Dear Sir / Madam,

I am writing to you in relation to your “Inquiry into Hate Crime and its Violent Consequences”, and our official Police Complaint by petitioners demanding investigation and potential prosecution of Nigel Farage and responsible others within Leave.EU for incitement of racial hatred and religious intolerance during the recent EU Referendum.

This was officially raised with the Metropolitan Police on 20th July but to date we have not received a satisfactory response. The issue was escalated to the office of Met. Police Commissioner Sir Bernard Hogan Howe on 30/08/2016, in addition to initial referral to the Police Complaints Unit in Camden.

Should this continue to lack appropriate response, it will be escalated formally next week as a police complaint to the IPCC, alongside the London Mayor’s Office and Equality and Human Rights Commission.

The petition has, at the time of writing, been signed by 42,537 people.

The next 5 pages provide the background and research that form the basis of the petition. On page 6 I have addressed the terms of reference for the select committee (these are my own opinion and may not be shared by the petitioners as we only found out about this select committee yesterday):

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Official Police Complaint – Nigel Farage and Leave.EU Campaign.

Dear Nick Folland,

We the undersigned consider that Nigel Farage and responsible others in the Leave.EU campaign team have incited racial and religious hatred during the recent EU Referendum campaign. We wish to lodge a formal complaint since we believe there are a number of laws in the UK that have been broken in the most serious fashion, and we believe the CPS must urgently investigate if this is the case:

- Public Order Act 1986
- Malicious Communications Act 1988
- Crime and Disorder Act 1998
- Racial and Religious Hatred Act 2006
- Equality Act 2010

The complaints petition, which this letter of complaint represents, has over 39,706 signatures.
The petition was started in response to the poster launched by Nigel Farage on the 16th June, which was very much the final straw in a long line of offences. Along with the caption “Breaking Point: We must break free of the EU and take back control of our borders”, the photograph used was of migrants crossing the Croatia-Slovenia border in 2015. The only white person in the image was covered by text. We feel that the poster alone incites racial and religious hatred. This is because the language suggests that this large group of non-white, male, Muslims would ‘break’ the UK when the reality was that they were not destined for the UK. Nigel Farage has stated that he personally authorised the poster 1 week prior to its publication.*

We request that the CPS investigate the rhetoric and materials used by Nigel Farage and responsible others within the Leave.EU team during the referendum campaigning, to determine if it was systematically and purposefully designed to incite and stir up fear and intolerance of “immigrants” in order to procure votes, which we believe has now been clearly evidenced through the increased incidence of racial and religious hate crime in the run up to and following the vote. We believe that Farage used un-evidenced claims to associate criminality with immigration and indicated that continued immigration would result in violence in the UK. For example, he is reported to have said:

“When Isil say they will use the migrant tide to flood Europe with 500,000 of their own jihadists, I think we better listen.”***

“If you allow the unlimited access to huge number of young males into the European continent, who come from countries where women are at best, second-class citizens don’t be surprised if scenes that we saw in cologne don’t happen more often.”****

“I think it is legitimate to say that if people feel we have lost control of our borders completely, and we have lost control of our borders completely as members of the European union, and if people feel that voting doesn’t change anything, then violence is the next step.”*****

Whether intentional or not we strongly believe that the recent increase in violent hate crime is not coincidental, but is a direct consequence of such rhetoric being used in an official national referendum campaign and by a high-profile politician in a Public Office. We note that Courts have previously ruled that that the term "race" should not be interpreted in a narrow or strictly legalistic sense, and should include terms such as "foreigners" and "immigrants." We also note international condemnation. As one signatory put it:

“It has become okay to harass and spout racist abuse at anyone from another country or who is not white British. This has to stop.... the poster being the true ‘breaking point’ in unleashing this wave of racist behaviour.”

We have signed this petition because we feel that Nigel Farage and the Leave.EU campaign must be held to account. We believe it is important to send a clear signal that in all political campaigns and public life, promotion and incitement of racist and religious intolerance cannot be used to attract support. As another signatory puts it:
“The rise in racist incidents is because the racists now feel it is okay to express their prejudice openly. If we don't prosecute Farage, then the message is that they are right and that all of this is merely people using their freedom of speech. We need to draw a line to distinguish freedom of speech and racism/hate crimes. We are not free to speak if that directly infringes on the freedoms and safety of other citizens.”

Please can you reply in writing to affirm that it is your intention to investigate and to raise with the CPS/Director of Public Prosecutions to prosecute Nigel Farage and Leave.EU for incitement of racial and religious hatred.

Best regards,
Zack Newman and 39,706 others

*Video from Channel 4 news: https://www.youtube.com/watch?v=E6fbVIdy_A8


***Video from the Greenock Telegraph: http://www.greenocktelegraph.co.uk/news/14391746.Farage_warns_of_sex_attack_risk_if_Britain_stays_in_EU/

****Video from the Huffington Post: http://www.huffingtonpost.co.uk/entry/nigel-farage-predicts-violence-the-next-step-if-immigration-is-not-controlled_uk_573b8f77e4b0328a838b8c9c?edition=uk

On the 21st July we submitted the petition letter to the police. On the 28th July we received the following reply from the Metropolitan Police officer to whom it was assigned:

I am afraid I will not be taking action against Mr Farage and will not be treating this as a crime. The poster in question cannot be sensibly interpreted as incitement or any other offence in my view. I am afraid I cannot engage in academic debate about this point and will be directing our resources towards other hate crimes.

This narrow response not only does not properly address the various issues which we raised, but also makes clear that the police were unwillingness to investigate evidence of wrongdoing. I responded to this with the following reasonable questions (very disappointingly, despite repeated chasers, the Met Police officer involved has been unwilling to issue any further reply):

Unanswered questions sent to the police over 1 month ago:

1) Your reply only mentions the poster. Please can you confirm that you have considered all the information provided in petitioners’ letter of complaint? (in particular the quoted rhetoric by Nigel Farage)
2) Our understanding of the law is that “it is an offence to publish or distribute material that is intended to stir up racial hatred or which is likely to stir up racial hatred”. Is it your opinion that the campaigning rhetoric and advertising used by Nigel Farage and Leave.EU was not “likely to stir up racial hatred”?

3) Would the “Vicious Snake” video for example - apparently promoted by Leave.EU as a reason to vote Brexit – potentially meet that definition?

http://www.theguardian.com/politics/2016/may/10/leave-eu-condemned-xenophobic-donald-trump-video

4) Given the petitioners are widespread nationally, including many in Scotland and Northern Ireland, could you clarify please whether your response is on behalf of the police at UK national level, or if it is purely a Metropolitan police view?

5) If not due to the referendum campaign; what do you believe to be the cause of recent increase in racist and religious hate crime?

During this period I decided to undertake a little investigation myself, which has brought out some interesting findings. Firstly, when Nigel Farage refused to apologise over the Breaking Point poster, he mentioned that these were just one in a series of posters. On the Leave.EU Facebook page I have now found a number of additional adverts that are arguably designed to incite racial and religious fear and intolerance. A selection of these images follows.

Secondly, I have conducted some limited research into whether this Nigel Farage and Leave.EU incitement, as well as garnering votes, may have ‘legitimised’ and encouraged more extreme reactions as a potentially direct causal factor in actual hate crimes. Obviously, I have neither the resources nor the powers of investigation that the police enjoy, and hence my investigation has been restricted to a limited trawl in online press, and whilst not conclusive there are certainly clear correlations:
1) On the 13th January Anne Bothwell left the following comment on Nigel Farage’s facebook page "I also believe the EU fear Britain leaving. I think it’s now time not to care about being called a racist. It’s only a weapon word to beat you down and keep you quiet with. I’m now very proud to be a racist." Nigel Farage left no response. She was later convicted of for sending threatening comments including suggesting all Muslims should be sent to gas chambers. (http://goo.gl/Nc7h7B)

2) After the referendum on the 25th June, Julian Williams shouted threats and racial insults to Polish football fans whilst holding a knife including “Go back to your own country. This is our country not your country” and “We are out of the EU now so tell them to **** off out of my country.” (http://goo.gl/koyu3E)

3) On the 29th June Mikaela Haze destroyed a sculpture of a hijab at the Royal Art College. Haze shouted, "Saudi Arabia go home." She also said, "We voted to take our country back again." (http://goo.gl/vKi5E4)

Three social media sites PostRefRacism, Worrying Signs and iStreetWatch have also produced a report in which from over 500 crimes they state that: “Around a quarter of the incidents recorded in our database, specifically use the words ‘Go Home’ or ‘Leave’.” (http://goo.gl/0Lmzi)

This week, the UN issued a report strongly criticising the EU referendum campaign, alleging that the "Divisive", "anti-immigrant" and “xenophobic rhetoric” by UK politicians during the EU referendum helped to fuel a spike in race hate crimes in the weeks before and after the vote. David Isaac, chairman of the UK Equality and Human Rights Commission, commented that “there are concerns that the acrimonious and divisive manner in which the referendum debate was conducted exacerbated worrying divisions in British society, and has been used by a minority to legitimise race hate”. (http://goo.gl/1mVHXt)
Terms of Reference

1) The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence.

The current legislation does not address the causes of hate crime. From the response of the MET’s specialist hate crime team it is clear that the initial investigating officer does not consider the motivation behind hate crime to be significant. He appears to be concerned only in dealing with crimes as they occur on an individual basis. The police do not seem equipped to deal with this aspect of hate crime and as all crime must first be reported to the police (not to the CPS, DPP etc.). It seems that the chances of complaints about the causes of hate crime reaching those will capability to address these issues is minimal.

The rhetoric and advertising used during the referendum campaign should never be allowed to be used in UK political campaigning again. At the moment, by intention, no special consideration within electoral law exists with regards to incitement to racial and religious hatred. This means that the only laws that can be used to seek prosecution are those that are applicable to all of society. The All Party Parliamentary Enquiry into Electoral Conduct in 2013 (http://antisemitism.org.uk/wp-content/uploads/3767_APPG_Electoral_-_Parliamentary_Report_emailable.pdf), did concur with evidence submitted from the Conservative government that “the laws of this country give a specific instruction on electoral conduct”, and with the Crown Prosecution Service (CPS) and a number of the Local Authorities that submitted evidence, that there is sufficient legal provision to address incidents of racism and discrimination in UK elections, though not to say the law is not, as it was put to us “underused or misunderstood”. (See pg 23).

It appears very clear that relevant laws, as signed up to by the official Leave.EU campaign team in agreeing to in the Electoral code of conduct and referendum campaign guidelines (See Racial Hatred 1.41 in http://www.electoralcommission.org.uk/__data/assets/pdf_file/0007/203200/EU-Ref-Campaigning-dos-and-donts-for-EU-Referendum-campaigners.pdf) are clearly not being upheld:

“Under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material that is intended to stir up racial hatred or which is likely to stir up racial hatred.”

My personal contention is that if you say to one person that you believe immigrants are ‘more likely to commit mass Cologne style rape’ this probably isn’t incitement (unless you follow up with a suggestion of violence). If you make this same statement on billboards, social media advertisements and in speeches viewed by thousands then this should definitely be incitement (especially when some of this was publicly funded).

The law needs to differentiate between personal and campaigning and create stricter conditions for the later.

2) The role of social media companies and other online platforms in helping to identify online sources of hate crime and to prevent online hate incidents from escalating.

There needs to be easier ways for users to report racist, sexist, homophobic, threatening comments and posts. These are often found on the comments board at the bottom of newspaper articles and on Facebook. Much of this content is viewed on mobile and there needs to be a way of clicking to
report this content to a site moderator (it is not sufficient to require users to find a desktop computer and send an email). There should be clear guidelines on what site moderators are expected to take down (so that sites can be reported to the police if they don’t properly moderate comments). This might seem draconian but the free-for-all trolling that goes on is helping to escalate and embolden hateful racists and bigots.

3) **The role of the voluntary sector, community representatives, and other frontline organisations in challenging attitudes that underpin hate crime.**

The following article suggests that the police don’t always take NGOs seriously. This needs to be investigated:


Best regards,

Zack Newman