email on 12 February 2025, stating that he was returning the contents of the SRA's email as 'unopened and unread' **[JD1, 55]**
- 111.3. In response on the same day, the SRA's Investigating Officer suggested that the Respondent may wish to reconsider his position as the Authorised Decision Maker ('ADM') would take account of any representations from the Respondent **[JD1, 55]**;
- 111.4. The Respondent replied by email on 13 February 2025 **[JD1, 54]**. Within that email, the Respondent stated that he would not be making any further representations to the SRA, or anyone else.
- 109 On 31 March 2025, an ADM of the SRA referred the conduct of the Respondent to the Tribunal **[JD1, 58]**.

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



James Danks

Dated this 19<sup>th</sup> day of August 2025

**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

**CEMIL GURSEL**

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 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.