

# The Authoritarian Drift of the European Democratic State: the crackdown on Pro-Palestine Movements

Report Submitted to the UN

Caterina Aiena



This publication was supported and facilitated by  
the IHRC Trust (A charity registered in the UK number 1106120).

First published in April 2024 by Islamic Human Rights Commission  
Copyright © 2024 Islamic Human Rights Commission, United Kingdom

Authors: Caterina Aiena  
Design & Typeset: Ibrahim Sadikovic

All rights reserved. No part of this book may be reprinted or reproduced or  
utilised in any form or by any means electronic, mechanical, or other means,  
now known or hereinafter invented, including photocopying and recording, or  
in any information storage or retrieval system, without permission in writing  
from the publishers.

Islamic Human Rights Commission is an imprint of Islamic Human Rights  
Commission Ltd, a limited company registered in England and Wales.  
Registered office: 202 Preston Road, Wembley, Middlesex, HA9 8PA,  
United Kingdom

Print ISBN 978-1-909853-38-6  
Electronic ISBN 978-1-909853-37-9

# Contents

Executive Summary .....	5
<b>Preamble</b> .....	<b>7</b>
<b>International Human Rights Framework</b> .....	<b>8</b>
1. Counter-terrorism .....	8
2. Freedom of expression and assembly .....	9
3. Protection of Human Rights Defenders .....	9
<b>Fact of the Complaints</b> .....	<b>10</b>
1. Institutional policies and legislation .....	10
A. France .....	10
B. Germany .....	12
C. UK .....	14
2. Attacks on human rights defenders and protesters .....	16
A. France .....	16
B. Germany .....	17
C. UK .....	21
<b>5. IHRC Concerns/Recommendations</b> .....	<b>25</b>
<b>6. Appendix</b> .....	<b>28</b>



## Executive Summary

Since the escalation of hostilities between Palestine and Israel on the 7<sup>th</sup> of October 2023, the governments of United Kingdom, France and Germany have reached an alarming level of repression against protests and dissent in support of Palestinians, with the indiscriminate targeting of activists, artists, protestors, political and civil organizations through the use of bans, intimidation, harassment and arrests.

Using the UN special joint communication procedure, IHRC has therefore submitted a complaint, reporting information on legislation and policy deemed to **violate the right to** freedom of opinion and expression, peaceful assembly and of association, and protection of human rights defenders. This communication has been addressed to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association.

In analysing such abusive conduct by the three states, five main areas of activity can be clearly identified:

**1. Criminalization of Pro-Palestine supporters and organizations:** these include activists, artists, politicians, students and others. It remains the most frequently used way to suppress public gatherings and actors, often by inciting law enforcement agencies against them. Banning without qualification, or with no limits or definition places such policies and legislation outside the bounds of international counter-terrorism requirements. Most of the bans simply apply to fundraising, the display of the Palestinian flag, the wearing of the Palestinian keffiyeh, and chanting the “Free Free Palestine” slogan.

**2. Censorship:** strict guidelines have been provided by the various Ministers of Education or other relevant government actors to schools and universities on how to discuss the situation in Palestine, forbidding “visibly wearing relevant clothing”, such as the keffiyeh known as the Palestinian scarf, displaying stickers, patches, booklets with inscriptions such as ‘free Palestine’ or a map of Israel in the colours of Palestine (white, red, black, green), or ‘Free Free Palestine’ slogan.

**3. New criminal offences:** new legislation has been proposed making anti-Zionism a criminal offense, as for instance in France or in the UK under the “glorification of terrorist acts” and counter-extremism law, and criminalising behaviour associated with terrorism such as the Shahada flag, which “looked like the Islamic State flag but is not the Islamic State flag” (UK)

**4. Surveillance:** referral of CSOs and private individuals who criticize Israel to private domestic authorities by landlords, work colleagues, family members or acquaintances could be possible in Germany, (Federal Government Draft law, reforming the Intelligence law), and is already possible in the UK through the Prevent programme (UK)

**5. Management of migratory influx and restricted citizenship:** systematic withdrawal of residence permit have been demanded by political parties in France, as well as “large-scale deportation” or expulsion of residents who do not hold German citizenship and openly protest against Israel in Germany, or again in Germany by embedding as a precondition for citizenship the recognition of Israel’s right to exist

Against this backdrop, IHRC believes that persistent accusations that any form of criticism of Israeli policy and actions in the Occupied Territory is essentially racist and anti-Semitic leads to an over-simplification of a conflict that traces its roots to long before the current crisis. The aim of those who wish to equate anti-Zionism with anti-Semitism is simply to bring CSO’s and other critics to self-censor so that uncomfortable facts remain unspoken and, by extension, unchallenged.

Furthermore, anti-terrorism and anti-extremism policies and legislation under consideration will strengthen draconian policies already in force, especially in the areas of citizenship, migratory flows management, monitoring of CSO’s and the restriction of individuals’ political rights. Many Muslim organizations are routinely subjected to targeted vilification campaigns by sections of the media and politicians in a bid to discredit them and frustrate their work. But paradoxically, such policies also end up targeting and accusing of antisemitism many Jews and Jewish groups who often work with Muslim CSOs in their pro-Palestinian activism and solidarity work.

IHRC has also repeatedly expressed concerns about the impact that such measures have on citizens, believing that they will lead to a more toxic environment of hate, further polarization of public opinion and a greater impairment of the citizenry’s political membership and rights.

## Preamble

Since the escalation of hostilities between Palestine and Israel on the 7<sup>th</sup> of October 2023, IHRC believes that the governments of United Kingdom, France and Germany have reached an alarming level of repression against protests and dissent in support of Palestinians, and their right of self-defence, self-determination as repeatedly acknowledged in numerous UN resolutions.

Although the distinction between the two is self-evident and well documented, the conflation of anti-Semitism and anti-Zionism by states is clearly dangerous and malicious, with serious implications for a more toxic environment of hate, a stronger polarization of public opinion, and the resulting criminalization of dissenting views and the impairment of citizenry's political membership.

IHRC considers that the repeated accusations by these governments that any form of criticism against Israeli foreign policy and action in the Occupied Territory is essentially anti-Semitic constitute a pretext to further restrict freedom of expression and association. They also tighten existing policies dealing with the 'most problematic' issues of migratory flow regulation, citizenship entitlement, counter-terrorism and counter-extremism.

In this regard, for the best part of two decades, France, Germany and the UK have been carrying out long attacks via law and policy against 'problem' communities, notably 'Blacks', 'Arabs', 'Muslims', 'immigrants,' and virulent campaigns against their presence and visibility in the public space: see, for instance, the various anti-Muslim laws in France such as the hijab ban in 2004, ban against veiled Muslim mothers attending school outings in 2012, ban against veiled Muslim women from working as nannies and banning of long skirts for Muslim female students in 2015, full face veil ban in 2019 etc., the anti-separatism bill in 2021. Similarly, in the UK and Germany, there has been an escalation of authoritarian and racist policies and laws, along with defamatory campaigns. Just to name a few: the Trojan Horse scandal, Prevent strategy, anti-extremism laws.

The effect of this has been to shrink CSOs' space and their participation in public life and produce policies that are often counterproductive and highly discriminatory. Where organisations have not been criminalised, government briefings and leaked reports indicate that civil society organisations are being surveilled and monitored.

The official response of the UK, France and Germany has been characterised by the targeting of pro-Palestine activists, artists and protestors with intimidation, harassment and arrest. Not surprisingly, more than 1,300 artists and cultural figures have signed a statement

accusing arts institutions in Western countries of censoring Palestinian voices and solidarity. All these measures and actions represent a blatant violation of international human rights laws and standards, as outlined in session A. All the measures and action forming the main bulk of the present complaint have been detailed in session B.

# International Human Rights Framework

## 1. Counter-terrorism

Most of the policies and measures concerned below have been introduced and justified for counter-terrorism purposes. However, terrorism can never violate peremptory or non-derogable norms of international law, nor impair the essence of any human right, especially protection of freedom of expression, association, peaceful assembly, rights that are all fundamental to this communication.

All the relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning terrorism and the protection of human rights, including UN Security Council resolutions, 1373 (2001), 1456 (2003), 1624 (2005), 1822 (2008), 2178 (2014), 2242 (2015), 2368 (2017), Human Rights Council Decision 2/112 and resolutions 6/28, 7/7, 10/15, 13/26, 19/19, 25/7, 29/9, 33/21, 34/8, 35/34, 37/27, 42/18, 45/11, 51/24, Commission on Human Rights resolutions 2003/68, 2004/87 and 2005/80, and General Assembly resolutions 28/17, 51/24, 57/219, 58/187, 59/191, 60/158, 60/251, 60/288, 62/159, 62/219, 64/168, 65/221, 66/171, 66/251, 68/178, 68/276, 70/148, 70/291, 72/180, 73/174, 74/147, 76/169 are referred to as the guiding framework for the legislation for states to combat international terrorism while protecting fundamental human rights. Specifically, these decisions and resolutions require that states must ensure that any measures taken to combat terrorism and violent extremism, comply with all of their obligation under international law, in particular international human rights, refugee and humanitarian law, as also expressively stated in the UN Global Counter-terrorism Strategy, IV section “Measures to endure respect for the rights for all and the rule of laws as the fundamental basis of the fight against terrorism”, adopted by the General Assembly in its resolution 60/28 of 8 September 2006.

Furthermore, Resolution 2005/38 on freedom of opinion and expression adopted by the Commission on Human Rights on 19 April 2005, stressed that “the need to ensure national security, including counter-terrorism, cannot not be used unjustifiably or arbitrarily to restrict the right to freedom of opinion and expression”, and that States must refrain from “using counter-terrorism as a pretext to restrict the right to freedom of opinion and expression in ways that are contrary to their obligations under international law”.



## 2. Freedom of expression and assembly

Freedom of opinion, expression and religion, political thought and association are applicable under articles 19-22 ICCPR and articles 18- 20 UDHR, which guarantee the universally-recognized right to freedom of opinion and expression and freedom of peaceful assembly and association. According to them, States are called to recognize the exercise of the right to freedom of opinion and expression as “one of the essential foundations of a democratic society and enabled by a democratic environment which, inter alia, offers guarantees for its protection”, as stated in Human Rights Council resolutions 7/36, 12/16 and 24/5.

In line with HRC resolution 24/5, freedom of peaceful assembly and association, of expression and opinion, are herein referred to as “the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs.”

Furthermore, article 4 of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities indicates that “States shall take measures, where required, to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”.

## 3. Protection of Human Rights Defenders

IHRC recalls the fundamental principles set forth in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (hereafter UN Declaration on Human Rights Defenders), adopted by the General Assembly in its resolution 53/144 of 8 March 1999, especially when: stating that “everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” (art.1) and “to participate in peaceful activities against violations of human rights and fundamental freedoms” (art. 2); calling for states to “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights” (art. 12).

# Fact of the Complaints:

## 1. Institutional policies and legislation

### A. France

■ 11<sup>th</sup> October: according to art. 40 of the Code of Criminal Procedure that allows any parliamentarian to report potentially criminal or criminal acts, Les Républicains Senator Stéphane Le Rudulier sent a detailed letter to the Attorney General of the Republic at the Paris Court of Appeal, Marie-Suzanne Le Quéau, to inform her of the comments of La France Insoumise deputies Ersilia Soudais, Louis Boyard, Manuel Bompard and Mathilde Panot on the attacks in Israel for “apology for terrorism”. Le Point news outlet has obtained and published a copy of this letter in an interview with him.

- [Senator Stéphane Le Rudulier interview.](#)

■ 13<sup>th</sup> October: Senator Stéphane Le Rudulier published a letter to Emmanuel Macron on a social media platform, in which he asked to reactivate General de Gaulle’s ordinance of 1944 restoring the crime of national indignity that was abolished by an Amnesty Law of 1951. The order aimed to condemn French people who collaborated under the Occupation, and now against “direct and indirect support of Islamist terrorism”. This implies the return of the penalty of national degradation inflicted on people found guilty of national indignity, depriving the convicted of the right to vote, ineligibility, the prohibition of employment in certain types of businesses and the possession of a weapon. The text of the letter can be found in attachment No. 1.

- See attachment 1.

■ 14<sup>th</sup> October 2023: at the press conference, the Minister of the Interior Gérald Darmanin has announced “the identification throughout the national territory of those who are dangerous”; the “systematic withdrawal of the residence permits for those who are foreigners”; the “systematic expulsion of any foreigner” (...) “indeed considered dangerous by the intelligence services”. For foreigners in a legal situation, the Minister of the Interior asked “to systematically withdraw the residence permits of people who are in this FSPRT file and who [represent] a threat to our country.

- [Press Conference.](#)



■ 18<sup>th</sup> October: France’s top administrative court ruled (Conseil d’État, N° 488860) on the appeal filed by the Palestine Action Committee against the ban of pro-Palestinian demonstrations by the Minister of the Interior. The court says that demonstrations in support of Palestinians cannot be categorically banned, but should be considered on a case-by-case basis, and that only local authorities can decide whether to ban a rally connected to the Israeli-Palestinian conflict, “whichever side it aims to support”. However, the court has clarified that the Minister of the Interior was referring to ‘gatherings that publicly celebrated the attacks by Hamas, and not pro-Palestinian rallies outright.

- [Court decision.](#)

■ 31<sup>st</sup> October 2023: 16 French senators, most of them associated with The Republicans (LR) political party and led by Senator Stéphane Le Rudulier, submitted for the first reading in the Senate the bill No. 21 that makes anti-Zionism a criminal offense. The proposed bill aims to amend article 25 of the law of July 29/1881 on freedom of the press, by including penalties for various offenses related to anti-Zionism. It seeks to punish those who deny the existence of the state of Israel with one year of imprisonment and a fine of EUR 45,000. Those who insult the state of Israel would face two years imprisonment and a fine of EUR 75,000, and those who directly provoke hatred or violence against the state of Israel with five years of imprisonment and a fine of EUR 100,000. Article 23 referred to in the bill covers a comprehensive list of means of transmitting the supposedly offensive words: “by speeches, shouts or threats made in public places or meetings, or by writings, prints, drawings, engravings, paintings, emblems, images or any other written medium, speech or image, sold or distributed, offered for sale or exhibited in public places or meetings”.

- [Bill No. 21.](#)
- [Law on freedom of press, 29/1881.](#)

## B. Germany:

■ 12<sup>th</sup> October: German Chancellor Olaf Scholz announced during his speech to the parliament that his government “will ban all activities and organisations supporting Hamas” without qualification. The ban will apply to fundraising, the display of the Palestinian flag and the wearing of the Palestinian keffiyeh.

■ 13<sup>th</sup> October: In a letter to all Berlin schools, the city’s Department for Education, Youth and Family, by the authority of Berlin’s Education Senator Katharina Günther-Wünsch, sets out strict guidelines on how to discuss the situation in Palestine with students, stating that “any demonstrative action or expression of opinion that can be understood as advocating or approving of the attacks against Israel or support for the terrorist organizations carrying them out, such as Hamas or Hezbollah, constitutes a threat to school peace in the current situation and is prohibited”. According to the letter, these may include the following: “visibly wearing relevant clothing (for example, the keffiyeh known as the Palestinian scarf), displaying stickers and patches with inscriptions such as ‘free Palestine’ or a map of Israel in the colours of Palestine (white, red, black, green), and shouting ‘free Palestine!’

■ 20<sup>th</sup> October: in a public interview, German Chancellor Olaf Scholz declares that “we must finally deport on a large scale” residents who do not hold German citizenship and openly protest against Israel.

- [Chancellor Olaf Scholz’s interview.](#)

■ 23<sup>rd</sup> October: The Christian Democratic (CDU) opposition leader Friedrich Merz has demanded that the recognition of Israel’s right to exist must become a precondition for German citizenship in the new reform. The FDP - one of the three parties in Germany’s coalition government - has also been pushing to make anti-Semitism an explicit exclusion criterion for naturalisations. Currently, the draft law states that naturalisation is out of the question if the foreigner “shows by his or her behaviour that he or she does not accept the equal rights of men and women laid down in the Basic Law”. These can include “anti-Semitic, racist, xenophobic or other inhumanely motivated actions incompatible with the human dignity guarantee of the Basic Law”.

- [Video Interview \(min. 6:00\).](#)



■ October: Federal Interior Minister Faeser (SPD) is pushing forward a new constitutional protection law that will significantly expand the powers of the domestic secret service, as demanded by the Federal Constitutional Court (1 BvR 2354/13: Court decision of September 28, 2022). Art. 20 of the Federal Government draft law for the first part of the reform of the Intelligence law, amending the Federal Constitutional Protection Act of 1990 (BGBl), allows the “transmission” of information about suspected extremists to private “domestic authorities”. The law aims at making it possible for the domestic secret service to address landlords, work colleagues, family members or acquaintances and point out suspicions of extremism against the target person, as long as it serves to “de-radicalize” or somehow helps to “reduce the potential for danger”. In addition, paragraph e) and f) of article 20 aim at significantly impacting on the “stay in Germany and entry and exit of those involved in efforts or activities to promote them”, and the acquisition of “citizenship to reduce vulnerability and strengthen resilience to such endeavours or activities”.

- [Federal Government Draft Law No. 439/23 on the reform of the intelligence law.](#)

■ 17<sup>th</sup> November: two proposals have been presented by the CDU/CSU parliamentary group: the first proposal consists in the draft law amending the Criminal Code to combat anti-Semitism, terror, hatred and incitement. The second proposal relates to a draft law on residence, asylum and nationality law, aimed at preventing the naturalization of anti-Semitic foreigners in order “to provide better protection against the further entrenchment and spread of anti-Semitism that has ‘immigrated’ from abroad”. Further, the parliamentary group has introduced a new paragraph in residence law, according to which an anti-Semitic crime usually results in expulsion. Following the debate, both bills were referred to the Legal Affairs Committee and the Interior and Community Committee respectively.

- [The CDU/CSU draft law amending the Criminal Code.](#)
- [The CDU/CSU draft law on residence, asylum and nationality law.](#)

## C. UK

■ 17<sup>th</sup> October: Education Secretary Gillian Keegan, the Minister for Schools and the Minister for Skills, wrote to schools and colleges to provide advice on how to respond to the Israel-Palestine conflict in the classroom. In the letter, she calls for schools in the UK to report students who speak up for Palestinian rights to Prevent, the anti-terrorism programme set up by the Counter-Terrorism and Security Act 2015 which creates a positive duty for those working in education or health to report those who they deem at risk of radicalization.

- [Gillian Keegan's letter.](#)

■ 24<sup>th</sup> October: UK Immigration Minister, Robert Jenrick, announced to the House of Commons new policies aiming to remove visitors to the country if they incite antisemitism, or their conduct falls “below the criminal standard”, adding that the process of revoking visas and expelling foreign nationals who spread “hate and division” had already begun “in a small number of cases”.

■ 30<sup>th</sup> October: on the basis of Jonathan Hall KC’s recommendations, the Independent Reviewer of Terrorism Legislation, government officials publicly announced their commitment to update the Terrorism Act by creating the new offence of “glorification of terrorist acts” that would criminalise behaviour associated with terrorism, such as the Shahada black flag, which “looked like the Islamic State flag but is not the Islamic State flag”.

■ 4<sup>th</sup> November: The Observer revealed that the Cabinet Minister Michael Gove’s Office have drawn up a proposal to broaden the definition of extremism by including anyone who “undermines” the country’s institutions and its values. There has been no public consultation on the new definition. Leaked internal documents by Gove’s Department for Levelling Up, Housing and Communities – which are marked ‘official and sensitive’ and seen by journalists at the Observer newspaper – started a review of non-violent extremism. The definition of extremism currently in force relates to the “active opposition to fundamental British values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs” (2011 Prevent strategy). The proposed definition says: “Extremism is the promotion or advancement of any ideology which aims to overturn or undermine the UK’s system of parliamentary democracy, its institutions and values”. The proposed definition should also include: “sustained support for or continued uncritical association with organisations or individuals who are exhibiting extremist behaviours.” The document controversially goes as far as listing a number of Muslim umbrella organizations, empowerment and lobbying groups, including Muslim Council of Britain (MCB), Palestine Action and Mend (Muslim Engagement & Development). IHRC is concerned that itself, along with other Muslim left-wing

and environmental organisations, represent likely bodies which will fall foul of the new 'extremist' definition.

■ 8<sup>th</sup> November: Met Police Chief Sir Mark Rowley replied to the Health Secretary Steve Barclay's comment on the suggested banning of demonstrations on Armistice Day (11 November), saying that a national 'demonstration on Armistice day would go ahead because the legal threshold to stop it on security grounds had not been met'. Right after that, the Prime Minister Sunak stated during a visit to a school in Lincolnshire that 'we have asked the police for information on how they will ensure that this happens', that 'my job is to hold him accountable for that', and that 'I'll be meeting the Metropolitan Police Commissioner later today to discuss this'.

- [Prime Minister Sunak's video interview.](#)



■ 9<sup>th</sup> November, following the Met Police Chief Sir Mark Rowley's decision, reported in an article for the Times news outlet, the UK Former Home Secretary Suella Braverman publicly accused the Metropolitan Police of double standards, saying there is "a perception that senior police officers play favourites when it comes to protesters". It adds to pressure on Metropolitan Police chief Sir Mark Rowley after criticism of him for failing to take action against protesters calling for Intifada and chanting "from the river to the sea". The UK Former Home Secretary Suella Braverman was accused of inciting violence against the march by encouraging far-right groups with a reputation for violence and criminality to attend. After much pressure she was dismissed from her role in government.

- [Former Home Secretary Suella Braverman's statement reported on news media](#)

## Attacks on human rights defenders and protesters

### A. France

■ 10<sup>th</sup> October: Les Républicains Senator Stéphane Le Rudulier sent an open letter to Prime Minister Élisabeth Borne urging the French government to dissolve hard-left Jean-Luc Mélenchon's La France Insoumise (LFI) party for not condemning the terror activities of Hamas. In the letter, he denounces the presence of what he calls a "fifth column of Palestinian terrorism in France" and called also for the dissolution of the New Anti-Capitalist Party (NPA), the Indigenous People of the Republic, the Young Guard, and the Permanent Revolution.

- [Petition](#).

■ 10<sup>th</sup> October: Minister of the Interior Gérald Darmanin revealed the opening of an investigation for "apology of terrorism" against the New Anti-Capitalist Party (NPA). This procedure concerns a press release published on 7<sup>th</sup> October by the NPA party in reaction to the Hamas attack on Israel. The text in question demonstrated "his support for the Palestinians and the means of struggle they have chosen to resist".

- [NPA press release](#).

■ 12<sup>th</sup> October 2023: Interior Minister Gérald Darmanin communicated the ban of pro-Palestinian protests that could lead to "disturbances to the public order", via telegram to the country's police. He added that any organization of such protests will lead to arrests. The ban seems to be a blanket ban without limits on where and when it should apply.

■ 14<sup>th</sup> October: Interior Minister Darmanin announced that his ministry had commenced the process of dissolving two civil society groups, the "Party of the Indigenous of the Republic" and "Palestine will conquer" collective, as a result of "anti-Semitic acts" since October 7/10/2023.

■ 16<sup>th</sup> October: Nice football defender Youcef Atal was handed a seven-game suspension by the French Football Association (LFP) over a social media post in which he expressed his view on the Israel-Gaza conflict. The post reads: "Que Dieu envoie un jour noir pour les juifs". French prosecutors launched a preliminary investigation into Atal on suspicion of "glorifying terrorism", following complaints filed by local politicians. The prosecutor's office said Atal is also being investigated for "public incitement to hatred or violence because of a particular religion".

- See attachment No. 2.



■ 16<sup>th</sup> October: Mariam Abudaqa, a recognized women’s rights activist in Gaza and member of the Popular Front for the Liberation of Palestine (PFLP) was served with an “absolute emergency” expulsion order in Marseille, issued two days previously by Interior Minister Gérald Darmanin. Her 50-day visa was issued by the French consulate in Jerusalem on August 7 and valid until November 24. In view of the time needed to organize Abudaqa’s departure, a house arrest order was also issued, from 10 pm to 6 am in a hotel in downtown Marseille. For the French state, Abudaqa’s “widely publicized participation” in events and demonstrations “is likely to stir up tensions, hatred and violence between communities and create serious disturbances to public order” in the current context.

## B. Germany

■ 12<sup>th</sup> October: pro-Palestinian group Samidoun, the Palestinian Prisoner Solidarity Network, has been banned by German authorities. The group was organising pro-Palestinian protests and is now monitored by Berlin’s domestic intelligence agency.

■ 13<sup>th</sup> October: in Cologne a regional court overturned a ban on a pro-Palestinian demonstration after a last-minute appeal by the organizer, a member of a Palestinian community group in the city. Police had initially argued that it would be taking place too close to a pro-Israel demonstration at the city’s central Heumarkt square, thus presenting an increased security risk, an argument the court didn’t accept. In the end, no issues were reported between the two groups.

■ 14<sup>th</sup> October: Jews activist Iris Hefets is on the board of the association “Jewish Voice for Just Peace”. She showed a sign on Hermannplatz with the slogan: “As a Jew & Israeli, stop the genocide in Gaza.” Hefets was temporarily arrested and released from police custody after about an hour.

- [Video](#).



■ 14<sup>th</sup> - 15<sup>th</sup> October: Berlin police approved two requests for pro-Palestine protests, one of which was a silent vigil. But at least seven, including one called Jewish Berliners Against Middle Eastern Violence (organised by Jewish groups) and another entitled Youth Against Racism, were refused permission because of the “immediate threat” of “inflammatory, anti-Semitic shouts”. Jewish Berliners Against Middle Eastern Violence rally was organized and registered by Ugi Raza. The holding of any replacement event was banned until October 20, 2023. As for the Potsdamer Platz protest, in Berlin (October 15<sup>th</sup>), police banned the protest after hundreds were already on site. Video footage added as attachment 9, session 7 to this document shows police brutally kicking, punching and pushing protestors, including one instance when an elderly woman was pushed to the ground. 155 protestors were arrested.

■ 14<sup>th</sup> October 2023, Frankfurt: a pro-Palestinian demonstration was prohibited by a local court. The Frankfurt police banned a scheduled protest 12 minutes before it was set to take place when hundreds were already in attendance. A water cannon was deployed to intimidate the demonstrators with a helicopter flying overhead. Over 300 people were detained. One woman was pushed by police and had to be taken away by an ambulance. Video footage added as attachment 8 to this document.

■ 17<sup>th</sup> October: Schleswig-Holstein’s Integration State Secretary Marjam Samadzade commented on a post by the journalist Alice Hasters on Instagram, in which the Israeli government was criticized for its response to the Hamas attack. Her post says: “I’m increasingly being accused of remaining silent because I don’t use my social media account to comment on current events. There is too much to say to fit into one post here. Everything here is shortened, one-sided, not sufficient. And this war, where people die and suffer, has long been shamelessly used for clique fights and I don’t want to take part in that”. Samadzade responded to the post by saying, “Thank you for these clear words” and captioned the reply with a heart. Social Minister Aminata Touré (Greens) asked State Secretary Samadzade to immediately suspend her from official duties and to ask for her dismissal as State Secretary and emphasized that this post did not correspond to her personal stance or that of the Schleswig-Holstein state government. Marjam Samadzade had to resign from her position.

- See Attachment No. 3: the text in the paragraph above has been translated from German. In the attachment, the post has been reported in the original language.

■ 18<sup>th</sup> October: in Berlin, several hundred people defied a ban on pro-Palestinian rallies. 174 people were arrested after the rally, 65 of whom are “under criminal investigation.”

■ 26<sup>th</sup> October: a week after the open letter expressing solidarity with Palestinians and supporting a ceasefire in Gaza published in the magazine Artforum, the Artforum editor-in-chief David Velasco was fired after six years at the helm of the magazine.

- [The letter published on 19<sup>th</sup> October here.](#)

Various pro-Palestine artists' and politicians' events have been cancelled including:

- Adnia Shibli's award ceremony for her novel "Minor Detail", at Frankfurt Book Fair
- Ghayath Almoadhoun's event showcasing a poetry collection at Haus der Poesie;
- Yaeli Ronen's play "The Situation" at Gorki theatre;
- Nicolas Jaar's presentation in a workshop at the Academy of Fine Arts of Munich;
- The Conference "We still need to talk", organized by Candice Breitz and Michael Rothberg
- Jewish artist Candice Breitz had her exhibition cancelled by the Saarland Museum Modern Gallery, in Saarbrücken, planned for 2024, because of allegedly controversial statements about the Gaza war
- Former UK MP Jeremy Corbyn was disinvited from speaking at a conference in Berlin, co-organised by the left-leaning Volksbühne theatre and the Rosa Luxemburg Foundation (RLF), on the relationship between the European and Latin American left

■ 2<sup>nd</sup> November: Berlin Jewish Museum fired Udi Raz, a tour guide, for having referred to Israel as an apartheid state during his guided tours. The final decision was made by the Head of the Education Department, Diana Dressel. Udi Raz is an executive member of the Jewish Voice for a Just Peace in the Middle East.

■ 3<sup>rd</sup> November: Dutch Winger Anwar el Ghazi, who plays for Mainz-05 football club was fired because of a post on social media, now deleted, regarding the Gaza conflict. In a press release, the Club said that it "is taking this measure in response to the player's statements and posts on social media. The club's board made it clear to Anwar el Ghazi that employees of the club are bound to a code of values. Implicit in this code of values is a special responsibility to the state of Israel and the Jewish people, not only due to past events in German history, but also stemming from the shared history with one of FSV's founding members and member of the Jewish

community, Eugen Salomon.”

- See Attachment No. 4.

■ 9<sup>th</sup> November: The Commissioner for Culture and the Media Claudia Roth (Green Party) has threatened to halt the funding of Documenta Exhibition, most important international exhibition of contemporary art, in Hassel. The Süddeutsche Zeitung media outlet (SZ) has mounted a smear campaign against the renowned Indian author and cultural scholar Ranjit Hoskoté, who was part of a six-member committee to find a new artistic director for the next exhibition in 2027, the 16th Documenta. The previous director, Sabine Schormann, resigned during Documenta 15 last year after right-wing Zionist circles attacked the Indonesian curatorial team Ruangrupa as “antisemitic.” Accordingly, Ranjit Hoskoté was accused of having signed an “antisemitic” appeal in August 2019, protesting a discussion hosted by the Consulate General of Israel in Mumbai on “Zionism and Hindutva [extremist Hindu nationalism]”. The Commissioner for Culture and the Media Claudia Roth declared that the statement signed by Hoskoté was “clearly anti-Semitic and bristling with anti-Israel conspiracy theories; there will only be a financial contribution from the federal government for the next Documenta if there is a joint plan and visible reform steps towards clear responsibilities, a genuine opportunity for the federal government to participate and standards to prevent anti-Semitism and discrimination”. Ranjit Hoskoté then announced his resignation from the selection committee, followed by the Israeli artist, philosopher, psychoanalyst and theorist Bracha Lichtenberg Ettinger. A few days later, the other four members of the commission, Simon Njami, Gong Yan, Kathrin Rhomberg and María Inés Rodríguez, also resigned.

■ 9<sup>th</sup> November: In Frankfurt am Main, an anti-fascist memorial event with the title “Never again fascism – keeping the memory of Kristallnacht alive. Fight anti-Semitism!” was banned. In the current case, the assembly authority justifies its interference with strictly protected fundamental rights with the political positions of the applicant. Because people close to the banned organization Samidoun and other left-wing groups could also take part, the planned anti-fascist rally poses a “danger to the health of the population,” according to the 13-page order. The Higher Administrative Court overturned the order in an expedited procedure, and the memorial event was able to take place – initially. In the evening, the administrative court overturned this decision without justification - and the police broke up the meeting after around an hour.

## C. UK

■ 14<sup>th</sup> October: Two women, whose names are Heba Alhayey, 29, and Pauline Ankunda, 26, were charged under the Terrorism Act in connection with displaying images of a paraglider during a march in London. Nick Price, Head of the CPS special crime and counter terrorism division, said: “Following a review of evidence provided by the Metropolitan Police, we have authorised charges against two women who took part in a demonstration in central London last month”. Heba Alhayey and Pauline Ankunda were charged with single counts of carrying or displaying an article, namely an image displaying a paraglider, to arouse reasonable suspicion that they are supporters of a proscribed organisation, namely Hamas. A third woman Noimutu Olayinka Taiwo, 27, has charged with inviting support for a banned terrorist organisation after the protest in Whitehall on October 14, by carrying a picture of a paraglider at a protest. Heba Alhayey, and Pauline Ankunda have been bailed to appear before Westminster Magistrates’ Court on Friday, November 10 2023.\*

■ 21<sup>st</sup> October: 100,000 people joined a pro-Palestine march in central London chanting “from the river to the sea, Palestine will be free”. The slogan has been branded anti-Semitic by Former Home Secretary Suella Braverman - who claimed it is “widely understood to call for the destruction of Israel and calls all the pro-Palestine marches as hate marches”. Jewish organisations have asked prosecutors to clarify whether chanting the slogan is a criminal offence. Pro-Palestinian protesters have contested this definition.

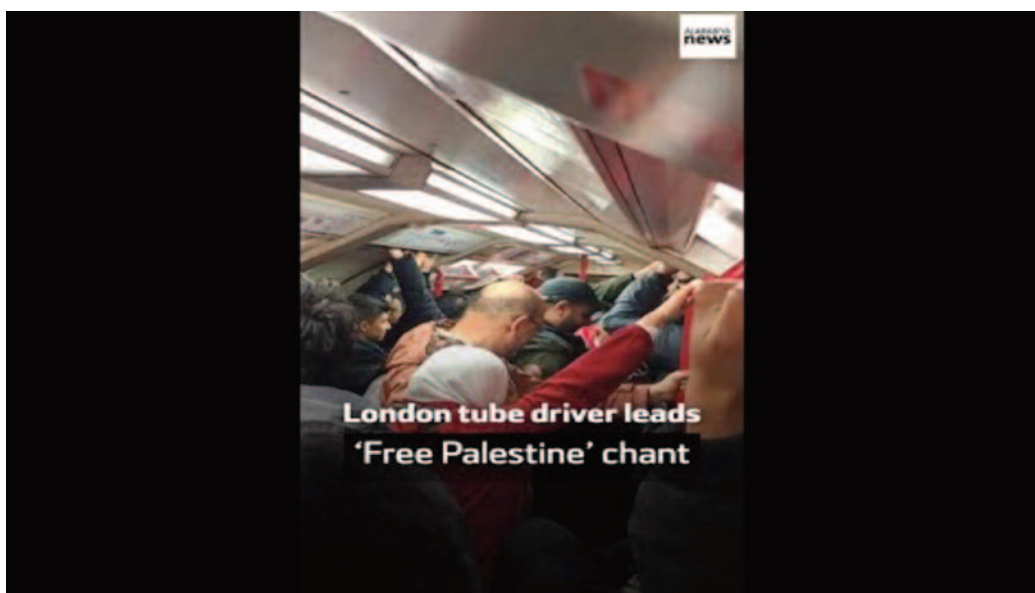
- [Former Home Secretary Suella Braverman’s video interview.](#)



\* In February 2024, the Deputy Senior District Judge Tan Ikram ruled on the case giving to each woman a 12-month conditional discharge. They will not face punishment unless they commit further offences. Now the judge is facing allegations of a possible conflict of interest by the Crown Prosecution Service, the Jewish Leadership Council and the Campaign Against Antisemitism, and they will submit a complaint to the Judicial Conduct Investigations Office (JCIO).

■ 21<sup>st</sup> October: the British Transport Police and Transport for London announced that it was investigating footage circulating on social media that shows a Tube driver chanting - over the announcement system on the Central line - “free, free”, to which the passengers responded “Palestine”. The tube driver also says: “Hope you all have a blessed day today and look after yourselves, and keep all those people in your prayers”. The tube driver was suspended on 23/10/2023.

- [Tube Driver’s video.](#)



■ 28<sup>th</sup> October: Laura Davis, a 21 year-old woman from Hendon, was convicted of a hate crime for taking a placard reading “FREE PALESTINE!! ISRA\*EL BURN IN HELL” to an anti-Israel protest. Davis plead guilty to racially aggravated threatening and abusive behaviour, intended to cause harassment, alarm or distress.

■ 28<sup>th</sup> October: Secretary of State for Science, Innovation and Technology Mrs. Michelle Donelan wrote to the UK Research and Innovation (UKRI) head Ottoline Leyser to express her outrage at the posts of two academics on their Advisory Group on equality, diversity, and inclusion, and urged the UKRI director to “immediately close this group and undertake an urgent investigation into how this happened”. The two accused were Prof Kate Sang, an academic at Heriot-Watt University in Edinburgh, and Dr Kamna Patel, associate professor at University College London (UCL). The former has criticised UK-anti-terrorism legislation, calling the government’s crackdown on Hamas support “disturbing.” The second Kamna Patel had retweeted posts condemning violence on both sides and referencing Israel’s “genocide and apartheid”. Both posts have since been deleted on the social media platform. The University and College Union (UCU), the trade union representing higher education workers in the U.K., issued a statement on X accusing the government of “unwarranted pressure that has been placed on it by an increasingly

authoritarian government”.

- See attachment No. 6, 7, 8.

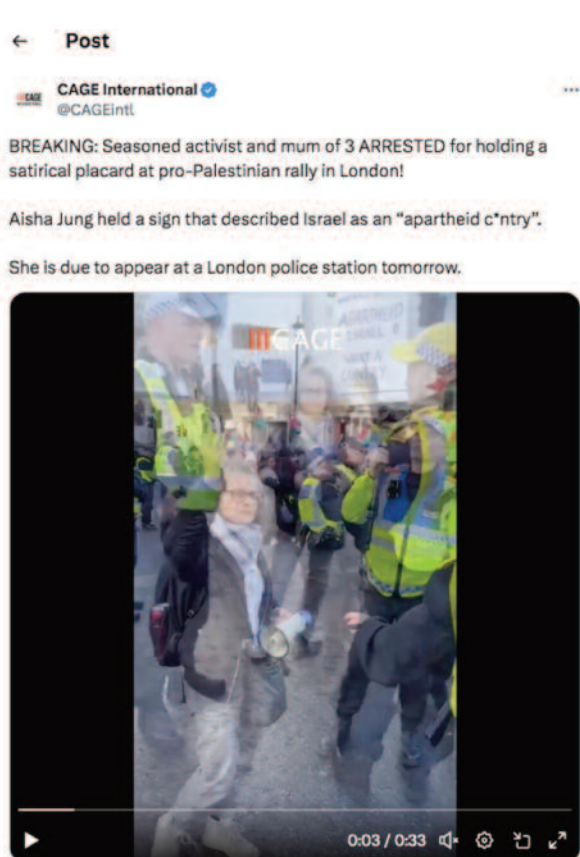
■ 4<sup>th</sup> November: Jewish activist Yael Khan was arrested by the Metropolitan Police for carrying a placard against Israel occupation.

- [Video interview \(from min. 0.38 to 2.24\).](#)



■ 4<sup>th</sup> November: during a Pro Palestine rally at the Trafalgar Square, Aisha Jung, a former senior campaigner at Amnesty International and life-long human rights campaigner, was arrested by the Metropolitan Police for holding a satirical placard regarding Israel. The placard held by her said: “Apartheid Israel What a Cuntry”. Aisha Jung has been arrested under Section 5 of the Public Order Act 1986. The case is being referred to the Crown Prosecution Service.

- [Video.](#)



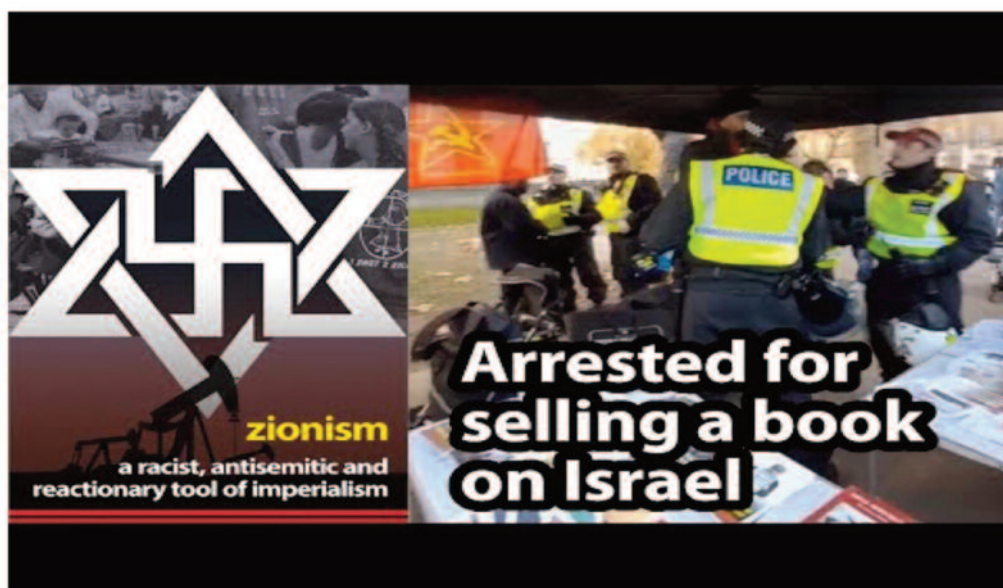
■ 18<sup>th</sup> November: The Met Police arrested a 17 year old Muslim girl in Lewisham for displaying a placard with the words “Zionists are terrorists.” She was arrested under the Public Order Act for inciting racial hatred.

- [Video.](#)



■ 25<sup>th</sup> November: An NHS surgeon was arrested for selling books with information on Palestine during a pro-Palestine demonstration

- [Video 1.](#)
- [Video 2.](#)





## IHRC Concerns/Recommendations

- IHRC believes that persistent repeated accusations that any form of criticism against Israeli foreign policy and action in the Occupied Territory is essentially racist and anti-Semitic leads to an over-simplification of a conflict that has gone on for over 75 years, and which clearly traces its roots to long before the current crisis.
- IHRC believes that the operation of such conflation between anti-Semitism and anti-Zionism by states is intentional to facilitate the polarization of public opinion and criminalization of dissenting views. The aim of those who wish to equate anti-Zionism with anti-Semitism is simply to curtail opposition of any kind to Israel and its foreign policies. Although the distinction between the two is self-evident and well documented, some supporters of Israel would like CSOs and other critics to sign up to a collective act of intellectual self-censorship so that the uncomfortable facts remain unspoken and, by extension, unchallenged.
- IHRC is concerned about the overuse, misuse and abuse of counterterrorism and anti-extremism legislation, policies and measures as a way to conflate human rights and civil society activities with terrorist activities. In some instances, national security and counter-terrorism legislation and measures, such as laws regulating civil society organization or directives addressing law enforcement agencies, have been misused to target individuals in a manner contrary to international human rights law. Most of the bans included in the report are blanket or general bans with no limits or definition, outside the bounds of international conventional counter-terrorism requirements.
- IHRC believes that non-violent criticism of state policies or institutions, including the judiciary, should not be made a criminal offence under counter- terrorism measures in any society governed by rule of law and abiding by human rights principles and obligations. In this regard, the 2018 Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism says that any “laws that criminalize freedom of expression or views that appear to praise, glorify, support, defend, apologize for or that seek to justify acts defined as “terrorism” under domestic law implicate both serious concerns

of legality and limitations on freedom of thought and expression". IHRC believes that operational independence in law enforcement is paramount and policing should not be influenced by political pressure on operational matters.

- IHRC maintains that violation of the freedom of expression, association and assembly are significantly facilitated and aggravated by the systemic misuse of such measures. In this regard, IHRC further refers to the Human Rights Committee General Comment No. 34 on the right to freedom of opinion and expression, according to which "all forms of opinion are protected, including opinion of a political, scientific, historic, moral or religious nature". To criminalize the holding of an opinion is incompatible with article 19 of the International Covenant on Civil and Political Rights, whereby "everyone shall have the right to hold opinions without interference"

- IHRC further claims that such anti-terrorism and anti-extremism policies and legislation have been instrumental to strengthen draconian policies that have already been put in place over the past two decades. As a matter of fact, in the past CSOs like IHRC, MEND, Cage, CCIF and many others have been subjected to targeted vilification campaigns by sections of the media and politicians in order to discredit them and frustrate their work. In recent years the annual Al-Quds Day demonstration in London in support of Palestinians has also been subjected to a concerted demonisation effort by pro-Israel groups who have tried to get it banned, and failing that, joined forces with far-right individuals and organisations to intimidate and harass those taking part.

- IHRC is alarmed about the impact that such measures and legislation has on citizens, such as further shrinking CSOs' and HRDs' political space and inhibiting and/or criminalizing the expression of views that are perfectly legitimate, but which may be perceived by the authorities as skirting too close to or falling foul of the new definition of terrorism or extremism. Universities for example have banned speakers on the basis of their (non-violent) views, prohibiting discussion of political and social issues.

- IHRC deeply deplores the ongoing targeting and demonization by the abovementioned states of legitimate activities of political opposition, critics, dissidents, civil society, religious and other minorities as well as human rights defenders, lawyers, religious clerics, bloggers, artists, musicians and others, as shown in the report. People who support justice

for the Palestinians, people who opposed the Iraq war, those protesting refugee deportations, even people who protested against domestic policies on austerity have been arrested and often sentenced using these laws. Paradoxically, targets include many Jews and Jewish groups, who often cooperate with Muslim CSOs in their pro-Palestinian activism

# Appendix

No. 1: Senator Stéphane Le Rudulier's Letter

## Stéphane **LE RUDULIER** Sénateur des Bouches-du-Rhône

**Négationnisme du député LFI David Guiraud : le sénateur S.Le Rudulier demande la réactivation du crime d'indignité nationale contre les élus négationnistes faisant l'apologie du terrorisme et la dissolution de LFI**

**Suite aux propos négationnistes du député LFI David Guiraud dans une vidéo en date du 10 novembre « Le bébé dans le four, ça a été fait par Israël, la maman éventrée, ça a été fait par Israël ! Israël a le droit de se défendre... mais quel droit donne ça ? Le droit international ? », le sénateur des Bouches-du-Rhône demande la réactivation du crime d'indignité nationale, créé en août 1944 par une ordonnance du Général de Gaulle à l'encontre de citoyens, élus et partis politiques faisant l'apologie du terrorisme. Il réitère également sa demande de dissolution de LFI qui multiplie depuis un mois les déclarations antisémites et négationnistes.**

Cette ordonnance qui visait à condamner des Français ayant collaboré sous l'Occupation doit s'appliquer aux soutiens directs et indirects du terrorisme islamiste. Cela implique le retour de peine de « dégradation nationale » infligée aux personnes reconnues coupables d'« indignité nationale » privant les condamnés de leurs droits civiques, civils et politiques notamment le retrait du droit de vote, l'inéligibilité, l'interdiction d'exercer un emploi dans certains types d'entreprises et de posséder une arme. Cette disposition supprimée par une loi d'amnistie de 1951 doit être réactivée.

Comme pendant la seconde guerre mondiale, des citoyens, partis et élus français sont aujourd'hui la cinquième colonne d'une idéologie islamiste qui veut détruire la République, notre mode de vie et nos valeurs. Par le soutien à un terrorisme islamiste antisémite, ils sortent du champ républicain et plus grave encore ils mettent en danger la vie des Français.

Politiquement, le négationnisme et l'apologie du terrorisme ne seraient plus seulement perçue comme un délit grave, mais comme un déshonneur pour l'auteur des faits. L'apologie du terrorisme affecte la citoyenneté de celui qui s'y livre dans la mesure où le djihad islamique est entendu comme une guerre faite à notre régime démocratique. Il s'agit de dégrader publiquement celui qui fait l'apologie terroriste. La France est le pays européen à avoir payé le prix le plus élevé au terrorisme avec près de trois cent morts. Nous ne pouvons plus nous contenter de lutter contre le djihadisme avec l'état de notre droit, nous devons nous armer juridiquement.

**Dans le respect de la Convention européenne des droits de l'homme cette dégradation civique ne peut être que temporaire. Son retour est essentiel pour protéger la République aujourd'hui menacée.**

**Les élus LFI concernés sont les héritiers de Jean-Marie Le Pen, du point de détail et de la négation des chambres à gaz.**

No. 2: Nice football defender Youcef Atal's post

No. 3: Marjam Samadzade's comment on a post by the journalist Alice Hasters on Instagram.

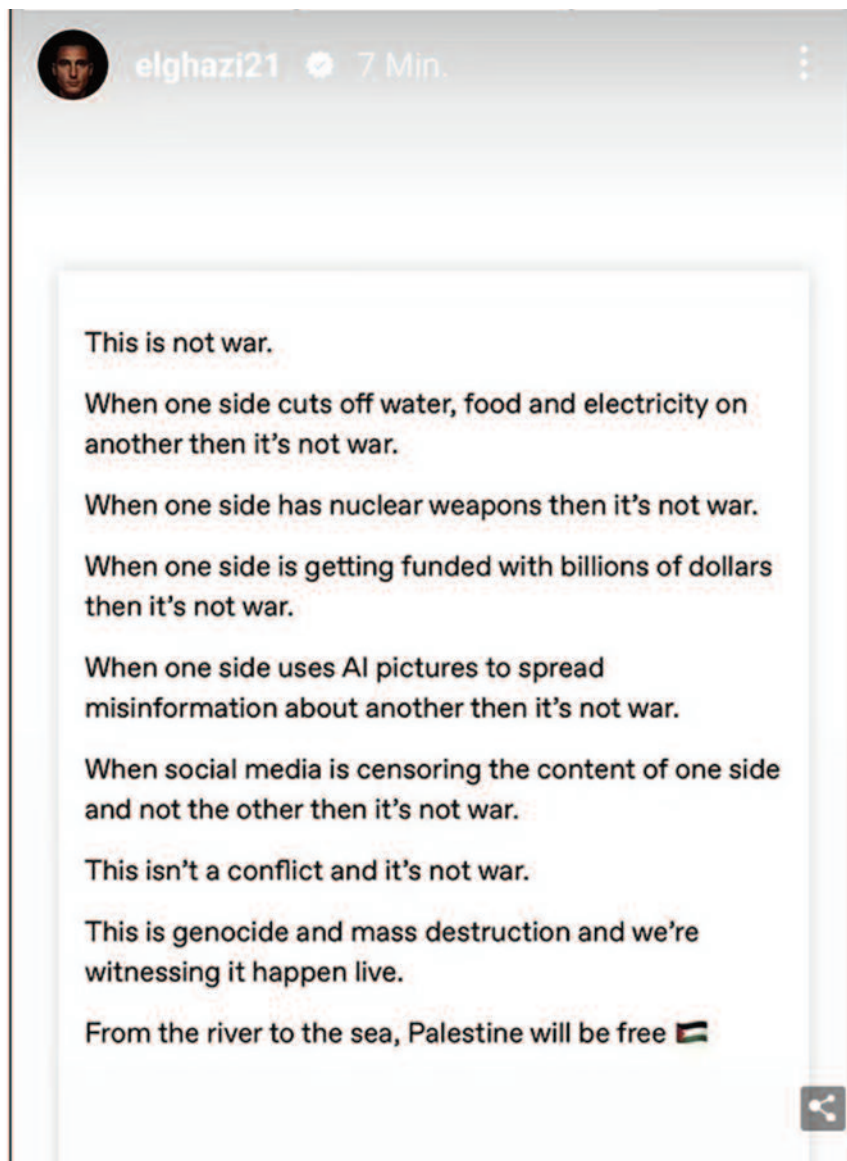


Instagram

- Home
- Search
- Explore
- Reels
- Messages
- Notifications
- Create



No. 4: Anwar El Ghazi's Instagram post



No. 5: Mrs. Michelle Donelan's letter

Source.



Department for  
Science, Innovation  
& Technology

Rt Hon Michelle Donelan MP  
Secretary of State for  
Science, Innovation and  
Technology  
3rd Floor, 100 Parliament  
Street  
London SW1A 2BQ

[secretary.state@dsit.gov.uk](mailto:secretary.state@dsit.gov.uk)

[www.gov.uk/dsit](http://www.gov.uk/dsit)

28 October 2023

Dear Ottoline,

On 7 October, the world witnessed a terrible massacre at the hands of the terrorist organisation Hamas. The Government's response has been clear, and this abhorrent act must be condemned in the strongest possible terms as an unspeakable act of violence and terror.

I am therefore writing to you to express, in the most serious terms, my disgust and outrage at Research England's appointment of individuals to an advisory group on equality, diversity and inclusion who, since the 7 October attack, have been sharing some extremist views on social media. I am outraged by the post on X by Professor Kate Sang, who stated that the UK's crackdown on Hamas support in the UK was "disturbing". Hamas is a proscribed terrorist organisation. It is completely unacceptable for anyone to be expressing sympathy or support for them. I am staggered that this has occurred full stop, let alone that I have to write to you about it.

As you know, public bodies – especially scientific ones – cannot be seen to take political positions or promote extremist ideologies. I was therefore shocked to see multiple tweets by other members of the group, including the amplification by Dr Kamna Patel, University College London, of a post on X that condemns violence on both sides but makes reference to Israel's 'genocide and apartheid'.

I have always been clear, academic freedom and free speech within the law are sacrosanct. But public bodies, or those representing them, cannot be seen to take political positions let alone promote extremist ideologies. This is particularly true during times when tensions are inflamed and people are feeling unsafe, and especially when those individuals are members of a group dedicated to supporting equality, diversity and inclusion.

The political impartiality of our scientific funding system is vital. For this group, there has clearly been a serious failure to be mindful of the need for both real and perceived impartiality.

I recognise that UKRI and its Councils are entitled to form sub-committees without seeking permission from Government about the focus of those committees, the membership or the process of selection. I hope, however, you are as concerned as I am about the way in which some individuals appear to have contravened the Nolan principles of public life, which the members signed up to, through their posts, and that you will take swift action.



Given the extent of these incidents and the doubt they cast on the impartiality of the group as a whole, my strong preference would be that you immediately close this group and undertake an urgent investigation into how this happened. I would be grateful if you would write to me by the end of the next working day with an update on your plans, which I hope will include discontinuing this group, the steps you are taking to investigate, including why no due diligence checks on members were made after 7 October (given they were appointed in July) ahead of the announcement on 26 October; and the steps you are taking to address the real and perceived failures of impartiality that this situation has precipitated.

This serious issue raises wider questions about UKRI's approach to equality, diversity and inclusion. We all have important legal duties under the Equality Act 2010 which must be met. Public sector funders additionally need to abide by the Public Sector Equality Duty, which places important requirements on funders to eliminate discrimination, harassment and victimisation; to advance equality of opportunity for those with protected characteristics; and foster good relations.

I am concerned however, that in recent years UKRI has been going beyond the requirements of equality law in ways which add burden and bureaucracy to funding requirements, with little evidence this materially advances equality of opportunity or eliminates discrimination. I will write to you in more detail on this in the coming weeks.

I would be grateful if you would write to me by the end of Monday with an update on your plans.

Yours sincerely,

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

No 6: UKRI Head's letter

Source.



Professor Dame Ottoline Leyser, DBE FRS  
Chief Executive  
UK Research and Innovation  
Caxton House  
Tothill Street  
London  
SW1H 9NA  
ceo@ukri.org

**Rt Hon Michelle Donelan MP**

Secretary of State for Science, Innovation and Technology

3rd Floor, 100 Parliament Street

London SW1A 2BQ

*Sent by email – secretary.state@dsit.gov.uk*

30 October 2023

Dear Secretary of State,

Thank you for your letter of 28 October regarding comments made on X by members of Research England's Equality Diversity and Inclusion Advisory Group. I, and all my UKRI colleagues, are shocked by the terrorist acts of Hamas on October 7<sup>th</sup> and the tragic humanitarian crisis that has unfolded.

I am deeply concerned about the issues you raise in your letter and I am taking swift and robust action accordingly. This action is guided by the principles you articulate, including the Nolan Principles and freedom of speech within the law, and will follow the procedures set out in the advisory group conditions of appointment.

First, I have asked Professor Dame Jessica Corner, Executive Chair of Research England, to suspend operations of the Research England Equality Diversity and Inclusion Advisory Group with immediate effect.

Second, I have launched an investigation into the specific areas of concern that you raise. The UKRI Board will adopt an evidenced, principled approach to take appropriate actions based on the outcomes of the investigation.

Third, Dame Jessica will use the findings to come to a conclusion about the ultimate future of the RE EDI advisory group, and how best to ensure its purpose is fulfilled, advised by the Research England Council.

Fourth, the Board, is already reviewing our advisory structures to ensure that they are fit for purpose. This will include the processes for their establishment and operation.

I have attached the terms of reference for these actions. They address the more detailed points in your letter. I regret that this incident has arisen and want to move swiftly to resolve the relevant issues.

You rightly emphasise the important legal duties set out in the Equality Act 2010 and, in particular, that UKRI as a public funder must comply with the Public Sector Equality Duty to eliminate discrimination, harassment and victimisation, to advance equality of opportunity for those with

[www.ukri.org](http://www.ukri.org)

VAT number: 287461957



protected characteristics and foster good relations. UKRI takes these duties very seriously. I also welcome your strong focus on eliminating unnecessary bureaucracy, both within UKRI and in the organisations we fund. Our aim is to ensure that those in receipt of our funding meet their responsibilities in the way that best fits their own organisational strategy. This is why UKRI has never mandated the use of any particular EDI charter or process.

Our work on equality, diversity and inclusion aims to connect discovery to business, public services, productivity, growth and jobs by valuing all the people and skills needed for a successful and vibrant research and innovation endeavour, from technicians, archivists and software engineers to disruptive researchers and entrepreneurs.

We are fostering a fully joined up research and innovation system through which people can move freely, building diverse and exciting careers, while simultaneously driving rapid diffusion of ideas, skills and knowhow, delivering on the ambitions of the Science and Technology Framework.

I look forward to continuing to work with you as I lead UKRI as an internationally respected expert, evidence-based, innovative funder.

Best wishes,

A handwritten signature in dark blue ink, appearing to read 'Ottoline Leyser', is written over a light blue, semi-transparent rectangular background.

**Professor Dame Ottoline Leyser**

**Chief Executive, UK Research and Innovation**

No. 7: UCU Letter



Carlton Street  
London NW1 7LH  
Telephone: 020 7756 2500  
Fax: 020 7756 2500

The Rt Hon Michelle Donelan  
Secretary of State for Science, Innovation and Technology  
Via e-mail

30 October 2023

Dear Ms Donelan

I am extremely concerned by your letter to the UKRI Chief Executive, Dame Ottoline Leyser, dated 28<sup>th</sup> October 2023, which singles out the academics Professor Kate Sang and Dr Kamna Patel for criticism over their social media activity in relation to recent events in Israel and Palestine, and the response of the UK government to those events.

First, it is a serious misrepresentation to suggest that the individuals above have expressed 'sympathy or support' for Hamas, whose actions UCU has strongly condemned. The posts you reference instead appear to outline legitimate concerns about the UK government's authoritarian response to expressions of support for Palestinian rights, and concerns about the Israeli government's actions in blockading Gaza and precipitating a humanitarian crisis which has been widely condemned by the international community, including the United Nations. To artificially conflate expression of these views with support for a proscribed organisation is deeply damaging, and a significant threat to lawful freedom of speech.

Second, this intervention into the running of UKRI and Research England represents a worrying level of political interference in the running of a non-governmental organisation. Ensuring the independence of research funding and administration from government pressure is paramount to the effective protection of academic freedom. Your wider demand that the Equality, Diversity and Inclusion work being pursued by UKRI should be effectively abandoned is not only a disproportionate response to the concerns you raise about specific social media posts, but it is a dramatic overreach into operational matters which will lead many in the sector to question the independence of the funding body. It is also symptomatic of this government's continued disregard for the need to tackle systemic discrimination across all aspects of public life.

Furthermore, the suggestion that all academics involved in advising UKRI or any other public body on any issue must refrain from the expression of any form of political view is not only unworkable on a practical level, but also risks creating a chilling effect on freedom of speech and academic freedom on a wide range of matters. It is simply not possible to reconcile the government's purported commitment to freedom of speech within the law with interventions of this kind.

Finally, it is hugely irresponsible to use your platform to publicly single out two individual academics in this way, without any consideration of due process and no

UCU's general secretary is Dr David  
The registered office is at Carlton Street, London NW1 7LH



apparent thought to their wellbeing or safety. Your position as Secretary of State gives you a significant reach on social media; as you acknowledge in your letter, these are febrile times, and I would encourage you to use your platform in a more responsible way that seeks to de-escalate tensions rather than stoking further division.

Yours sincerely,

A handwritten signature in black ink that reads "J Grady". The letter "J" is large and stylized, followed by the name "Grady" in a cursive script.



[www.ihrc.org.uk](http://www.ihrc.org.uk)