



Form 59
Rule 29.02(1)

Affidavit

No. 1503 of 2024

Federal Court of Australia
District Registry: New South Wales
Division: General

Peter Wertheim AM and another
Applicants

Wissam Haddad and another
Respondents

Affidavit of: Dr Andre Oboler
Address: C-/ Loggica, Level 9, 151 Macquarie St, Sydney NSW 2000
Occupation: Managing Director and CEO of the Online Hate Prevention Institute
Date: 8 April 2025

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I, Dr Andre Oboler, Managing Director and CEO of the Online Hate Prevention Institute, affirm:

- I am the Managing Director and CEO of the Online Hate Prevention Institute.
- I have been instructed by Deutsch Miller, the legal representatives for the Applicants in these proceedings, to prepare an expert report.

Filed on behalf of (name & role of party)

The First and Second Applicants

Prepared by (name of person/lawyer)

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[Version 3 form approved 02/05/2019]

Andre Oboler

3. Annexed and marked **Annexure AO-1** is my expert report dated 8 April 2025.
4. I have been provided with a copy of the Federal Court of Australia Expert Evidence Practice Note (GPN-EXPT) (**Practice Note**). I have read the Harmonised Expert Witness Code of Conduct annexed to the Practice Note, and I agree to be bound by it.

Affirmed by the deponent
at Montreal
in Canada
on 8 April 2025
Before me:

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)
)
)
)



Signature of deponent

Poppy Carlie Isabella Kambas
Solicitor / Australian legal practitioner
Level 9, 53 Martin Place
Sydney NSW 2000



Signature of witness

This affidavit was signed in counterpart and witnessed over audio video link in accordance with s 14G of the *Electronic Transactions Act 2000* (NSW).

Annexure AO-1

No. NSD 1503 of 2024

Federal Court of Australia

District Registry: New South Wales

Division: General

PETER WERTHEIM AM and another

Applicant

WISSAM HADDAD and another

Respondents

This is the Annexure marked “**Annexure AO-1**” to the affidavit of Dr Andre Oboler affirmed on 8 April 2025.



8 April 2025

**Statement from Dr Andre Oboler regarding:
PETER WERTHEIM AM & ANOR v WISSAM HADDAD & ANOR**

Preliminary matters

1. This statement is from Dr Andre Oboler, CEO of the Online Hate Prevention Institute, an Australian charity whose registered office is c/o Loggica, Level 9, 151 Macquarie St, Sydney NSW 2000.
2. I have read the *Harmonised Expert Witness Code of Conduct* (Annexure A to the Federal Court's Expert Evidence Practice Note (GPN-EXPT)) and agree to be bound by it. The opinions expressed in this report are based wholly or substantially on specialised knowledge arising from my training, study and experience.
3. The question put to me was as follows:

Consider each of the imputations pleaded at paragraphs 29 to 33 of the Statement of Claim.

Which is the historical and cultural context, for Australian Jews in 2023 and today, of the pleaded imputations? Include, if appropriate, references to any well-known historical usages of the imputations, or the attribution of characteristics to Jewish people by reason of their membership of that group.

In addressing the question, please do so for each of the pleaded imputations, but you may group and address collectively any of the imputations if you consider it appropriate to do so.

4. The imputations at paragraphs 29 to 33 were:

29. Speech A, The Jews of Al Madina Part 1, in particular the highlighted statements, conveyed imputations that:

- (a) Jews since the time of Muhammad have been a very mischievous people;
- (b) Jews since the time of Muhammad have been people who oppress one another and also used to oppress their own prophets;
- (c) it is important that people learn about the Jews because they are a very mischievous people;



- (d) towards the end of time Muslims will fight Jews and the Jews should and will be killed;
- (e) people need to be taught about Jews, about their actions, past and present, because the Jews are very mischievous people;
- (f) Jews at the time of Muhammad and to this day are arrogant people who always think that they are better or the best people;
- (g) Jewish arrogance extends to their conduct with the Creator of the heavens and the earth;
- (h) the Talmud teaches Jews and/or it is a Jewish characteristic, to be a murderous and very rebellious people who cause mischief;
- (i) Jews are very shifty;
- (j) Jews want to obtain money and power and for nefarious means;
- (k) people should boycott all Jewish businesses and products, which include (but are not limited to) Coca-Cola, Nike, McDonalds and Starbucks;
- (l) the Jewish people control the media in order to:
 - (i) abuse the weak; or
 - (ii) to target Muslims.
- (m) Jews own most banks and use oppressive interest loans knowing it is almost impossible to pay the loans back;
- (n) Jews are a slanderous people, troublemakers and schemers;
- (o) the Jewish people actively seek to ensure there is no peace with Muslims so that they can profit in business and the media.
- (p) Jews scheme to spark hate against the Muslims and are to blame for division, fighting and hate among Muslims;
- (q) Jews are cowards; and
- (r) Jews inherently dislike Muslims and Arabs and want to fight the Muslims.

30. Speech B, Murdered by Israel Khutbah Jumma, in particular the highlighted statements, conveyed the imputations that:



- (a) Jews control the media and right wing politicians, who are like dogs under a Jewish leash and under their command;
- (b) the Jewish people are filthy; and
- (c) Jews and their supporters are murdering cowards.

31. Speech C, The Jews of Al Madina Part 2, in particular the highlighted statements, conveyed imputations that:

- (a) Jews constantly break their agreements;
- (b) Jews are a conspiratorial people;
- (c) the Jewish people love money and wealth; and
- (d) the enmity between Jews and Muslims today is the fault of the Jews because:
 - (i) they constantly break their agreements including with the Prophet; and
 - (ii) Jews harbour enmity towards Muslims.

32. Speech D, Media Response to Reality of World Palestine, in particular the highlighted statements, conveyed the imputation that Jews are liars.

33. Speech E, The Jews of Al Madina Banu Quraytha Part 3, in particular the highlighted statements, conveyed the imputations that it is a characteristic of Jews, including in the present time, that they:

- (a) are wicked and scheming;
- (b) are racist, including among themselves;
- (c) are a treacherous, vile people, who always betray;
- (d) break their agreements;
- (e) are people who want to attack women and children;
- (f) are descendants of apes and pigs;
- (g) love wealth; and
- (h) use the media for manipulation.

5. I have provided some preliminary background on antisemitism at the start, a conclusion at the end, and in between I have grouped the imputations as follows (the capital letter referring to the speech and the



lowercase letter in brackets to the imputation as listed both above [5-9] and in paragraph 29 to 33 of the statement of claim):

- Jews are a very mischievous people – A(a), A(c), A(e), A(h), A(n)
- Jews are murderous – A(h), B(c), E(e)
- Jews are like this because of what the Talmud teaches – A(h)
- Jews oppress each other and their prophets – A(b)
- Jews are wicked / evil – E(a)
- The Muslims will fight and kill the Jews – A(d)
- Jews are arrogant and think they are the best – A(f), A(g)
- Jewish conspiracy – A(n), A(o), A(p), C(b), E(a)
- Jews control the media – A (l) (i)&(ii), A(o), B(a), E(h)
- Greedy Jews love money and control the banks – A(j), A(m), C(c), E(g)
- Jews control governments – A(j), B(a)
- Jews are cowards – A(q)
- Jews are liars / treacherous / shifty / break agreements – A(i), C(a), D(a), C(d)(i), E(c), E(d)
- Jews are racist – E(b)
- Jews hate Muslims – A(p), A(r), C(d)(ii),
- Dehumanising Jews as apes and pigs – E(f)
- Jews are dirty / filthy – B(b)
- BDS – A(k)

Expertise

6. My qualification for preparing this report comes from 20 years of experience researching, publishing, and advising both civil society organisations and governments on antisemitism. My core focus is on the nexus between antisemitism and internet technologies, particularly social media. As one of the world's leading experts on this nexus, I am regularly invited to conferences and meetings on antisemitism, where I share my research and learn from the research of others working across all aspects of antisemitism. As all forms of antisemitism are spread through the internet, my work covers all aspects of antisemitism.



7. I gained my expertise in internet technology through formal training, including Honours in Computer Science from Monash, and then a PhD in Computer Science from Lancaster University in the UK where I also co-developed and co-taught courses in web-technologies.
8. While undertaking my PhD in the UK (from 2003 to 2007) I received training in antisemitism through the Union of Jewish Students (UJS) both in the UK and during a training program in Israel. I was involved in leadership discussions around antisemitism as National Secretary of the UJS and as an elected representative for students to the Board of Deputies of British Jews (the peak representative body of the Jewish community in the UK). I was also involved in efforts to counter the far-right (the British National Party) through the students' union and learned from the late Ray Hill who had served as a mole in the organisation decades earlier. I was one of the community leaders involved in the response to the academic boycotts of Israel and developed and maintained an online resource site on the topic. I worked on the response to the boycott with the leaders of *Engage* such as David Hirsh (a leading scholar of antisemitism). Responding to online disinformation, I developed a monitoring tool to rank the quality of the search results from search engines like Google and co-led a project to boost the ranking of quality sites to improve these results. My work led the Israeli Embassy in London to put my name forward to participate in an Israeli Foreign Ministry run *Young Jewish Diplomatic Leadership Program* in Israel, which I attended with Jewish community leaders from around the world, and where part of the program focused on antisemitism and involved seminars by some of Israel's leading academic experts.
9. I further developed my expertise in the year after my PhD. I spent that year in Israel as a Legacy Heritage Fellow based at NGO Monitor, a charity that monitors human rights groups for bias and antisemitism. The fellowship included mentorship, a full-time work placement, international conferences, and collaboration with the other fellows. The focus covered antisemitism, Middle East politics, and Jewish issues broadly speaking. At NGO Monitor I carried out research under the supervision of the organisation's founder, Prof. Gerald Steinberg, and also completed a Post Doctoral fellowship in political science under his supervision (he was also head of the Political Science Department at Bar-Ilan University). My post-doctoral research involved empirical research into Wikipedia, leading to a journal article which showed how systemic bias was being introduced into Wikipedia, including on occasion by those with clear antisemitic motives.¹ My NGO Monitor work involved research that included examining NGO activities for the use of antisemitic canards and the application of double standards.

¹ Andre Oboler, Gerald Steinberg and Rephael Stern, *The Framing of Political NGOs in Wikipedia through Criticism Elimination*, Journal of Information Technology and Politics, 7(4), 2010.



10. NGO Monitor was physically based within the offices of the Jerusalem Centre for Public Affairs (JCPA) for the first six months I was there. JCPA is a highly respected Israeli think tank that run by the late Amb. Dore Gold, a former Israeli Ambassador to the UN. Its antisemitism research program was run by the late Dr Manfred Gerstenfeld, a leading figure in antisemitism research. Gerstenfeld described the work in a journal article in 2004 saying: “The Jerusalem Center for Public Affairs in the last three years has developed its multifaceted Post-Holocaust and Anti-Semitism program, which attempts to meet the new challenges in various ways. One of its approaches is to create an informed group of experts through symposia, seminars, and lectures in English and French. A much wider audience is reached through the interviews published monthly in the series titled Post-Holocaust and Anti-Semitism. Yet another element is the training of student interns at the JCPA, who, when they return to campus, will have a familiarity with the global aspects of anti-Semitic phenomena.”² I presented my prior work on antisemitism to a lunch time seminar for the staff and interns, Amb. Gold attended and asked me to submit it as a paper for the Post-Holocaust and Anti-Semitism series. After peer review, a pre-print was released at the Global Forum for Combating Antisemitism (“Global Forum”), an Israeli government run forum which brought together academic experts, Jewish community leaders, and government officials from around the world. I appeared on a panel at the Global Forum along with international experts. Media coverage of my article made the front page of the New York Jewish Week, and I was approached by the Anti-Defamation League’s (ADL) CEO Abe Foxman and offered a job. The paper was formally published some months later and coined the term “antisemitism 2.0” which is now well used in the field.³ It was followed a year later with a paper on Holocaust denial on social media.⁴ My work established me as a leading expert in the emerging field of antisemitism online, and the Israeli government responded by appointing me as a co-chair of the Global Forum for Combating Antisemitism in 2009, as co-chair of the Global Forum’s working group on antisemitism in the media and online, in this capacity I worked with and helped coordinate global efforts to research and counter antisemitism for the next 9 years.
11. As my Legacy Heritage Fellowship year draw to a close, I applied to the then newly established Yale Institute for the Study of Antisemitism to undertake postdoctoral studies in antisemitism. I was accepted and offered a scholarship but declined the scholarship in order take the position part time alongside a job

² Manfred Gerstenfeld, “Emerging Anti-Semitic Themes”, *Jewish Political Studies Review*, Fall 2004, Vol. 16, No. 3/4, pp 1-3. <https://www.jstor.org/stable/25834599>

³ Andre Oboler, “Online Antisemitism 2.0. ‘Social Antisemitism on the Social Web’”, *Post-Holocaust and Antisemitism Series*, JCPA, (April 2008, No. 67). <https://jcpa.org/article/online-antisemitism-2-0-social-antisemitism-on-the-social-web/>

⁴ Andre Oboler, “Facebook, Holocaust Denial, and Anti-Semitism 2.0”, *Post-Holocaust and Anti-Semitism Series*, JCPA, (September 2009, No. 86). <https://jcpa.org/article/facebook-holocaust-denial-and-anti-semitism-2-0/>



I had arranged with the ADL. The global financial crisis (GFC) of 2008 led to the new department at the ADL and my job there being cancelled, which also led to me withdrawing from the post-doctoral position at Yale (as the scholarship had now been reallocated).

12. I returned to Australia where I delivered a series of talks on antisemitism for the NSW Jewish Board of Deputies, which then introduced me to the Pratt Foundation who agreed to fund an Australian based and vastly scaled down version of the project the ADL has intended running in the US. The Pratt Foundation, not wishing to create a new organisation, placed the project within the Zionist Federation of Australia. This “Community Internet Engagement Project” carried out research into online antisemitism, ran campaigns such as a petition drive to free Gilad Shalit who was being held hostage by Hamas, and provided free technical support to Jewish community organisations. I served as the project’s director and was assisted by three staff, all university students undertaking degrees related to information technology. The Pratt Foundation had agreed to three years initial funding.
13. In addition to the Global Forum work, I served as an expert to the Inter-Parliamentary Coalition to Combat Antisemitism (ICCA), a gathering of members of different parliaments, supported by experts. It was while attending a conference of the ICCA in the Canadian Parliament that I realised the need for further training so I could contribute more effectively to the policy discussion. As a result I then completed an LLM(Juris Doctor) at Monash University, including electives such as Freedom of Speech and a Graduate Research Paper focused on online hate speech.⁵
14. In 2011 the Pratt Foundation, the Zionist Federation, and I all agreed the “Community Internet Engagement Project” should spin off its core work on antisemitism into a new entity and seek DGR status to secure additional funding. This led to the formation of the Online Hate Prevention Institute in January 2012. The antisemitism work continued, but other aspects were dropped. Instead, the remit now focused on all forms of online hate, and on applying the lessons from tackling online antisemitism to other topics like anti-Indigenous racism and Islamophobia. I have led the Online Hate Prevention Institute as Managing Director and / or CEO since 2012. My role has at times been a full-time paid position, while at other times it has been paid part-time, casual or carried entirely on a voluntary basis depending on the organisations resources. At one time my primary job was as a lecturer in cyber-security at La Trobe University, while I continued to run OHPI as part of my service time, at another I ran OHPI part time while also serving as a Senior Advisor to the American Jewish Congress where I monitored and created research reports on

⁵ Andre Oboler, “Legal Doctrines Applied to Online Hate Speech”, *Computers & Law*, Number 87, pp 9—15, July 2014.
<https://www.austlii.edu.au/au/journals/ANZCompuLaw/Jl/2014/4.pdf>



antisemitism in the United States. My role as CEO of OHPI returned to being my primary employment since the start of 2020 (when my academic role at La Trobe Law School shifted from a full-time appointment to an honorary one).

15. In 2015 I was appointed by DFAT as one of Australia's experts to the International Holocaust Remembrance Alliance, an inter-governmental body focused on Holocaust education, remembrance and research. I have, and continue, to serve on IHRA's Committee on Antisemitism and Holocaust Denial, working alongside leading experts in the field. In addition to attending the meetings and conferences run by IHRA and learning from other experts, I have also served as an invited speaker for a number of IHRA conferences on antisemitism. My advice is sought not only by DFAT and the Australian Government, but also by the Ambassadors who head the delegations of other countries. This has also led to other expert appointments. This year I delivered a talk on antisemitism on Holocaust Memorial Day for the Canadian Museum for Human Rights, followed the next day by an expert workshop on antisemitism. In 2024 I served as a consultant to the Ministry of Justice and Security in the Netherlands assisting with the planning for the *European Conference of Public Prosecution Services on Antisemitism* and running both research and a workshop for them. At their invitation I also ran training on online antisemitism for a meeting of the Special Envoys for Combating Antisemitism from around the world. In 2022 I advised the Greek Government on their conference *Fighting Antisemitism and Holocaust Distortion and Denial on the Digital Battlefield* and also delivered the opening scene setting talk. In 2020 and 2021 I served at the invitation of the Swedish Government on the Expert Group of the *Malmö International Forum on Holocaust Remembrance and Combating Antisemitism*. In 2020 I served as a panellist for the United Nations Human Rights Council's 13th Session of the Forum on Minority Issues.⁶
16. To summarise, my expertise in antisemitism comes from working and researching in the field for a period of 20 years. In my role as CEO of the Online Hate Prevention Institute, which is my primary employment, I currently manage a team of 5 paid staff (in addition to myself), 2 university students on course related internships, 23 volunteer interns who are undertaking a training opportunity with us, and 14 people in an expert training program. In addition to my participation in the conferences, meetings, and diplomatic discussions on antisemitism, my expertise on antisemitism has also developed through research and writing on the topic in peer reviewed articles, book chapters, and in website articles and reports published by the Online Hate Prevention Institute, and those published by others.⁷ I note that

⁶ <https://webtv.un.org/en/asset/k1v/k1vpo28ruf>

⁷ A list is provided in my CV.



OHPI's reports are cited by academic experts in articles and books, by the Australian Human Rights Commission, and in UN reports.⁸ The Online Hate Prevention Institute's entire website, including all our articles and reports, are archived by the National Library of Australia through Trove. We are also used as a key resource by UNESCO in their work on online hate.⁹ I am also regularly used as an expert by the media in Australia and internationally.

17. Some examples of the recognition of my expertise by other experts and governments have already been provided. I add to this that my expertise has also been recognised through other appointments including in 2020 when the Victorian Government appointed me as an intercultural advisor to provide expertise on antisemitism and the Jewish community to an independent investigation into antisemitism at Brighton Secondary College,¹⁰ the University of Sydney appointed me as an assistant PhD supervisor for a successful PhD candidate whose research was on antisemitism,¹¹ and NSW Police and the Commonwealth Director of Public Prosecutions have relied on me for advice and a number of expert reports related to breaches of NSW and Federal criminal laws related to Nazi salutes and symbols.

Assumptions and material facts

18. This opinion is based on a review of the transcripts of speeches provided in the statement of claim.
- I assume the transcript in the statement of claim is an accurate representation of what was said.
 - In places there are references to words or phrases in Arabic having been omitted, I am assuming these omissions do not alter the meaning of the remaining text provided

Methodology

19. I began by reviewing the speeches and the list of imputations. After this I grouped the imputations according to the general themes they represented, as discussed above in the preliminary matters. In this document I have listed the applicable imputations under the heading of each theme in bold. Some

⁸ See e.g.: <https://ohpi.org.au/ohpi-cited-in-the-united-nations/>

⁹ Gagliardone, I., Gal, D., Alves, T., Martinez, G., *Countering online hate speech*, UNESCO 2015.
<https://unesdoc.unesco.org/ark:/48223/pf0000233231>

¹⁰ Rebecca Davis, "Oboler appointed as inquiry adviser", *Australian Jewish News*, 8 October 2020.
<https://www.australianjewishnews.com/oboler-appointed-as-inquiry-adviser/>

¹¹ William Allington, *Antisemitic Memes and Naïve Teens*, PhD Thesis, University of Sydney, 2020.
https://ses.library.usyd.edu.au/bitstream/handle/2123/22444/allington_wej_thesis.pdf



imputations covered multiple themes and are listed in multiple places. I removed the bold from those parts of the stated imputation that are covered elsewhere.

20. The question asked for an expert opinion on the “historical and cultural context, for Australian Jews in 2023 and today, of the pleaded imputations”. To answer this, I have provided some introductory remarks in section titled “Background on Antisemitism and its impact on the Jewish community”. This section gives the context to antisemitism from the perspective of the Australian Jewish community. I have used this section to introduce the *Protocols of the Elders of Zion*, which is the original source of a number of the imputations. I have also highlighted how the cultural context changed after October 7, 2023. In the section “Background on Islamist Antisemitism” I introduce what is variously called Islamic Antisemitism, Islamist Antisemitism, or Arab-Muslim antisemitism. Some of the imputations relate specifically to this form of antisemitism (and are unique to it) and others overlap this form of antisemitism and European antisemitism, which as I explain in this introduction is a known feature of this form of antisemitism since around 1948.
21. Through the introductory sections and the thematic sections I have answered the question based on my knowledge and supported by information from sources I know to be credible, and in some cases by primary evidence.
22. Works that share the opinions of other experts in the field which I have made significant use of include:
 - The multi-volume work, *An End to Antisemitism!* Is the result of a very significant international conference coordinated by leading scholars of antisemitism. Each chapter is an extended version (after a second peer review) of a paper presented at the conference. I have referenced chapters from *Volume 5 Confronting Antisemitism in Modern Media*. Having attended the conference, and published in the series, I very familiar with the people and the quality of the published work.
 - *The Routledge History of Antisemitism* is a newer publication, released in late 2023, edited by and including chapters from a number of the leading experts who I am colleagues with through our work in IHRA. I note in particular Mehnaz M. Afridi, who is a Professor of Religious studies and Director of the Holocaust, Genocide, and Interfaith Education Center at Manhattan College. As a Muslim scholar of both antisemitism and Islam, her perspective is highly relevant.



- I have cited papers from the *Vidal Sassoon International Center for the Study of Antisemitism* which is a research centre at the Hebrew University of Jerusalem. This research centre is very highly regarded in the field.
- Other books on antisemitism that have been cited heavily include: Grosser and Halperin's *Anti-Semitism: The Cause and Effects of a Prejudice* (this is a highly cited seminal work and required reading for some courses on antisemitism¹²), Patterson's *Anti-Semitism and Its Metaphysical Origins* (Patterson is Distinguished Chair in Holocaust Studies and Distinguished Professor of Literature and History at the University of Texas at Dallas), Perry and Schweitzer's *ANTISEMITISM: Myth and Hate from Antiquity to the Present* (Perry is Professor Emeritus of History at Baruch College, City University of New York and Schweitzer is Professor Emeritus of History and Director of the Holocaust Research Center at Manhattan College), Chapters by various authors in *Antisemitism Through the Ages* edited by Almog, and Baum's *Antisemitism Explained* (Steven K. Baum is a clinical psychologist who is also a genocide scholar and antisemitism expert). These are all texts by experts that seek to broadly cover the topic of antisemitism.
- Some of the tropes are specific to Islamist Antisemitism, a topic that is more specialised and often omitted or only briefly covered in general works on antisemitism. I have used Matthias Küntzel's article "Islamic Antisemitism: Characteristics, Origins, and Current Effects" published in the peer reviewed journal *Israel journal of foreign affairs* to help fill this gap. Küntzel is a German academic who specialises in Islamist antisemitism. He served as an external research associate at the Vidal Sassoon Center for the Study of Antisemitism at the Hebrew University of Jerusalem (as mentioned previously, one of the leading research centres on the topic) from 2004 to 2015. I have also used Aaron Hagler's ISCA Research Paper in relation to the treatment of Jews in Islamic texts. ISCA is the Institute for the Study of Contemporary Antisemitism at Indiana University, another leading academic centre researching antisemitism.
- For contemporary data in addition to my own work published by the Online Hate Prevention Institute, I have cited from "Decoding Antisemitism: A Guide to Identifying Antisemitism Online" by Becker et. al. (Eds). I served, along with a number of leading experts in the field, on an international advisory board to this project which was itself a collaboration between a number of universities.

¹² <https://isgap.org/syllabus/explanations-of-antisemitism/>



23. Other peer-reviewed journals, books, and book chapters have been cited occasionally to address specific and often more niche areas. This allowed greater depth in topics that may not have been covered by the key sources I have relied on more heavily as discussed above.
24. I have extensively used the following websites that provide particularly high-quality information in an online format:
- **Yad Vashem** (www.yadvashem.org) is the “The World Holocaust Remembrance Center” it describes itself as “the ultimate source for Holocaust education, documentation and research”.¹³ This claim would be very widely if not almost universally accepted by experts in the field. Yad Vashem was established by an Act of the Israeli Parliament in 1953 and is “entrusted with the task of commemorating, documenting, researching and educating about the Holocaust”.¹⁴ In Australian terms it is best compared to the Australian War Memorial.
 - The **United States Holocaust Memorial Museum (USHMM)** (<https://www.ushmm.org/>) was established in 1993. They describe themselves in press releases by saying: “A nonpartisan federal, educational institution, the United States Holocaust Memorial Museum is America’s national memorial to the victims of the Holocaust, dedicated to ensuring the permanence of Holocaust memory, understanding, and relevance.”¹⁵ More than 47 million people have visited the museum, including over 100 heads of state.¹⁶ In this report I specifically refer the Holocaust Encyclopedia which they host on their website. They describe it as “the world’s leading online authority on the Holocaust” noting it was “visited in 2024 by more than 26.5 million people representing 243 countries and territories”.¹⁷ Again, a comparison to the Australian War Memorial is appropriate.
 - **Encyclopedia Britannica** is a well-recognised credible source, I only note that I have used it to reference what is largely common knowledge. I also note (in relation to the two sources above) that Encyclopedia Britannica has an entry on Holocaust Museums which states “Notable examples of Holocaust museums include **Yad Vashem** in Jerusalem, Mémorial de la Shoah in Paris, and the **United States Holocaust Memorial Museum** in Washington, D.C.”¹⁸

¹³ <https://www.yadvashem.org/about.html>

¹⁴ <https://www.yadvashem.org/about/yad-vashem.html>

¹⁵ <https://www.ushmm.org/information/press/press-releases/united-states-holocaust-memorial-museum-condemns-misuse-of-holocaust-in-pub>

¹⁶ <https://www.ushmm.org/information/about-the-museum>

¹⁷ <https://www.ushmm.org/information/about-the-museum>

¹⁸ <https://www.britannica.com/topic/Holocaust-museum>



- **Jewish Virtual Library.** This is an online version of the *Encyclopedia Judaica* which is a very well-respected encyclopedia and the equivalent of the Encyclopedia Britanica for Jewish topics.
 - I have also cited from testimony given before the US Congress published at govinfo.gov, and have referenced various Australian and state governmental institutions such as the *State Library of Victoria*, the *National Museum of Australia*, the *Australian Parliament*, the Australian Prime Minister's website at pm.gov.au, and the National Library of Australia.
25. Through my report I have sought to highlight other contemporary cases where the tropes in question were used, often with sources highlighting their antisemitic nature. To evidence these occurrences, I have cited high quality and respected news sources. I use these sources as documentary evidence of facts (e.g. events that occurred), not as a source of expert opinion. This is the same approach I used in my published peer reviewed research. In other cases, I have used opinion articles by experts I know, and in these cases I use the sources both as documentation of facts, and as evidence of the expert's opinion. The media sources include:
- The **Australian Jewish News** (in print, and online edition at www.australianjewishnews.com) is the paper of record for the Australian Jewish community. Its own website explains: "From its humble beginnings in 1895 as the Hebrew Standard of Australasia, the Australian Jewish News has grown into a quintessential part of the story of Australian Jewry."¹⁹ As support of that I claim I point to the National Library of Australia's digitisation efforts of *Australian Jewish Newspapers* which has digitally archived 180 years of Australian Jewish Newspaper History, including the Australian Jewish News, as part of a collaboration between the National Library of Australia (NLA), the National Library of Israel (NLI) and the Australian Jewish Historical Society (AJHS).²⁰
 - News articles from **ABC News**, **BBC News**, **The Times of Israel**, **Forbes**, **Time Magazine**, **Jewish Telegraphic Agency (JTA)**, **Newsweek**, and **Tablet Magazine** have been used in the same manner as the Australian Jewish News, to evidence facts rather than expert opinion.
 - **The Conversation** articles I reference are written by my colleagues and fellow IHRA delegates Associate Professor Avril Alba and Emerita Professor Suzanne Rutland AO who are experts in the field have been used to evidence expert opinions and summaries of the history of antisemitism in Australia.

¹⁹ <https://www.australianjewishnews.com/about/>

²⁰ <https://trove.nla.gov.au/collection/ajhs/newspapers>



- The **Forward**, a US based Jewish newspaper is cited for an op-ed by Prof. Alan Dershowitz in which he explains why a student newspaper cartoon which depicted him as a spider drew on antisemitic tropes. Dershowitz is an expert in antisemitism, but the value of the article is also that it simply shows both the student newspaper cartoon, and a reproduction of a Nazi era cartoon from the antisemitic publication *Der Sturmer*, both of which demonstrate dehumanisation.
26. Contemporary examples are also provided using the research of civil society organisations and think tanks. These organisations carry out research and are run by experts. I am familiar with the sources I use and have selected them based on my expertise and explain the value each provides:
- MEMRI (The Middle East Media Research Institute) is a source of both factual information about antisemitic incidents that use some of the tropes discussed in this opinion, and us a source of expert opinion on their antisemitic nature. MEMRI is regarded as an important information source and is archived by the US Library of Congress.²¹ The President and Founder of MEMRI is Yigal Carmon, a retired colonel in the Israel Defence Force (IDF) intelligence corps, and a counter-terrorism advisor to two Israeli prime ministers.²² Carmon has briefed the US Congress, and a wide range of US agencies and departments, as well as the European Union, European Parliament, the UK Parliament, OSCE, and NATO. MEMRI fill an intelligence need by monitoring and translating content from Arabic into English to inform research and policy responses.
 - The *Louis D. Brandeis Center for Human Rights Under Law*, a US not-for-profit, has produced a short document explaining some of the common tropes of antisemitism. The Founder and Chairman (and at one time CEO) is Kenneth L. Marcus, who is a colleague of mine and an expert in antisemitism. He served as Assistant U.S. Secretary of Education for Civil Rights in two U.S. administrations and as Staff Director at the U.S. Commission on Civil Rights.²³ He is a Professorial Lecturer in Law at George Washington University and a member of the editorial board of the *Journal of Contemporary Antisemitism* and previously served as Associate Editor of the *Journal for the Study of Anti-Semitism*.
 - The *Antisemitism Reports* of the *Executive Council of Australian Jewry* have been used to quantify the level of antisemitism and its increase since October 7, 2023. This is the best data available in Australia and is well regarded both by governments in Australia, and by experts internationally. This data is not

²¹ Archive of MEMRI website at the US Library of Congress: <https://www.loc.gov/item/lcwaN0011753/>

²² <https://docs.house.gov/meetings/FA/FA00/20160706/105161/HHRG-114-FA00-Bio-CarmonY-20160706.pdf>

²³ <https://brandeiscenter.com/founder-and-chairman/>



only essential to understanding the cultural context for Australian Jews in 2023 and today, it is the primary source and has no equivalent.

- I have also referenced an article from the *Foreign Policy Research Institute*, a highly credible US Think Tank, in relation to one antisemitic incident. The article is by Michael Sharnoff, who is an Associate Professor at the *National Defense University's Near East South Asia Center for Strategic Studies* (part of the US Department of Defence) and an expert who has published in the field of antisemitism, particularly in the Middle East.

27. In some cases, I have used primary sources to evidence facts, rather than expert opinions.

- Gabriel Harvey's 1593 book is cited as an early example of one of the trope.
- A Harvard University page for the subject "HIST 1049" is referenced as it shows an example of Nazi antisemitic propaganda.
- An antisemitic Facebook post from October 17, 2023, is provided as a link as it is still online. It demonstrates one of the tropes and is from the time period raised in the question. I have shared an expert opinion on it through commentary from MEMRI.
- I have referenced the *Protocols of the Elders of Zion* and a copy at www.heritage-history.com. This is not intended as an endorsement of that site. It is, however, an authentic copy of the book. Other more reputable sites, like archive.org, have removed access to it given its harmful nature. See e.g. <https://archive.org/details/protocolsoflearn0000serg/mode/2up>
- I have cited bdsmovement.net, the official site of the Boycott National Committee when discussing what the movement is and is not calling to be boycotted. This is relevant as there is an imputation about boycotts of specific companies. I have also cited masjidalaqsa.com and bdscoalition.ca as primary evidence for their statements about who to boycott.
- The Bible (New Testament) and the Koran are both cited directly in relation to passages that have been used to promote antisemitism.
- The 1988 Hamas Charter is cited. There is an updated charter, but the purpose of sharing the 1988 one is to demonstrate the antisemitic tropes in it.



28. I would normally use the *IHRA Working Definition of Antisemitism* in my work.²⁴ The definition gives a number of examples of contemporary manifestations of antisemitism that are relevant to the imputations including:²⁵
- “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.”
 - Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
29. To answer the question about the “historical and cultural context of these imputations” it is, however, necessary to do more than explain how an imputation is covered by the definition. I have therefore answered the question with reference to the scholarly literature in the field of antisemitism, news sources about current events, and the evidence of those civil society organisations who carry out monitoring on such incidents. It is only by understanding how the imputations relate to the field of antisemitism (not simply that they are antisemitic) that we can understand the historical and cultural context of these imputations for Australian Jews both in 2023 and today.

Opinion

30. In this opinion I explain the historical and cultural context for Australian Jews in 2023, and today, of a range of claims made about Jews. First, I will provide some background on antisemitism in general, and its impact on the Jewish community, followed by an introduction to Islamist antisemitism which is a particular form of antisemitism of particular relevance to the materials provided, and which is often used in combination with other forms of antisemitism.

²⁴ “Working Definition of Antisemitism”, *International Holocaust Remembrance Alliance*, adopted on 26 May 2016 at the Plenary in Bucharest. <https://holocaustremembrance.com/resources/working-definition-antisemitism>

²⁵ Ibid.



Background on Antisemitism and its impact on the Jewish community

31. Jewish history is filled with examples of persecution Jews have faced, triggered through the incitement of anti-Jewish hate through using well-established tropes, conspiracy theories, and stereotypes. From the role of the blood libels which led to the massacre at York in 1190,²⁶ to the rape and death of Jews in Russia in over 250 pogroms between 1881 and 1884 which were sparked by rumours and claim of “exploitation of the poor”,²⁷ to the Nazi “propaganda campaigns [that] created an atmosphere tolerant of violence against Jews, particularly in 1935” and which led to the Holocaust.²⁸ There is a long history of antisemitic tropes, conspiracy theories, and stereotypes being used to incite violence against the Jewish community. When we look to European history we see the results in the Crusades, the Spanish Inquisition, pogroms, and the Holocaust. The study of antisemitism involves understanding not only the history, but also the tropes, conspiracy theories, and stereotypes, including the ways they continually morph and adapt to changing times.
32. A more recent source of antisemitism, and of much of the conspiracy style of antisemitism alleging Jews control the world, governments, the media, the banks, etc. is *The Protocols of the Elders of Zion* (“Protocols”) which was first published in 1903²⁹. The book is a forgery and as the Holocaust Encyclopedia explains, “The Protocols claims to be a secret, written record of meetings supposedly held by a group called the ‘learned elders of Zion.’ The meeting notes are fake. These meetings never took place and the purported leaders, the so-called Elders of Zion, never existed.”³⁰ The *Protocols* falsely portray this secret group as controlling the world and outline how this is to be done.³¹ The *Protocols* were distributed during the Russian Civil War of 1918-1921 leading to pogroms that killed tens of thousands of Jews.³² They were published in German in Germany in 1919, and by Henry Ford in English in the United States in 1920 (first as a serial in his newspaper, and then as a book under the title “The International Jew”).³³ Hitler discussed the *Protocols* in Mein Kampf, the Nazis published copies in German and created editions in multiple languages as part of their antisemitic propaganda campaign

²⁶ <https://www.english-heritage.org.uk/visit/places/cliffords-tower-york/history-and-stories/massacre-of-the-jews/>

²⁷ Cassedy, Steven. “Russian-Jewish Intellectuals Confront the Pogroms of 1881: The Example of “Razsvet”” *The Jewish quarterly review* 84.2/3 (1993): 129–152, 146.

²⁸ <https://encyclopedia.ushmm.org/content/en/article/nazi-propaganda>

²⁹ <https://encyclopedia.ushmm.org/content/en/article/protocols-of-the-elders-of-zion-key-dates>

³⁰ Ibid.

³¹ <https://encyclopedia.ushmm.org/content/en/article/protocols-of-the-elders-of-zion>

³² <https://encyclopedia.ushmm.org/content/en/article/protocols-of-the-elders-of-zion-key-dates>

³³ Ibid.



which facilitated the Holocaust.³⁴ The first Arabic edition was produced in Syria in 1925 and widely circulated.³⁵ The 1988 Charter of Hamas references the *Protocols* in Article 32 as it calls for “the annihilation of both Jewish people and the State of Israel”.³⁶ As recently as 2004 the *Protocols* were presented as a fact in Palestinian school books, though this was corrected once it was found out.³⁷

33. In the Australian context, while Jews had been in Australia since the First Fleet, antisemitism became prevalent from the start of Australian nationalism and the campaign for federation in the 1880s.³⁸ The Holocaust and its legacy plays a significant role in the Australian Jewish community. Jews who fled to Australia from Germany and Austria were interned as enemy aliens.³⁹ After the war Australia sought to limit the number of Holocaust refugees coming to Australia with Australia’s representative to the Evian Conference in 1938 declaring “As we have no real racial problem, we are not desirous of importing one by encouraging any scheme of large-scale foreign migration”.⁴⁰ In 1945, however, Australia accepted a significant number of Holocaust survivors, the second highest number of survivors per capita after Israel.⁴¹ These Holocaust refugees were met with an antisemitic outcry in the newspapers, in parliamentary speeches, union motions, and motions in the forerunner of the RSL (Returned and Services League of Australia).⁴² The Bulletin in particular made use of “cartoons depicting Jewish stereotypes” in an anti-Jewish immigration campaign.⁴³ Organised antisemitism emerged in the 1950s and 1960s and Eric Butler’s Australian League of Rights became a national antisemitic movement that

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Menahem Milson (2011), “An Arab Plot on the Arab Stage,” Posen Papers in Contemporary Antisemitism No. 12, The Vidal Sassoon International Center for the Study of Antisemitism, The Hebrew University of Jerusalem.

<https://www.memri.org/reports/european-plot-arab-stage-protocols-elders-zion-arab-media>

³⁸ Suzanne Rutland, “The long, dark history of antisemitism in Australia”, *The Conversation*, November 24, 2023.

<https://theconversation.com/the-long-dark-history-of-antisemitism-in-australia-217908>

³⁹ “Dunera Boys”, The National Museum of Australia. <https://www.nma.gov.au/defining-moments/resources/dunera-boys>

⁴⁰ “The Holocaust”, *State Library of Victoria*. <https://ergo.slv.vic.gov.au/explore-history/australia-wwii/abroad-wwii/holocaust>

⁴¹ Jan Lanicek and Avril Alba, “80 years after the liberation of Auschwitz, amid rising antisemitism, the memory of the Holocaust remains contentious”, *The Conversation*, 29 January 2025. <https://theconversation.com/80-years-after-the-liberation-of-auschwitz-amid-rising-antisemitism-the-memory-of-the-holocaust-remains-contentious-247995>

⁴² Suzanne Rutland, “The long, dark history of antisemitism in Australia”, *The Conversation*, November 24, 2023. <https://theconversation.com/the-long-dark-history-of-antisemitism-in-australia-217908>

⁴³ Ibid.



promoted antisemitic libels including the *Protocols of the Elders of Zion*.⁴⁴ The 1960s saw Soviet propaganda used to promote an anti-Zionist and antisemitic agenda on university campuses.⁴⁵

34. Members of the Australian Jewish community generally recognise antisemitism when confronted with it, and it has an impact on both individuals and the community as a whole. Since 1990 the Executive Council of Australian Jewry (ECAJ) have produced annual reports on the number of antisemitic incidents in Australia, along with descriptions of each incident.⁴⁶ This has allowed monitoring of long-term trends, as well as a deeper understanding of how antisemitism is manifesting in Australia in any given year.
35. The Jewish community was already concerned about elevated levels of antisemitism in 2023 (prior to October), including the presence of increased antisemitic material in social media. A report I released in August 2023, in partnership with the Executive Council of Australian Jewry, discussed 370 examples of online antisemitism.⁴⁷ A separate report on campus antisemitism came out at the same time, and both were discussed in a segment on ABC 7.30 that month.⁴⁸
36. After October 7, antisemitism increased dramatically both in Australia and internationally. On November 28, 2023, I was in Zagreb, Croatia, representing the Australian Government at an IHRA Plenary meetings where I reporting to IHRA's Committee on Antisemitism and Holocaust Denial on the response to October 7, the sharp rise in antisemitism, and the concerns being felt in Australia. OHPI's research showed an increase in online antisemitism of over 500%.⁴⁹ Antisemitism on campuses led to a Parliamentary inquiry which "found that there has been an alarming and abhorrent rise in antisemitism amongst students and staff at Australian universities".⁵⁰ ECAJ found an increase of reported antisemitic incidents of 738% comparing October-November 2023 to the same period a year earlier.⁵¹

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Julie Nathan, "Anti-Jewish Incidents: Report 2024", Executive Council of Australian Jewry, November 2024. 1.
<https://www.ecaj.org.au/wordpress/wp-content/uploads/ECAJ-Report-Anti-Jewish-Incidents-Australia-2024-1.pdf>

⁴⁷ <https://nla.gov.au/nla.obj-3213195580/view>

⁴⁸ <https://x.com/abcnews/status/1691027600322215937>

⁴⁹ <https://nla.gov.au/nla.obj-3395124935/view>

⁵⁰ Parliamentary Joint Committee on Human Rights, "Inquiry into antisemitism at Australian universities", *Australian Parliament*, February 2025. Pg. 76 [4.60].

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/AntisemitismAusUni/Report

⁵¹ <https://www.ecaj.org.au/wordpress/wp-content/uploads/ECAJ-preliminary-report-antisemitic-incidents-since-Oct-7-attack-1.pdf>



37. In light of the history of antisemitic rhetoric resulting in violence, the impact on the Jewish community of well-established antisemitic tropes, conspiracy theories, and stereotypes being used is profound at any time. In the context of late 2023, and today, this impact is even higher. October 7, 2023 was the largest loss of Jewish life in a single day since the Holocaust.⁵² [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This is the general environment in which the imputations discussed below were made.

Background on Islamist Antisemitism

38. Perry and Schweitzer in their book “ANTISEMITISM: Myth and Hate from Antiquity to the Present” say it is “critical for an understanding of Arab-Muslim antisemitism” to recognise its roots are predominantly in Christian, European, and Nazi-German antisemitism. They explain:⁵⁴

Its four basic texts, available all over the Arab-Muslim world, are the *Protocols of the Learned Elders of Zion*, forged by the tsar’s secret police; Henry Ford’s *International Jew*, which repeats the lies found in the *Protocols*; Hitler’s *Mein Kampf*; and August Rohling’s *The Talmud Jew*, translated into Arabic as early as 1899 by a discredited academic who was removed from his professorship and a priest who was defrocked. This imported body of ideas has been effectively grafted onto a tradition of Muslim hostility towards Jews that stems from the Qur’an, where Jews are condemned as “a people cursed,” “apes,” and “pigs.”

39. This is also reflected by Matthias Küntzel who notes, “Muslims and non-Muslims generally use the same tropes to express aversion to Jews” but Muslims may also use “Islamic Antisemitism” (also called Islamist Antisemitism) which Küntzel notes is “a specific form of antisemitism that has distinct characteristics and consequences”.⁵⁵

⁵² <https://www.pm.gov.au/media/october-7-attacks>

⁵⁴ Marvin Perry and Frederick M. Schweitzer (2002) *ANTISEMITISM: Myth and Hate from Antiquity to the Present*, New York: Palgrave Macmillan. ix.

⁵⁵ Küntzel, Matthias. “Islamic Antisemitism: Characteristics, Origins, and Current Effects.” *Israel journal of foreign affairs* 14.2 (2020): 229–239, 229.; I repeat his warning immediately following those words that “This term [Islamic Antisemitism] is not meant as a general attack on Islam (whose holy texts include passages that cast Jews in a positive light), nor as a general



40. Prof. Yehuda Bauer explained that “[r]adical Islamic antisemitism is a central part of the ideology [of radical Islam]; but this antisemitism did not arise from Islam.” He explained, “Radical Islam is not Islam. Islam is a religion which can and should be legitimately interpreted as a peace-loving, universalist creed. Radical Islam, on the other hand, is a relatively new development that radicalizes accepted interpretations of Islam”.⁵⁶
41. Prof. Meir Litvak in 2021 explained the reinterpretation of traditional Islamic sources to support antisemitism when he outlined what he saw as the three causes of “Modern antisemitism in Muslim societies”, one of which relates to a particular way of reading of religious texts. He explains:⁵⁷

“Finally, the way the Prophet had dealt with the Jews after defeating them, from expulsion to wholesale massacre, serves as model to follow. The resort to the past intensified the literalist, uncritical, and totalistic reading of earlier Islamic history. Such a reading led to the reopening, and the need to settle, various so-called “historical accounts,” which Islam had with other religions and ideologies. This reading **revived medieval polemics** with non-Muslims, in this case the Jews, and highlighted the sins and evil they had committed against Muslims since the early days of Islam.” (Emphasis added)

42. Küntzel gives Article 7 of the original 1988 Hamas Charter as an example of the interpretation of scripture to promote antisemitism when he discussed the “rise of Islamic antisemitism”.⁵⁸ Hamas, the

accusation against Muslims, many of whom oppose antisemitism.” and I add that the term is no different to the widely use and accepted term “Christian antisemitism” for antisemitism originating in Christian sources and culture. See for example: “Antisemitism” in *Encyclopedia Britannica*, <https://www.britannica.com/topic/antisemitism>; “Why the Jews: History of Antisemitism”, United States Holocaust Memorial Museum, <https://www.ushmm.org/antisemitism/what-is-antisemitism/why-the-jews-history-of-antisemitism>; Robert F. Byrnes, “The French Enlightenment and the Jews by Arthur Hertzberg. New York, Columbia University Press and The Jewish Publication Society of America, 1968.-420 pp. \$12.50”, (1971) 86 *Political Science Quarterly* 1, 145; Marine Henriot, “Jewish-Christian friendship, a fragile undertaking ‘still to be consolidated’”, *Vatican News*, 12 December 2022. <https://www.vaticannews.va/fr/pape/news/2022-12/pope-francis-jewish-christian-kessous-durand.html>; William Nicholls, *Christian Antisemitism: A History of Hate* (1994); Michael L. Brown, *Christian Antisemitism: Confronting the Lies in Today's Church* (2021); “Christian Antisemitism in Biblical Studies: Two Examples”, in Lange, A., Mayerhofer, K., Porat, D. & Schiffman, L. (2020). *Volume 2 Confronting Antisemitism from the Perspectives of Christianity, Islam, and Judaism*. Berlin, Boston: De Gruyter. <https://doi.org/10.1515/9783110671773>.

⁵⁶ Yehuda Bauer, “Some Thoughts on Radical Islam”, *Yad Vashem*. <https://www.yadvashem.org/holocaust/holocaust-antisemitism/bauer-radical-islam.html>

⁵⁷ Meir Litvak, “Islamic Radical Movements and Antisemitism: Between Old and New” pg. 138, in Lange, A., Mayerhofer, K., Porat, D. & Schiffman, L. (2021). *Volume 5 Confronting Antisemitism in Modern Media, the Legal and Political Worlds*. Berlin, Boston: De Gruyter. <https://doi.org/10.1515/9783110671964>

⁵⁸ Küntzel, Matthias. “Islamic Antisemitism: Characteristics, Origins, and Current Effects.” *Israel journal of foreign affairs* 14.2 (2020): 229–239, 230.



group responsible for the October 7 terrorist attack, cites a *hadith*⁵⁹ in Article 7 in which Muhammad states Muslims will kill the Jews “when the Jew will hide behind stones and trees. The stones and trees will say: ‘O Muslim, O servant of God! There is a Jew behind me. Come and kill him.’”⁶⁰ This exact example of antisemitism appears around the 5:00 minute mark in “The Jews of Al Madina Part 1 (Speech A)”.

43. Outside of the tropes themselves, the speeches examined here also reflect the other two causes of Islamist antisemitism as outlined by Litvak. The first is an antisemitic response to “the emergence of Zionism, the establishment of the State of Israel in 1948, and Arab failure to defeat Israel ever since” which causes dissonance with the “belief that Jews carry God’s wrath upon them”.⁶¹ The second is the “the quest to return to the spirit and purity of the period of the Prophet Muhammad” which “for Islamists [means] the conflict of the Prophet Muhammad with the Jews serves as the model that must be reenacted in order to restore history to its proper course”.⁶²

Jews are a very mischievous people

44. This claim is reflecting in the following imputations:

- **Speech A (a) Jews since the time of Muhammad have been a very mischievous people;**
- **Speech A (c) it is important that people learn about the Jews because they are a very mischievous people;**
- **Speech A (e) people need to be taught about Jews, about their actions, past and present, because the Jews are very mischievous people;**
- **Speech A (h) the Talmud teaches Jews and/or it is a Jewish characteristic, to be a murderous and very rebellious people who cause mischief; and**
- **Speech A (n) Jews are a slanderous people, troublemakers and schemers.**

⁵⁹ Definition of Hadith: “Hadith, corpus of the sayings or traditions of the Prophet Muhammad, revered by Muslims as a major source of religious law and moral guidance.” - <https://www.britannica.com/topic/Hadith>

⁶⁰ Ibid.

⁶¹ Meir Litvak, “Islamic Radical Movements and Antisemitism: Between Old and New” pg. 137, in Lange, A., Mayerhofer, K., Porat, D. & Schiffman, L. (2021). *Volume 5 Confronting Antisemitism in Modern Media, the Legal and Political Worlds*. Berlin, Boston: De Gruyter. <https://doi.org/10.1515/9783110671964>

⁶² Ibid.



45. In this speech Jews are twice accused of being a “very mischievous people”. More specifically, it claims Jews are “a very mischievous people causing fitna”, which is Arabic meaning “civil strife”, or “a state of trouble or chaos”.⁶³
46. This representation of Jews as “mischievous” or to use another word “cunning” is an antisemitic canard. In written records, outside of religious text, it is recorded as far back as 1593 when Gabriel Harvey wrote, “Jews are a subtle and mischievous people, and have cunningly inveigled some students of the holy tongue...”.⁶⁴ It can be seen in the antisemitic conspiracies theories of the Protocols of the Elders of Zion, a forgery which claims to explain how Jews are controlling the world.⁶⁵ It can be seen in the antisemitic ideas holding Jews as responsible for WWI,⁶⁶ itself an adaptation of an older idea blaming Jews (particularly bankers) for being behind wars.⁶⁷
47. It can be seen in Nazi antisemitic imagery depicting Jews as snakes.⁶⁸ An example is seen in a Nazi Party poster from 1930 which depicts a sword through a Jewish Star of David on the head of a snake.⁶⁹ The poster is in a museum archive and the curator added the following explanation interpreting the image: “the party importantly portrays the Jews not as merely inferior but rather as dangerous, the mythological symbol of cunning and sin”.⁷⁰ Nazi era antisemitic imagery, from example in *Der Sturmer* also portrayed this idea using spiders with a Jewish Star of David on them, one example of that was reproduced in a 2017 article as a comparison to a cartoon that had appeared in official newspaper of Berkeley.⁷¹ The article by Prof. Alan Dershowitz is titled “Yes, that cartoon of me was anti-Semitic” and quotes the chancellor of the university saying, “its anti-Semitic imagery connects directly to the centuries-old ‘blood libel’ that falsely accused Jews of engaging in ritual murder.”

⁶³ Collins English Dictionary: Complete & Unabridged, 2012 Digital Edition. <https://www.dictionary.com/browse/fitna>

⁶⁴ Gabriel Harvey (1593) *Pierce's Supererogation, or A New Praise of the Old Ass.: A Preparative to certain larger discourses, entitled Nashe's St. Fame*. London, UK: John Wolfe. 116.

<https://archive.org/details/piercessupererog00harvrhich/page/116/mode/2up>

⁶⁵ <https://encyclopedia.ushmm.org/content/en/article/protocols-of-the-elders-of-zion>

⁶⁶ <https://encyclopedia.ushmm.org/content/en/article/antisemitism-in-history-world-war-i>

⁶⁷ <https://encyclopedia.ushmm.org/content/en/article/protocols-of-the-elders-of-zion>

⁶⁸ <https://hist1049-20.omeka.fas.harvard.edu/items/show/30>

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Alan Dershowitz, “Yes, that cartoon of me was anti-Semitic”, *The Forward*, 31 October 2017.

<https://forward.com/opinion/386564/yes-that-cartoon-of-me-was-anti-semitic/>



48. This trope is also found in the context of Islamist antisemitism. Prof. Meir Litvak (Chair of the Department of Middle Eastern and African History at Tel Aviv University) notes that, "Traditional Islamic libel emanating from religious texts has typified the Jews as **deceitful, bloodthirsty**, hateful, money-loving and **conniving**, and accused them of falsifying historical and religious legacies, and of extreme hostility toward Muslims."⁷² (Emphasis added).
49. In his book on "The legacy of Islamic antisemitism" Bostom also notes this form of antisemitism. A key example he uses is an extract from a speech by Saudi sheikh Abd Al-Rahman Al-Sudayyis, the imam and preacher at the Ka'ba mosque in Mecca, made on 19 April 2002:⁷³

"Read history and you will understand that the Jews of yesterday are the evil fathers of the Jews of today, who are **evil offspring**, infidels, **distorters** of [others'] words, calf-worshippers, prophet-murderers, prophecy-deniers ... the scum of the human race whom Allah cursed and turned into apes and pigs.... These are the Jews, an **ongoing continuum of deceit, obstinacy, licentiousness, evil, and corruption.**" (Emphasis added)

50. This quote paints Jews as "mischievous" by referring to them as "evil offspring", "distorters", both historically and today as part of an "ongoing continuum of deceit, obstinacy, licentiousness, evil, and corruption".
51. Speech A is introduced with the idea it is about what is happening "in the Middle East, in Gaza, at the hands of Banu Israel, [the Yahud] the Jews, and if you want to call them Zionists, call them Zionists. In essence there is no difference" (2:02 - 2:30, *Speech A*). It explicitly seeks to make clear it is holding all Jews responsible for events in Gaza, and the remainder of the speech is about explaining what the speaker presents as the nature of Jews, or as the speaker put it, "an introduction as to who they are... [and] what they used to get up to" (2 : 30 - 2:58, *Speech A*) which is done through the antisemitism tropes, stereotypes, and conspiracies discussed in this statement. This is the imputation is that "people

⁷² Meir Litvak, "Islamic Radical Movements and Antisemitism: Between Old and New" pg. 138, in Lange, A., Mayerhofer, K., Porat, D. & Schiffman, L. (2021). *Volume 5 Confronting Antisemitism in Modern Media, the Legal and Political Worlds*. Berlin, Boston: De Gruyter. <https://doi.org/10.1515/9783110671964>

⁷³ Bostom, Andrew G (2008) *The legacy of Islamic antisemitism : from sacred texts to solemn history*. Amherst, N.Y.: Prometheus Books. <https://archive.org/details/legacyofislamica0000unse/page/10/mode/2up>



need to be taught about Jews, about their actions, past and present, because the Jews are very mischievous people”.

Jews are murderous

52. This claim is reflecting in the following imputations:

- **Speech A (h)** the Talmud teaches Jews and/or **it is a Jewish characteristic, to be a murderous** and very rebellious people who cause mischief;
- **Speech B (c)** **Jews and their supporters are murdering cowards;** and
- **Speech E (e)** **are people who want to attack women and children**

53. The trope of Jews being murderous largely take the form of the “Blood Libel” or “Ritual Murder” accusation. This is a false claim that Jews use the blood of children (originally Christian children) in rituals, particularly in the making of Matzah, the unleavened bread eaten at Passover.

54. Jacob Marcus, writing in 1938, explained:⁷⁴

Medieval Christians (and some modern ones, too) believed that Christian children were seized and tortured to death by the Jews during the Passover season. This myth appears in a complete form for the first time in *The Life and Miracles of St. William of Norwich*, a Latin work written about 1173 by Thomas of Monmouth, a contemporary of the events which he relates. The story of the ritual murder of the boy William in 1144 is virtually the first of a long series of such accusations, a series that has not yet come to an end. The significance of these accusations is that by such descriptions of the Jew they have served throughout the ages to create an anti-Jewish mentality. Generations have believed that no Christian child was safe in Jewish hands. Hundreds of Jews have been imprisoned, killed, or burnt alive on this charge. The Papacy has frequently denounced this charge, yet it is equally true that in numerous instances the accusation of ritual murder was not made except with the vigorous support of the local Church authorities.

⁷⁴ Jacob Marcus, *The Jew in the Medieval World: A Sourcebook, 315-1791*, (New York: JPS, 1938), 121-127. <https://origin-rh.web.fordham.edu/halsall/source/1173williamnorwich.asp>



55. The Holocaust Encyclopedia also notes how “Blood libel accusations often led to pogroms, violent riots launched against Jews and frequently encouraged by government authorities.”⁷⁵ I have noted their role in the massacre at York in 1190 above.⁷⁶ There are very many books written about the Blood Libel, a very well-known form of antisemitism.⁷⁷ Depictions of the blood libel appear in Church art and architecture and there was a cult (abrogated only on October 28, 1965) to one of the supposed victims, Simon of Trent.⁷⁸ The most recent artwork promoting the Blood Libel occurred in Italy in 2020.⁷⁹ A major modern blood libel known as the “Swedish Blood Libel” occurred in 2009.⁸⁰
56. While much more can be written, it is enough to point out that this narrative of Jews being murderous is linked to this idea of ritual murder. As will be discussed in the next section, this idea migrated into some Islamic antisemitism and has become part of that flavour of antisemitism as well (as also noted in the introduction).

Jews are like this because of what the Talmud teaches

57. This claim is reflecting in the following imputation:

- **Speech A (h) the Talmud teaches Jews** and/or it is a Jewish characteristic, **to be a murderous** and very rebellious people who cause **mischiefs**.

⁷⁵ <https://encyclopedia.ushmm.org/content/en/article/blood-libel>

⁷⁶ <https://www.english-heritage.org.uk/visit/places/cliffords-tower-york/history-and-stories/massacre-of-the-jews/>

⁷⁷ E. M. Rose (2015) *The Murder of William of Norwich: The Origins of the Blood Libel in Medieval Europe*, Oxford University Press; Alan Dundes (1991) *The Blood Libel Legend: A Casebook in Anti-Semitic Folklore*, University of Wisconsin Press; Raphael Israeli (2012) *Blood Libel and Its Derivatives: The Scourge of Anti-Semitism*, Transaction Publishers; Hannah Johnson (2021) *Blood Libel: The Ritual Murder Accusation at the Limit of Jewish History*, University of Michigan Press; Robert Weinberg (2013) *Blood Libel in Late Imperial Russia: The Ritual Murder Trial of Mendel Beilis*, Indiana University Press; Ronald Florence (2006) *Blood Libel: The Damascus Affair of 1840*, Other Press; Magda Teter (2020) *Blood Libel: On the Trail of an Antisemitic Myth*, Harvard University Press; Elissa Bemporad (2019) *Legacy of Blood: Jews, Pogroms, and Ritual Murder in the Lands of the Soviets*, Oxford University Press; Hillel J. Kieval (2022) *Blood Inscriptions: Science, Modernity, and Ritual Murder at Europe's Fin de Siècle*, University of Pennsylvania Press; etc.

⁷⁸ Magda Teter (2020) *Blood Libel: On the Trail of an Antisemitic Myth*, Harvard University Press, 128, 141, 425.

⁷⁹ Cnaan Liphshiz, “Prominent Italian painter unveils a work depicting anti-Semitic blood libel”, *Times of Israel*, 27 March 2020. <https://www.timesofisrael.com/prominent-italian-painter-unveils-a-work-depicting-anti-semitic-blood-libel/>

⁸⁰ Nathalie Rothschild, “The Blood Libel That Won’t Quit”, *Tablet*, 3 December 2012.

<https://www.tabletmag.com/sections/news/articles/the-blood-libel-that-wont-quit>; Joel Burnie, “Something wicked this way comes”, *ABC News*, 28 August 2009. <https://www.abc.net.au/news/2009-08-28/29028>; Raphael Israeli (2017) *Blood Libel and Its Derivatives: The Scourge of Anti-Semitism*, Taylor & Francis (ebook, no page numbers): “In our context here, suffice it to keep to the modern manifestations of the blood libel and the public figures who either initiated it, or backed it by deed or oversight. The case in point unfolded in August, 2009, when a journalist of questionable integrity launched into the air a hoax about Israelis and other Jews killing Palestinians in order to use their organs for transplants.”



58. Here I focus on the antisemitic claim that it is the Talmud that teaches Jews to be murderous, rebellious, and mischievous.
59. Jonathan Marc Gribetz has noted how in the “modern period in the Arab world” which is dated from the fall of Ottoman Empire and from the rise of Arab states, through to the present, “the Talmud was a major focus of interest, speculation, and denunciation” despite very few having read it.⁸¹ He notes links to European antisemitism with both the Blood Libel (antisemitism originating in Europe in the 12th century) and the Protocols of the Elders of Zion (antisemitism originating in Tzarist Russia and later used by the Nazis and many others) spreading into the Arab world. In both cases these antisemitic claims were made with reference to the Talmud.
60. Murderous: Gribetz notes how in the mid-19th century the blood libel began circulating through the Arab world:⁸²

“through Arabic translations not of the Talmud itself but rather of European-language antisemitic texts, alleging that the Talmud commanded Jews to murder Christian boys and extract their blood, which would then be used as an essential ingredient in Passover matzah. Indeed, the Arabic term that came to be used for Jewish ritual murder, especially since the late nineteenth century, was *al-dhaba`ih. al-talmūdiyya* — *talmudic sacrifices*.”

61. Mischief: Gribetz also notes how ‘Ajjaj Nuwayhid who was born in Lebanon but was educated and lived in Jerusalem until 1948, published *Brutukulat Hukama` Sahyun* in 1967, a two volume Arabic edition of the *Protocols of the Elders of Zion* and in it asserted (according to Gribetz) a “spiritual link between the Talmud and the Protocols of the Elders of Zion”.⁸³
62. Gribetz’s article is about the book *al-Talmud wa-l-Sahyuniyya* (The Talmud and Zionism) by Ass’ad Razzouk, a Christian Palestinian scholar working for the PLO (Palestinian Liberation Organisation), which was published in 1970.⁸⁴ The book examined Arab views of the Talmud accused them of not reading the Talmud and instead engaging in “parrot-like repetition of traditional views”.⁸⁵ Gribetz describes the

⁸¹ Gribetz JM. The PLO’s Defense of the Talmud. AJS Review. 2018;42(2):293-314, 296. doi:10.1017/S0364009418000521

⁸² Gribetz JM. The PLO’s Defense of the Talmud. AJS Review. 2018;42(2):293-314, 297. doi:10.1017/S0364009418000521

⁸³ Gribetz JM. The PLO’s Defense of the Talmud. AJS Review. 2018;42(2):293-314, 296. doi:10.1017/S0364009418000521

⁸⁴ Ibid.

⁸⁵ Ibid, 293.



book as an “indictment of Palestinians’ and other Arabs’ embrace of antisemitic libel of the Talmud”.⁸⁶ In his bibliography Razzouk looks at two original anti-Jewish Arabic texts from the 1890s that relate to the Talmud, and four pages of sources that follow the tradition those two texts created. The original texts are *al-Kanz al-Marsud fi Qawa'id al-Talmud* (The guarded treasure in the laws of the Talmud) which is a translation into Arabic of *Der Talmudjude* (The Talmud-Jew) by August Rohling in 1871, and an Egyptian book from 1891 *Surakh al-Bari' fi Buq al-Hurriyya wa-l-Dhaba'ih al-Talmudiyya* (The cry of the innocent with the trumpet of freedom, and Talmudic sacrifices) by Habib Faris.⁸⁷

63. As noted by Perry and Schweitzer *Der Talmudjude* is one of the foundational texts of what they called “Arab-Muslim antisemitism”.⁸⁸ They describe *Der Talmudjude* as “an ignorant, vicious attack on the Talmud replete with forgeries” noting much of its evidence has been plagiarised from another antisemitic book published in 1700 (“Judaism Discovered” by Andreas Eisenmenger) that had “long been thoroughly discredited”.⁸⁹ They note how *Der Talmudjude’s* publication first saw Rohling appointed by the German University of Prague as Professor of Bible Studies and the Old Testament, then when it was exposed, saw the ministry of education force him to resign.⁹⁰ The exposure came through court cases in which he sought to prove the Talmud promoted Blood Libel and his ignorance of both Hebrew (which he claimed to have) and Jewish law became evident. Perry and Schweitzer note how despite the affair, “*Der Talmudjude*, translated into several languages and published in several editions, continued to provide ammunition for antisemites, including the Nazis and Islamists.”⁹¹
64. **Murderous:** Regarding Habib Faris’s work, whose title is also translated as *The Talmudic Human Sacrifices*, David Patterson notes how in 1962 it was republished by the Egyptian Ministry of Education “with the stated aim of demonstrating the Talmudic basis for ritual murder.”⁹²
65. **Rebellious:** The claim of being rebellious has been discussed above, in the context of the claim it is a Jewish characteristic to be rebellious e.g. rejecting prophets. In the context of the Talmud, this comes through in claim (13:49 - 14:06, *Speech A*) that “the Talmud is a book that they follow more than the

⁸⁶ Ibid.

⁸⁷ Ibid, 299.

⁸⁸ Marvin Perry and Frederick M. Schweitzer (2002) *ANTISEMITISM: Myth and Hate from Antiquity to the Present*, New York: Palgrave Macmillan. ix.

⁸⁹ Ibid, 62—63.

⁹⁰ Ibid, 63.

⁹¹ Gribetz JM. The PLO’s Defense of the Talmud. *AJS Review*. 2018;42(2):293-314, 298-299. doi:10.1017/S0364009418000521

⁹² David Patterson (2015) *Anti-Semitism and Its Metaphysical Origins*, New York: Cambridge University Press. 88.



Torah.” This is not only inaccurate, but a claim that Jews are rebelling against their own religious law (of which the Torah is the highest source which other sources then interpret).

Jews oppress each other and their prophets

66. This claim is reflecting in the following imputation:

- **Speech A (b) Jews since the time of Muhammad have been people who oppress one another and also used to oppress their own prophets.**

67. The antisemitic tropes of Jews “oppressing one another”, “oppress their own prophets” and “kill their own prophets” are presented in the passage at (2:59 - 3:40, *Speech A*) which states:

“And in fact if we were to look into their history, look into their books, we would find that they were a people who used to **oppress one another** and they also used to **oppress their own prophets**. Going to the extent that even Allah tells us in the Qur'an that they used to **kill their own prophets**.”

68. At a high level we can see these ideas in Litvak (quoted above, and here again with different emphasis) when he speaks of the “Traditional Islamic libel” against the Jews calling Jews “bloodthirsty”, “hateful”, and “falsifying historical and religious legacies”:⁹³

“Traditional Islamic libel emanating from religious texts has typified the Jews as deceitful, **bloodthirsty, hateful**, money-loving and conniving, and accused them of **falsifying historical and religious legacies**, and of extreme hostility toward Muslims.” (Emphasis added).

69. We can also see them in Bostom’s quotation of the antisemitic passage by Al-Sudayyis, which refers to Jews as “evil”, “prophet-murderers” and “prophecy-deniers”:⁹⁴

“Read history and you will understand that the Jews of yesterday are the **evil** fathers of the Jews of today, who are **evil** offspring, infidels, distorters of [others’] words, calf-worshippers, **prophet-**

⁹³ Meir Litvak, “Islamic Radical Movements and Antisemitism: Between Old and New” pg. 138, in Lange, A., Mayerhofer, K., Porat, D. & Schiffman, L. (2021). *Volume 5 Confronting Antisemitism in Modern Media, the Legal and Political Worlds*. Berlin, Boston: De Gruyter. <https://doi.org/10.1515/9783110671964>

⁹⁴ Bostom, Andrew G (2008) *The legacy of Islamic antisemitism : from sacred texts to solemn history*. Amherst, N.Y.: Prometheus Books. p. 11. <https://archive.org/details/legacyofislamica0000unse/page/10/mode/2up>



murderers, prophecy-deniers ... the scum of the human race whom Allah cursed and turned into apes and pigs.... These are the Jews, an ongoing continuum of deceit, obstinacy, licentiousness, **evil**, and corruption.” (emphasis added)

70. The claim reflects both an antisemitic trope comes out of Christian antisemitism, specifically Matthew 27:25 and implicitly elsewhere, and one based on Islamic antisemitic claims about Jews killing prophets, specifically interpretations of verse 2:61 of the Quran.
71. The trope of Jews killing Prophets can be seen in the classical Christian antisemitic charge of deicide, the claim that Jews killed Jesus. The claim of killing Jesus and the prophets is seen in Paul’s letter to the Thessalonians where he says, “the Jews who killed the Lord Jesus and the prophets and also drove us out.”⁹⁵ Nicholls has explained how, “The destructive energy of Christian antisemitism is inconceivable without the myth that the Jews killed Christ”.⁹⁶ This myth was rejected by Vatican II which declared that “neither all Jews indiscriminately at that time, nor Jews today, can be charged with the crimes committed during his passion”.⁹⁷ It was further rejected in a detailed analysis by Pope Benedict in 2011.⁹⁸ One representative of a Jewish organisation responded to the Pope’s analysis by saying, “This is a personal repudiation of the theological underpinning of centuries of anti-Semitism”.⁹⁹ Indeed entire books have been written specifically on the antisemitism resulting from the charge of deicide.¹⁰⁰

⁹⁵ 1 Thess 2:15–16, New International Version (online at <https://www.biblegateway.com/passage/?search=1%20Thessalonians%202%3A15-16&version=NIV>) and cited in Dan Michman, “Jews and Judaism as a Major Threat to Normalcy” pg. 28 in Lange, A., Mayerhofer, K., Porat, D. & Schiffman, L. (2021). *Volume 5 Confronting Antisemitism in Modern Media, the Legal and Political Worlds*. Berlin, Boston: De Gruyter. <https://doi.org/10.1515/9783110671964>

⁹⁶ William Nicholls (1995) *Christian Antisemitism: A History of Hate*. Jason Aronson: United Kingdom. 36.

⁹⁷ *Nostra Aetate* (Declaration on the Relation of the Church to Non-Christian Religions)(1965) No. 4 https://www.bc.edu/content/dam/files/research_sites/cil/texts/cjrelations/resources/education/magisterium_crucifixion.htm

⁹⁸ “Pope Benedict: Jewish people not guilty for Jesus death”, *BBC News*, 3 March 2011. <https://www.bbc.com/news/world-europe-12634176>

⁹⁹ *Ibid.*

¹⁰⁰ John Dominic Crossan (2009) *Who Killed Jesus?: Exposing the Roots of Anti-Semitism in the Gospel Story of the Death of Jesus*. HarperCollins; Jeremy Cohen (2007) *Christ Killers: The Jews and the Passion from the Bible to the Big Screen*. United Kingdom: Oxford University Press; Gabriel Wilensky (2010) *Six Million Crucifixions: How Christian Antisemitism Paved the Road to the Holocaust*. QWERTY Publishers; J. Christopher Edwards, J. Christopher Edwards, J., (Ed, 2023) *Crucified: The Christian Invention of the Jewish Executioners of Jesus*. Fortress Press; Judith Civan (2004) *Abraham's Knife: The Mythology of the Deicide in Antisemitism*. Xlibris Corporation.



72. The Islamist version of the trope of Jews killing Prophets is based on interpretations of Quran 2:61 which states:¹⁰¹

And ‘remember’ when you said, “O Moses! We cannot endure the same meal ‘every day’. So ‘just’ call upon your Lord on our behalf, He will bring forth for us some of what the earth produces of herbs, cucumbers, garlic, lentils, and onions.” Moses scolded ‘them’, “Do you exchange what is better for what is worse? ‘You can’ go down to any village and you will find what you have asked for.” **They were stricken with disgrace and misery, and they invited the displeasure of Allah for rejecting Allah’s signs and unjustly killing the prophets.** This is ‘a fair reward’ for their disobedience and violations.

73. Commentators both historically and today use this verse to argue Jews should be humiliated and harmed. Bostrom explored this idea in some depth (square bracket text here is from the original):¹⁰²

“Both classical and modern Qur’anic exegeses by seminal Muslim commentators uphold Ben-Shammai’s interpretation of anti-Jewish motifs featured in Qur’an 2:61 and 5:82. The great Muslim historian and Qur’anic exegete Tabari (d. 923), for example, interpreted the Qur’anic curse upon the Jews in 2:61 as follows:

“[A]basement and poverty were laid down upon them,” as when someone says “the imam imposed the poll tax (*jizya*) on free non-Muslim subjects,” or “the man imposed land tax on his slave,” the meaning thereby that he obliged him [to pay] it, or, “The commander imposed a sortie on his troops,” meaning he made it their duty.

God commanded His believing servants *not* to give them [i.e., the non-Muslim people of the scripture] security – as long as they continued to disbelieve in Him and His Messenger – less they paid the poll that to them;

...

By “and slain the prophets unrightfully” He means that they used to **kill the Messengers of God** without God’s leave, denying their messages and **rejecting their prophethood.**

¹⁰¹ This passage can be seen online at: <https://quran.com/en/al-baqarah/61>

¹⁰² Bostrom, Andrew G (2008) *The legacy of Islamic antisemitism : from sacred texts to solemn history*. Amherst, N.Y.: Prometheus Books. p. 35. <https://archive.org/details/legacyofislamica0000unse/page/34/mode/2up>



...

Ibn Kathir (d. 1373), another prominent Qur'anic commentator, emphasized the Jews' eternal humiliation in accordance with Qur'an 2:61:

...

Allah's statement, "That was because they used to disbelieve in the Ayat (proof, evidence, etc.) of **Allah and killed the Prophets wrongfully**," means "This is what we reward the Children of Israel with: humiliation and misery." Allah's anger that descended upon the Children of Israel was a part of the humiliation they earned, because of their defiance of the truth, disbelief in Allah's Laws, i.e. the Prophets and their following. The Children of Israel **rejected the Messengers and even killed them**. Surely there is no form of disbelief worse than disbelieving in Allah's ayat and murdering the Prophets of Allah.

74. MEMRI has extensively documented this trope being used in Arabic language media for many years. On September 7th, 2010, Egyptian cleric Abdallah Samak stated on Egyptian TV, "One of the characteristics of the Jews is that they are outstanding murderers. Who do they kill? If only they killed regular people, but they slayed the prophets. They unjustly slayed the prophets. The Jews are known for their merciless, murderous, and bloodthirsty nature. This is clearly documented in their holy books and writings, without beating around the bush."¹⁰³ On March 31st, 2017, Egyptian-American Imam Shaker Elsayed said in a sermon at Fairfax County, Virginia, "So they get rid of the prophet and the message, and it is finished. So they did this, and Jesus was saying that they were going to try to kill him, as they did to Elijah. An amazing prophecy. And it happened - they delivered him to be crucified. So after killing four prophets in a row... Jesus was an attempt - it was not fulfilled, according to the Quran, but they take pride in it anyway." More recently MEMRI reports how on November 6, 2023 an Islamic scholar at Egypt's renowned Al-Azhar University said on a TV broadcast, "They are quarrelsome people. First of all, they killed the prophets."¹⁰⁴ There are just some examples, there are many others.
75. The idea that Jews "oppress one another" is very general, but is likely related to the general trope of Jews bring "blood thirsty", "hateful", and "evil" as described by Litvak and Bostom, and what is

¹⁰³ <https://www.memri.org/reports/egyptian-cleric-abdallah-samak-jews-who-slayed-prophets-are-known-their-merciless-murderous>

¹⁰⁴ <https://www.memri.org/tv/azhar-university-islamic-scholar-ibrahim-rida-egypt-jews-corrupt-slayed-prophets-children>



described as their “defiance of the truth, disbelief in Allah’s Laws” in the words of Ibn Kathir, which is oppressing each other by not living in a society rules by what the Muslim scholars saw as the only just laws (i.e. their own).

Jews are wicked / evil

76. This claim is reflecting in the following imputation:

- **Speech E (a) are wicked** and scheming.

77. Christian antisemitism created a new form of antisemitism which linked Jews to the Devil and evil. As Bolton explains in a chapter on this topic:¹⁰⁵

“The associations of Jews with the Devil, with demons and with a theological hell that emerged from early Christianity were thus a novel development in the history of anti-Judaism...In the Gospel of John, Jesus is reported as describing his fellow Jews as ‘the children of your father the devil, and you love to do the evil things he does’ (John 8:44[.]])”

78. A nexus between this form of Christian antisemitism and Arab antisemitism can be seen in the example of Palestinian Anglican priest Naim Ateek as Patterson explains:¹⁰⁶

Palestinian Anglican priest Naim Ateek, founder of the Sabeel Ecumenical Liberation Theology Center, have persisted in the blasphemy of anti-Semitism.... Echoing elements of the deicide charge, he compares the Israeli oppression of the Palestinians to the crucifixion of Jesus... He drums up the blood libel that Jews kidnap Christian children and slaughter them by claiming that Israelis seek out babies in order to kill them... And he continues the tradition of demonizing the Jews by insisting that the Zionists are the incarnation of the very ‘**spiritual hosts of wickedness** against which Christians are called to struggle (Ephesians 6:12–13).’

79. Patterson notes how this representation of Jews as evil is also seen in Qutb’s book *Our Struggle with the Jews* (1950) which sets the Jihadist doctrine, in which Qutb claims Jews are the embodiment of evil and

¹⁰⁵ Matthew Bolton, “Evil/The Devil” in Matthias J. Becker, Hagen Troschke, Matthew Bolton and Alexis Chapelan (eds, 2024) *Decoding Antisemitism: A Guide to Identifying Antisemitism Online*, Switzerland: Palgrave Macmillan. 51.

¹⁰⁶ David Patterson (2015) *Anti-Semitism and Its Metaphysical Origins*, New York: Cambridge University Press. 78.



must be annihilated.¹⁰⁷ Küntzel cites Bernard Lewis who said that in the Muslim world, unlike the Christian world, “There were no fears of Jewish conspiracy and domination, no charges of diabolic evil. Jews were not accused of poisoning wells or spreading the plague.”¹⁰⁸ Küntzel states it was a Qutb who introduced the concept of the Evil Jew from Christian antisemitism into Islamist antisemitism in the 1950s.¹⁰⁹

Merging his theory with European racism, Qutb describes the “evil” of the Jews as immutable and permanent, transcending time and circumstance. The conclusion of this racist condemnation is obvious: Since the Jews allegedly cannot change their behavior, there remains only one way to be rid of them—total expulsion or annihilation.

80. Prof. Meir Litvak notes how the re-reading of Islamic history was used to foster Muslim antisemitism through a resort to the past that “highlighted the sins and evil they [Jews] had committed against Muslims since the early days of Islam.”¹¹⁰
81. Bostom also notes the trope of Jews being “evil” in his description of Islamic antisemitism, giving the example of Saudi sheikh Abd Al-Rahman Al-Sudayyis speech on 19 April 2002 where he said:¹¹¹

“Read history and you will understand that the Jews of yesterday are the evil fathers of the Jews of today, who are **evil offspring**... These are the Jews, an ongoing continuum of deceit, obstinacy, licentiousness, **evil**, and corruption.” (Emphasis added)

¹⁰⁷ Ibid, 81.

¹⁰⁸ Bernard Lewis, *Semites and Anti-Semites: An Inquiry into Conflict and Prejudice* (London, 1986), p. 122. Cited In Küntzel, Matthias. “Islamic Antisemitism: Characteristics, Origins, and Current Effects.” *Israel Journal of Foreign Affairs* 14.2 (2020): 230.

¹⁰⁹ Küntzel, Matthias. “Islamic Antisemitism: Characteristics, Origins, and Current Effects.” *Israel Journal of Foreign Affairs* 14.2 (2020), 231.

¹¹⁰ Meir Litvak, “Islamic Radical Movements and Antisemitism: Between Old and New” pg. 138, in Lange, A., Mayerhofer, K., Porat, D. & Schiffman, L. (2021). *Volume 5 Confronting Antisemitism in Modern Media, the Legal and Political Worlds*. Berlin, Boston: De Gruyter. <https://doi.org/10.1515/9783110671964>

¹¹¹ Bostom, Andrew G (2008) *The legacy of Islamic antisemitism : from sacred texts to solemn history*. Amherst, N.Y.: Prometheus Books. <https://archive.org/details/legacyofislamica0000unse/page/10/mode/2up>



The Muslims will fight and kill the Jews

82. This claim is reflecting in the following imputation:

- **Speech A (d) towards the end of time Muslims will fight Jews and the Jews should and will be killed.**

83. At (19:26 - 19:58, *Speech A*) the speaker says:

When the Muslims will fight the Jews. Abu Huraira r.a reports that the messenger of Allah said to the meeting. The hour would not come unless the Muslims will fight against the Jews. And the Muslims will kill them until the Jews would hide themselves behind a stone or a tree. And the stone or tree would say. Muslim O servant of Allah. There is a Jew behind me. Come and kill him.

84. This passage is from the last two pages from the prophet Mohammed's sayings, the Hadiths and explicitly refers to a future time when it says Muslims will kill Jews. The passage is perhaps the most well-known antisemitic passage in Islam. It has been used to incite violence and hatred in the present, not only as prophecy about the future.

Saudi schoolbooks

85. In 2000 PBS's Frontline reported on the passages presence in textbooks that are part of the official curriculum for school students in Saudi Arabia. Frontline quotes the following lessons being listed in the textbook in relation to this passage:

Teachings of the Hadith

1. Its fate decided by Allah that the Muslims and Jews will fight till the end of the world.
2. The Hadith predicts for the Muslims God's victory over the Jews.
3. The victory for the Muslims because they are right, and whoever is right is always victorious, even though most people are against him.
4. God grants victory to the Muslims if they have a true will, if they unite, hold on to God's sharia, if they go by God's ruling, if they are patient.



5. The material strength won't be enough to warrant victory, it is necessary to invoke God seek his support.
 6. Whoever is with God, God is with him; no matter what hardships and ordeals one would undergo what counts is the final result.
 7. Jews and Christians are the enemies of believers they will never approve of the Muslims, beware of them.
86. According to the lesson, therefore, the passage is about a current fight (not only a future one) and declares Jews (and Christians) to be enemies Muslims should both fight and be wary of.

The Hamas Charter

87. Article 7 of the original Charter of Hamas of 1988 cites this *hadith*.¹¹² As noted by Küntzel,¹¹³ Hagler,¹¹⁴ and others, this is an antisemitic element that is related to Jews, not a commentary on geo-politics. Hagler explained:

Hamas charter concludes with a ḥadīth from the canonical collections of Bukhārī and Muslim:[49]
“The Day of Judgement will not come about until Muslims fight and kill the Jews...” ... The eschatological reference to the Day of Judgment demonstrates that Hamas did not see its fight merely with “Zionists” or “Israelis,” but with Jews.”¹¹⁵

Küntzel explained:¹¹⁶

A case in point is the 1988 Hamas Charter. In Article 7, the Charter cites a hadith [saying of the Prophet] in which Muhammad states that the Muslims will kill the Jews...

The official records of the United Nations Human Rights Council include a written statement from 2008 by the World Union for Progressive Judaism explaining how this passage is used to support a “global,

¹¹² https://avalon.law.yale.edu/21st_century/hamas.asp

¹¹³ Küntzel, Matthias. “Islamic Antisemitism: Characteristics, Origins, and Current Effects.” *Israel Journal of Foreign Affairs* 14.2 (2020): 229–239.

¹¹⁴ Hagler, Aaron M. 2024. “Locating the ‘Jew’ in the Early Islamic Textual Tradition.” ISCA Research Paper 2024-6, 27. <https://isca.indiana.edu/publication-research/research-paper-series/aaron-hagler-research-paper.html>

¹¹⁵ Hagler, Aaron M. 2024. “Locating the ‘Jew’ in the Early Islamic Textual Tradition.” ISCA Research Paper 2024-6. <https://isca.indiana.edu/publication-research/research-paper-series/aaron-hagler-research-paper.html>

¹¹⁶ Küntzel, Matthias. “Islamic Antisemitism: Characteristics, Origins, and Current Effects.” *Israel journal of foreign affairs* 14.2 (2020): 229–239, 230.



genocidal call” again highlighting this is not just geo-political but a statement about targeting all Jews everywhere:¹¹⁷

HAMAS is committed to an eternal jihad against “the Jews” – until the victory of Allah is implemented. The Land of Palestine must be cleansed from their impurity and viciousness. Muslims are obligated to fight and kill the Jews wherever they find them. This global, genocidal call is justified by an oft-quoted hadith (‘saying’, attributed to Muhammad), that concludes article 7....

Antisemitic sermons

88. The Middle East Media Research Institute (MEMRI) notes the use of this passage, which they refer to as “an antisemitic hadith” in a Friday sermon in France on December 15, 2017 by Imam Mohamed Tatai, an imam in Toulouse.¹¹⁸ They note the Great Mosque of Paris responded to the incident with a press release which called it, “a hadith reported by a traditionalist author (Abu Horaira) who was himself rejected by Umayyad Muslim dynasty” and that they added: “There is no reason for this hadith to have been exhumed from oblivion.”¹¹⁹
89. MEMRI notes in response that the version is far from obscure and notes 43 articles with recordings of this antisemitic verse being used and a further 10 reports of it without videos. Many of these are sermons. They include (I provide only a section):
- No. 6459 – Friday Sermon in Egypt: Dr. Abu Bakr Al-Qadi Calls to Wage Jihad in Infidel Lands until Islam Rules the World – 12/17/17
 - No. 6668 – On Hamas TV, Islamic Cleric Salah Nour Cites Antisemitic Hadith, Glorifies Jihad: The Muslims Will Rule the Entire Earth – 06/24/18
 - No. 6415 – Saudi Imam Abdulwahab Al-Omari Prays for Allah to Hasten Annihilation of Jews, Conversion of Christians to Islam on Judgment Day – 01/28/18

¹¹⁷ World Union for Progressive Judaism, *Written statement submitted by the World Union for Progressive Judaism, a non-governmental organization on the Roster*, Sixth Special Session of the UN Human Rights Council, A/HRC/S-6/NGO/1 (22/01/2008) <https://documents.un.org/doc/undoc/gen/g08/102/92/pdf/g0810292.pdf>

¹¹⁸ The Middle East Media Research Institute, “Special Dispatch No. 7587”, 25 July 2018.

<https://www.memri.org/reports/antisemitic-hadith-prophecy-rock-and-tree-%E2%80%93-memri-clips-and-reports>

¹¹⁹ Ibid.



- No. 6226 – Egyptian Preacher Sayed Ahmad Ali Denies the Holocaust, States: There Can Be No Peace with the Jews – 08/04/17
- No. 6162 – Saudi Cleric Mamdouh Al-Harbi: Muslims' War Is with the Jews, Not Just Zionists – 07/26/17
- No. 6013 – Copenhagen Friday Sermon: Imam Cites Antisemitic Hadith, Says: Soon Caliphate Will Uproot Colonialist, Crusader Jewish Entity – 03/31/17
- No. 4657 – Preacher at Al-Aqsa Mosque Omar Abu Sara to the Jews: "We Shall Slaughter You Without Mercy" – 11/27/14
- No. 3871 – Antisemitism in Al-Azhar University's Friday Sermon: The Jews Are The Muslims' Worst Enemies – 05/10/13
- No. 3227 – Hamas Preacher in Gaza Sermon Cites Antisemitic Hadith and Calls: Death to the Jews and to America – 12/02/11
- No. 3227 – Hamas Preacher in Gaza Sermon Cites Antisemitic Hadith and Calls: Death to the Jews and to America – 12/02/11

I also note that they list one example where an ISIS affiliated group makes use of the passage:

- No. 5158 – ISIS Sinai Threatens to Punish the Egyptian Military for Operation Martyr's Right – 11/10/15

Jews are arrogant and think they are the best

90. This claim is reflecting in the following imputations:

- **Speech A (f) Jews at the time of Muhammad and to this day are arrogant people who always think that they are better or the best people; and**
- **Speech A (g) Jewish arrogance extends to their conduct with the Creator of the heavens and the earth.**

91. There is an antisemitic idea of Jews thinking they are better than others which comes from a misrepresentation of the Jewish concept of Jews being the "chosen people".¹²⁰ Correctly understood,

¹²⁰ Judaism: The "Chosen People", Jewish Virtual Library. Reprint from Encyclopedia Judaica (2008).
<https://www.jewishvirtuallibrary.org/the-quot-chosen-people-quot>



the concept of “chosen people” in Judaism means chosen for a purpose. Encyclopaedia Judaica explains:¹²¹

Does Judaism believe that chosenness endows Jews with special rights in the way racist ideologies endow those born into the “right race”? Not at all. The most famous verse in the Bible on the subject of chosenness says the precise opposite: “You alone have I singled out of all the families of the earth. That is why I call you to account for all your iniquities” (Amos 3:2). Chosenness is so unconnected to any notion of race that Jews believe that the Messiah himself will descend from Ruth, a non-Jewish woman who converted to Judaism.

92. Jew’s rejection of first Christianity, then Islam, is presented as arrogance for rejecting what those other faiths see as divine will. The Holocaust Encyclopedia explains:¹²²

Early Christians taught that Christianity had replaced Judaism and that Jews were no longer God’s chosen people. They claimed that Jews were stubborn and blind to the truth because they did not accept Jesus as the Messiah. These ideas shaped Christians’ mistrust and animosity toward Jews for many centuries.

Jewish conspiracy

93. This claim is reflecting in the following imputations:

- **Speech A (n) Jews are a slanderous people, troublemakers and schemers;**
- **Speech A (o) the Jewish people actively seek to ensure there is no peace with Muslims so that they can profit in business and the media;**
- **Speech A (p) Jews scheme to spark hate against the Muslims and are to blame for division, fighting and hate among Muslims;**
- **Speech C (b) Jews are a conspiratorial people; and**
- **Speech E (a) are wicked and scheming.**

94. A key part of modern antisemitism is the conspiracy theory of Jews scheming to control the world which comes from the *Protocols of the Elders of Zion*. As mentioned in the introduction, Perry and Schweitzer

¹²¹ Ibid.

¹²² <https://encyclopedia.ushmm.org/content/en/article/antisemitism>



explain that this is one of the four basic texts available all over the Arab-Muslim world on which Arab-Muslim antisemitism is based.¹²³

95. Here is the background to the Protocols from an article I have written previously:¹²⁴

The earliest form of the Protocols narrative is a 1797 version blaming the French Revolution on a secret conspiracy run by Freemasons. French satirist Maurice Joly used this as the basis of his 1864 pamphlet “Dialogues in Hell Between Machiavelli and Montesquieu”. Joly’s pamphlet was in turn used by Hermann Goedsche, a German antisemite and member of the Prussian Secret Police, who adapted it into a fantasy of a secret rabbinical conference meeting to review their control of the world over the past hundred years and to plans how to control it for the next century. Goedsche work was translated into Russian in 1872 and published as the “Rabbi’s Speech” in Russian in 1891. It was during the Dreyfus affair of 1893-1895, that the Prussian Secret Police in Paris combined Joly and Goedsche work into a new edition called the “Protocols of the Elders of Zion.” The manuscript was brought to Russia in 1895 and was printed privately in 1897. It gain popularity in English under the name “The International Jew: The World’s Problem” which was published by Henry Ford.

96. The key point, however, is that Protocols are a fabrication, they claim to be written by Jews and are not. They claim to expose a conspiracy and being made up, they do not. Nevertheless, new editions are regularly produced, particularly in the Arab world, each containing a new introduction explaining how recent events are explained by way of the conspiracy of Jewish manipulation of the world.

97. The Holocaust Encyclopedia notes:¹²⁵

Hitler referred to the Protocols in some of his earliest political speeches in the 1920s. He also wrote about the book in his autobiography *Mein Kampf* (1925). Hitler claimed that the Protocols “reveal the nature and activity of Jewish people and expose...their ultimate final aims.” He also

¹²³ Marvin Perry and Frederick M. Schweitzer (2002) *ANTISEMITISM: Myth and Hate from Antiquity to the Present*, New York: Palgrave Macmillan. ix.

¹²⁴ “Antisemitism: Jews Control the Media Canard”, *Online Hate Prevention Institute*. <https://ohpi.org.au/antisemitism-media-control/>

¹²⁵ <https://encyclopedia.ushmm.org/content/en/article/protocols-of-the-elders-of-zion>



predicted that what he called the “Jewish menace” would be “broken” after the Protocols became more widely known.

98. It also notes how “Nazi propaganda sometimes used the Protocols to rally Germans around the idea that Germany needed to defend itself from Jewish aggressors. Although most Germans likely did not read the Protocols, they would have been familiar with its antisemitic lies from relentless Nazi propaganda campaigns.”¹²⁶ And that “Some of the Nazi Party’s most aggressively antisemitic propaganda made use of the Protocols.”¹²⁷ And how “The Nazis circulated the Protocols in countries they occupied. Even after millions of Jews had been murdered as part of the “Final Solution,” in 1943 German authorities published editions of the Protocols in Russian, Ukrainian, and Belarusian.”¹²⁸
99. Milson has traced some of the history of the Protocols in the Arab world and notes how the first Arabic edition was published in 1925, but it wasn’t until 1948 and when Israel was established and then defeated seven invading Arab countries, that the Protocols became popular.¹²⁹ Milson explains the “belief in a global Jewish conspiracy, as described in the Protocols, provided a purportedly rational explanation” to address the dissonance between the facts of the war and the image of Jews as “destined to live in misery and humiliation”, being “cowardly in battle”.¹³⁰
100. Milson notes that “while The Protocols of the Elders of Zion is of course of European provenance, its adoption and wide circulation in the Arab world was probably facilitated and enhanced by deeply ingrained stereotypes of Jews which are rooted in Arab culture... [specifically] stereotyped characterization as devious and given to hatching plots and conspiracies”.¹³¹ Milson notes on these stereotypes are derived from the early history of Islam and two incidents related to the relations between the Prophet Muhammad and the Jews in Medina. One of these is the story of the Jews of the Banu Qurayzha tribe which Muhammad besieged in their city, the same story recited in *Speech A* (48:57 - 1:08:21, *Speech A*). Milson notes how these “anti-Jewish stories” have also been “dramatized in a

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Menahem Milson (2011), “An Arab Plot on the Arab Stage,” Posen Papers in Contemporary Antisemitism No. 12, The Vidal Sassoon International Center for the Study of Antisemitism, The Hebrew University of Jerusalem.

<https://www.memri.org/reports/european-plot-arab-stage-protocols-elders-zion-arab-media>

¹³⁰ Ibid.

¹³¹ Ibid.



television series and aired by the Saudi Iqra' channel".¹³² He concludes that "the Islamic record of the Jews being guilty of conspiracy against Muhammad and the Islamic community no doubt helped create a predisposition to accept the Protocols as an authentic document which reveals, as it were, the true nature of Jews and Judaism."¹³³

101. Article 22 of the original Hamas charter promotes similar conspiracies saying (emphasis added):¹³⁴

For a long time, the **enemies have been planning, skillfully and with precision**, for the achievement of what they have attained. **They took into consideration the causes affecting the current of events.** They strived to amass great and substantive material wealth **which they devoted to the realisation of their dream.** With their money, they **took control** of the world media, news agencies, the press, publishing houses, broadcasting stations, and others. With their money they **stirred revolutions** in various parts of the world with the purpose of achieving their interests and reaping the fruit therein. They were behind the French Revolution, the Communist revolution and most of the revolutions we heard and hear about, here and there. With their money they formed **secret societies**, such as Freemasons, Rotary Clubs, the Lions and others in different parts of the world for the **purpose of sabotaging societies and achieving Zionist interests.** With their money they were able to **control imperialistic countries** and instigate them to colonize many countries in order to enable them to exploit their resources **and spread corruption** there.

102. Al Qaeda also made use of these antisemitic conspiracy theories. In 2002 Osama bin Laden wrote an antisemitic 'Letter to America' justifying 9/11 (the letter resurfaced after the October 7 2023 Hamas terrorist attack when it went viral on TikTok before the platform ban it).¹³⁵ In the letter bin Laden states, "the Jews have taken control of your economy, through which they have then taken control of your media, and they now control all aspects of your life".¹³⁶

¹³² Ibid.

¹³³ Ibid.

¹³⁴ https://avalon.law.yale.edu/21st_century/hamas.asp

¹³⁵ Ben Sales, "Osama bin Laden's antisemitic 'Letter to America' goes viral on TikTok", *Jewish Telegraphic Agency*, 16 November 2023. <https://www.jta.org/2023/11/16/global/osama-bin-ladens-antisemitic-letter-to-america-goes-viral-on-tiktok>

¹³⁶ bin Laden's letter, published in The Observer on 24 November 2002, and available from: <https://pages.astronomy.ua.edu/white/worldviews/binladen.txt>



103. Regarding the claim of Jews being to blame for “for division, fighting and hate among Muslims”, Milson explains:¹³⁷

Sunni historians have traditionally placed the blame for the schism between the Shi'a and the Sunna on a secret Jewish conspiracy put into effect by the machinations of a certain Yemenite Jew, 'Abdallah ibn Saba', who outwardly converted to Islam with the intention of subverting it from within. Thus the most traumatic event, from the Muslim point of view, of the early history of Islam, was the result of a Jewish plot to corrupt and ruin Islam.

104. Regarding the claim that “Jews scheme to spark hate against the Muslims” Patterson notes the work of Sayyid Qutb (1906–1966). Qutb was an Egyptian Jihadist ideologue influenced by the Nazis and according to Patterson remains the “most influential ideologue of the Muslim Brotherhood”.¹³⁸ His book *Our Struggle with the Jews* (1950) spread the Jihadist doctrine that “the Jews have confronted Islam with enmity from the moment that the Islamic state was established” and claimed this is because the “Jews as Jews were by nature determined to fight Allah’s Truth” and are “the eternal enemy of Islam.”¹³⁹ Qutb uses this as the basis of a charge that the Jews are the embodiment of evil and must therefore be annihilated.¹⁴⁰ While Patterson notes that most Muslims are not Islamic Jihadists (as he uses the term), he notes that “certain traditions in Islam... provide a sacred ground both for Jihadism and for Jew hatred”.¹⁴¹

Jews control the media

105. This claim is reflecting in the following imputations:

- **Speech A (I) the Jewish people control the media in order to:**
 - **(i) abuse the weak; or**
 - **(ii) to target Muslims.**

¹³⁷ Ben Sales, “Osama bin Laden’s antisemitic ‘Letter to America’ goes viral on TikTok”, *Jewish Telegraphic Agency*, 16 November 2023. <https://www.jta.org/2023/11/16/global/osama-bin-ladens-antisemitic-letter-to-america-goes-viral-on-tiktok>

¹³⁸ David Patterson (2015) *Anti-Semitism and Its Metaphysical Origins*, New York: Cambridge University Press. 3-4.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid, 81.



- **Speech A (o) the Jewish people actively seek to ensure there is no peace with Muslims so that they can profit in business and the media;**
- **Speech B (a) Jews control the media and right wing politicians, who are like dogs under a Jewish leash and under their command; and**
- **Speech E (h) use the media for manipulation.**

106. Becker explains how in previous times antisemitic conspiracy theories were often about money, but today, “Jewish influence is imagined above all in the spheres of business or in the media and entertainment industries.”¹⁴² The report demonstrates this with empirical examples from after October 7, 2023.

107. In the Protocols of the Elders of Zion (see discussion above) Protocol 12 focuses specifically on control of the media. As I wrote in an article on the topic, the Protocols claim that: “the media must be controlled to the extent that ‘not a single announcement will reach the public without our control’. The protocols also promote the idea of setting up a fake opposition, also controlled but giving an illusion of a free press.”¹⁴³

108. I note again:

- Osama bin Laden’s claim referred to Jewish media control, “they have then taken control of your media, and they now control all aspects of your life”.¹⁴⁴
- The 1988 Hamas Charter’s claim in Article 22: “they took control of the world media, news agencies, the press, publishing houses, broadcasting stations, and others”¹⁴⁵

109. One high profile incident before October 7, 2023, was when Kanye West claimed Jews control the media during an interview in 2022.¹⁴⁶

¹⁴² Matthias J. Becker, “Conceptual and Historical Overview” in Matthias J. Becker, Hagen Troschke, Matthew Bolton and Alexis Chapelan (eds, 2024) *Decoding Antisemitism: A Guide to Identifying Antisemitism Online*, Switzerland: Palgrave Macmillan. 161.

¹⁴³ “Antisemitism: Jews Control the Media Canard”, *Online Hate Prevention Institute*. <https://ohpi.org.au/antisemitism-media-control/>

¹⁴⁴ bin Laden’s letter, published in *The Observer* on 24 November 2002, and available from: <https://pages.astronomy.ua.edu/white/worldviews/binladen.txt>

¹⁴⁵ *Hamas Charter*, 1988 https://avalon.law.yale.edu/21st_century/hamas.asp

¹⁴⁶ “Kanye West storms out of interview after challenge on Jewish media claim”, *Jerusalem Post*, 29 November 2022 <https://www.jpost.com/diaspora/antisemitism/article-723621>



110. Data from the Online Hate Prevention Institute found and increase in the collection rate of Jewish media control conspiracy theories from 1 or 2 per 8-hour day prior to October 7 rising to between 10 and 20 per day on most platforms in the year after October 7 and we noted:¹⁴⁷

Content claiming Jews control the media has been less common, but is present to a notable degree across all platforms except Instagram. There is less variance in this category between mainstream and alternative platforms. The rate of growth has been substantial.

111. In my own experience, the claim that Jews control the media to “abuse the weak” (particularly Palestinians, who are presented as the weak) and to “target Muslims” (and again particularly Palestinians / Palestinian activists around the world) are narratives often seen today, particularly on social media. What makes these narratives antisemitic is the claim the media is doing this because it is controlled by Jews.

Greedy Jews love money and control the banks

112. This claim is reflecting in the following imputations:

- **Speech A (j) Jews want to obtain money and power and for nefarious means;**
- **Speech A (m) Jews own most banks and use oppressive interest loans knowing it is almost impossible to pay the loans back;**
- **Speech C (c) the Jewish people love money and wealth; and**
- **Speech E (g) love wealth.**

113. There is a long history of antisemitic associations between Jews and money. This comes from historic restrictions on Jews working in many professions, and religious prohibitions in Christianity against usury (lending money for interest). As a result, while most Jews were not money lenders, many money lenders in the Middle Ages were Jews.¹⁴⁸ Patterson notes how “among the anti-Semites it is a truism that the Jews control the banks and ledgers of the world.”¹⁴⁹

¹⁴⁷ Oboler, Roth, Beinart & Beinart (2024). Online Antisemitism After 7 October 2023. Online Hate Prevention Institute. <https://nla.gov.au/nla.obj-3395124935/view>

¹⁴⁸ <https://humsci.stanford.edu/feature/stanford-historian-explores-how-expulsions-became-widespread-medieval-europe>

¹⁴⁹ David Patterson (2015) *Anti-Semitism and Its Metaphysical Origins*, New York: Cambridge University Press. 285.



114. One of the ten specific “comprehensible causes” of antisemitism according to Grosser and Halprin was the “exploitation and utilization” of Jews in which they were “often encouraged for forced to practice trade, become merchants, middlemen, and financiers”.¹⁵⁰ Rulers used them as a buffer between them and the masses, as a source of emergency funds by forcing Jews to cancel the debts they owed them, or face imprisonment, torture, exile or death.¹⁵¹ Patterson refers to Grosser and Halprin, summarising their point by saying “Due to their social and economic status, Jews were forced into occupations such as merchants, middlemen, and financiers, which fuelled a vicious resentment of them.”¹⁵² Paterson adds, “This is basically the resentment and envy argument. But, as Dennis Prager and Joseph Telushkin point out, ‘Jews were not hated because they lent money; they lent money because they were hated.’”¹⁵³

115. The ADL (Anti-Defamation League, the main civil society organisation that combats antisemitism in the United States) calls the antisemitic trope of the greedy Jew “One of the most prominent and persistent stereotypes about Jews” they explain the trope as presenting Jews as “greedy and avaricious, hoping to make themselves rich by any means” and this form of antisemitism claims: ¹⁵⁴

They [Jews] are seen both as relentless in the pursuit of wealth and also as stingy misers determined not to let any money slip from their grasp. They are imagined to exert control over the world’s financial systems, but are also accused of regularly cheating friends and neighbors out of a buck.

116. This conspiracy was further promoted in the *Protocols of the Elders of Zion* as “Protocol 20” (Chapter 20) which is entirely about the “Financial program” and claims: “29. Every kind of loan proves infirmity in the State and a want of understanding of the rights of the State. Loans hang like a sword of Damocles over the heads of rulers, who, instead of taking from their subjects by a temporary tax, come begging with outstretched palm to our bankers.”¹⁵⁵

¹⁵⁰ Paul E. Grosser and Edwin G. Halperin (1979) *Anti-Semitism: The Cause and Effects of a Prejudice*. Citadel Press. 298 <https://archive.org/details/antisemitismcaus00gros/page/298/mode/2up?q=financiers>

¹⁵¹ Ibid 298-299.

¹⁵² David Patterson (2015) *Anti-Semitism and Its Metaphysical Origins*, New York: Cambridge University Press. 48.

¹⁵³ Ibid.; Citing: Dennis Prager and Joseph Telushkin, *Why the Jews? The Reason for Antisemitism* (New York: Simon & Schuster, 2003), 59–60 and noting the emphasis is from the original text.

¹⁵⁴ <https://antisemitism.adl.org/greed/>

¹⁵⁵ Sergei Nilus, *Protocols of the Elders of Zion*, translated by Victor E. Marsden. See Protocol 20. https://www.heritage-history.com/site/hclass/secret_societies/ebooks/pdf/nilus_protocols.pdf



117. Afridi has noted that in Muslim antisemitism, “there were also attacks on Jews, usually accusing them of economic malfeasance and other glaring myths that were imports from Christian biases.”¹⁵⁶

118. In a report on online antisemitism released in August 2023 (prior to the October 7 terrorist attack) the Online Hate Prevention Institute (that is myself and my staff) noted:¹⁵⁷

Traditional antisemitism, such as antisemitic conspiracy theories, blood libel, and allusions to **Jewish control of banks**, governments, and media, was the most common expression of antisemitism on BitChute (61%), Telegram (61%), and Gab (54%). This is often the most clear cut, overt, and well recognised form of antisemitism.

Jews control governments

119. This claim is reflecting in the following imputations:

- **Speech A (j) Jews want to obtain money and power and for nefarious means;**
and
- **Speech B (a) Jews control the media and right wing politicians, who are like dogs under a Jewish leash and under their command.**

120. The idea of Jewish control of governments can be seen in the Protocols of the Elders of Zion, for example in Chapter 7 when it states, “We must compel the governments of the GOYIM to take action in the direction favored by our widely conceived plan”.¹⁵⁸ It is also the topic of Protocol 10 “Preparing for Power”.¹⁵⁹

121. Patterson explains the Protocol as presenting Jews as:¹⁶⁰

Interested only in their own power, the Jews are the true racists, viewing non-Jews as “a herd of castrated sheep” and themselves as “the wolves,” who naturally prey on the sheep – not openly

¹⁵⁶ Mehnaz M. Afridi, “Muslim Antisemitism: Religion, Politics, and Israel” in Mark Weitzman, et al., (eds)(2023) *The Routledge History of Antisemitism*, Taylor & Francis Group 255—261, 258.

¹⁵⁷ Oboler and J Beinart, Online Antisemitism in Australia 2023 (Online Hate Prevention Institute, 2023), 14.
<https://nla.gov.au/nla.obj-3213195580/view>

¹⁵⁸ Sergei Nilus, *Protocols of the Elders of Zion*, translated by Victor E. Marsden. See Protocol 7, page 25.
https://www.heritage-history.com/site/hclass/secret_societies/ebooks/pdf/nilus_protocols.pdf

¹⁵⁹ Ibid, Chapter 10.

¹⁶⁰ David Patterson (2015) *Anti-Semitism and Its Metaphysical Origins*, New York: Cambridge University Press. 132.



but secretly by infiltrating governments and secret organizations such as the freemasons. Once they have control, their plan is to eliminate anyone who opposes them. Thus in the Protocols we see projected on the Jews all the classic evils: they are the greatest threat to moral society, bent on totalitarian rule, out to accumulate the wealth of the world, the sinister manipulators of thought itself. And all of these evils are born of their ineluctable essence.

122. Perry and Schweitzer in a discussion about Louis Farrakhan, head of the Nation of Islam, note how he is “fixating on Jewish bankers and financiers purported to control governments and dictate policy” and in doing this promotes a conspiracy theory seen in the Protocols, used by the Nazis and specifically Goebbels, and used since the late nineteenth century by “radical conservative nationalists in many European Lands”.¹⁶¹
123. Gartner notes that this view was also present in early American history and gives the example of the brothers Henry and Brooks Adams, significant thinkers and historians who were descendants of American Presidents saying “they were out-and-out antisemites” who “complained throughout their lives that American society deprived them of their rightful public position. Jewish bankers supposedly controlled society, a state of affairs the brothers detested”.¹⁶²
124. This view is also expressed through the trope of the “Zionist Occupied Governments” or “ZOG”, though some list this as its own antisemitic conspiracy theory.¹⁶³ Mark Weitzman from the Simon Wiesenthal Centre stated in Testimony to the US Congress in 2017.¹⁶⁴

“The generation that we have starting in the later part of the 20th century is a generation of extremists who see themselves at war with the United States. They consider the U.S. Government Zionist-occupied government territory. And that is one of the reasons why they are so ready to go

¹⁶¹ Marvin Perry and Frederick M. Schweitzer (2002) *ANTISEMITISM: Myth and Hate from Antiquity to the Present*, New York: Palgrave Macmillan. 231.

¹⁶² Loyd P. Gartner, “The Two Continuities of Antisemitism in the United States” in Shmuel Almog (ed, 1988) *Antisemitism Through the Ages*, Pergamon Press. 311—320, 314.

¹⁶³ Myles Flores, “The New World Order: The Historical Origins of a Dangerous Modern Conspiracy Theory”, *Center on Terrorism, Extremism, and Counterterrorism, Middlebury Institute of International Studies*, 30 May 2022 <https://www.middlebury.edu/institute/academics/centers-initiatives/ctec/ctec-publications/new-world-order-historical-origins-dangerous>

¹⁶⁴ Hearing before the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations of the Committee on Foreign Affairs, House of Representatives, One Hundred Fifteenth Congress. First Session, March 22, 2017, Serial No. 115-10. <https://www.govinfo.gov/content/pkg/CHRG-115hhrg24753/html/CHRG-115hhrg24753.htm>



into violent acts, because, to them, a state of war already exists with the Jews who control the U.S. Government and people down to postal workers who have been murdered because they wore a government uniform.

That has then translated it into the rhetoric that we see sometimes on the extremes of the alt-right and so on, who consider themselves at war with established political institutions and political norms in the U.S. And I think that is one of the things that we have to recognize, the shift between the traditional extremism and the new status that we have now.”

125. As just noted, the report into on online antisemitism released in August 2023 (prior to the October 7 terrorist attack) noted,¹⁶⁵

Traditional antisemitism, such as... allusions to **Jewish control of.. governments...** was the most common expression of antisemitism on BitChute (61%), Telegram (61%), and Gab (54%). This is often the most clear cut, overt, and well recognised form of antisemitism. It demonstrates how “freedom of speech” on these platforms means accelerating antisemitism.

Jews are cowards

126. This claim is reflecting in the following imputation:

- **Speech A (q) Jews are cowards.**

127. Perry and Schweitzer note how Houston Stewart Chamberlain (1855–1927) an Englishman who adopted German Volkish antisemitism described Jews as materialistic, **cowardly**, and devious.¹⁶⁶

128. Milson noted the traditional image of Jews in Islam as “destined to live in misery and humiliation”, being “cowardly in battle”.¹⁶⁷

¹⁶⁵ Oboler and J Beinart, Online Antisemitism in Australia 2023 (Online Hate Prevention Institute, 2023), 14.
<https://nla.gov.au/nla.obj-3213195580/view>

¹⁶⁶ Marvin Perry and Frederick M. Schweitzer (2002) *ANTISEMITISM: Myth and Hate from Antiquity to the Present*, New York: Palgrave Macmillan. 95.

¹⁶⁷ Menahem Milson (2011), "An Arab Plot on the Arab Stage," Posen Papers in Contemporary Antisemitism No. 12, The Vidal Sassoon International Center for the Study of Antisemitism, The Hebrew University of Jerusalem.
<https://www.memri.org/reports/european-plot-arab-stage-protocols-elders-zion-arab-media>



129. Hassan Nasrallah, Secretary General of Hezbollah, said in 1997, “If we search the entire globe for a more **cowardly**, lowly, weak, and frail individual in his spirit, mind, ideology, and religion, we will never find anyone like the Jew – and I am not saying the Israeli.”¹⁶⁸

[Jews are liars / treacherous / shifty / break agreements](#)

130. This claim is reflecting in the following imputations:

- **Speech A (i) Jews are very shifty;**
- **Speech C (a) Jews constantly break their agreements;**
- **Speech D (a) that Jews are liars;**
- **Speech C (d) the enmity between Jews and Muslims today is the fault of the Jews because:**
 - **(i) they constantly break their agreements including with the Prophet;**
- **Speech E (c) are a treacherous, vile people, who always betray; and**
- **Speech E (d) break their agreements.**

131. The trope of Jews as “shifty” or put another way, “cunning” is a well-established antisemitic canard.

132. Perry and Schweitzer noting how “Christian clergy, as they had done for centuries, crudely denigrated and demeaned Jews to their parishioners in venomous language and images that perpetuated an ancient hatred” quote from Walter Zwi Bacharach on his work examining German Catholic sermons which notes the way preachers referred to Jews as “cunning serpent” (an allusion to the story of the serpent in the garden of Eden):¹⁶⁹

One need only examine a list of the terms and epithets used by the preachers to understand how their audiences perceived the Jews: murderers, criminals, evil ones, sinners, enraged, inhuman, despicable, corrupt, desecrators, impudent, **cunning serpents**, poisonous, enemies of God. These words were not directed at individual Jews, but at the entire Jewish people

¹⁶⁸ Nasrallah, Voice of Hezbollah, 171, cited in David Patterson (2015) *Anti-Semitism and Its Metaphysical Origins*, New York: Cambridge University Press. 100.

¹⁶⁹ Marvin Perry and Frederick M. Schweitzer (2002) *ANTISEMITISM: Myth and Hate from Antiquity to the Present*, New York: Palgrave Macmillan. 5–6.



133. The use of this trope in recent times is presented by Perry and Schweitzer in a discussion on Khallid Abdul Muhammad who they describe as the United States' "most shrill black antisemite".¹⁷⁰ They refer to a speech on 29 November 1993 in which Khallid Abdul Muhammad "repeatedly vilified Jews, often feigning the accent of eastern European Jewish immigrants and reiterating ancient slurs: 'Jesus was right: **you're nothing but liars**. The book of Revelations is right; you're from the Synagogue of Satan.'"¹⁷¹
134. Case notes the antisemitism in one of Viktor Orbán's 2018 speeches when said, "we must struggle against an opponent who is different from us. **Not open, but hiding; not straightforward, but cunning; not honest, but backhanded...**"¹⁷² This is relatively recent and high-profile demonstration of this trope.
135. Shain notes how by the late 1980s in South Africa there has been a "slide from anti-Zionism to blatant antisemitism, with emphasis placed on Jewish power, cunning, and duplicity".¹⁷³
136. Alwan notes that the representation of Jews as "treacherous" and "deceptive" in Arab culture is an old idea. Writing about the earliest Arab poetic work about Jews he notes of the author: "In the meantime, he has sprinkled the poem with references to old ideas regarding the Jew as a treacherous and deceptive creature."¹⁷⁴
137. Bar-Asher also presents this trope about Jews in the context of Islam:¹⁷⁵

Jews are seen first and foremost as infidels and the Koran has a specific commandment to degrade them.... they are [seen as being] by nature **cheats and traitors**... The Jewish sages **falsified the Torah**, and the Jews in general are **liars, take bribes**, and eat carrion.

138. Afridi notes that "some Muslims" see the Banu Qurayza story which, she notes says Jews broke an agreement, "as justification for a belief that Jews cannot be trusted" and states that "this particular story of mistrust is recounted as evidence to mistrust Jews" but in reality "Jews and Muslims have lived

¹⁷⁰ Ibid, 232.

¹⁷¹ Ibid, 233.

¹⁷² Holly Case, "Antisemitism in Hungary" in in Mark Weitzman, et al., (eds)(2023) *The Routledge History of Antisemitism*, Taylor & Francis Group 143—152, 149.

¹⁷³ Milton Shain, "Antisemitism in South Africa", in in Mark Weitzman, et al., (eds)(2023) *The Routledge History of Antisemitism*, Taylor & Francis Group 2009—219, 213.

¹⁷⁴ Alwan, Mohammed Bakir "Jews in Arabic Literature 1830 - 1914", *Al-'Arabiyya* 11, no. 1/2 (1978): 46—59, 47.
<http://www.jstor.org/stable/43192498>.

¹⁷⁵ Shalom Bar-Asher, "Antisemitism and Economic Influence: The Jews of Morocco (1672-1822)" in Shmuel Almog (ed, 1988) *Antisemitism Through the Ages*, Pergamon Press. 196—197.



together since the inception of Islam, whether under Christian or Muslim empires. They have shared many experiences, and they continue to do so.”¹⁷⁶ Afridi notes that due to a poor understanding of both religion and history “mistrust of the Jews, Jews as conspirators, and other issues can be seen in many Muslim communities around the world, including in the United States”.¹⁷⁷

Jews are racist

139. This claim is reflecting in the following imputation:

- **Speech E (b) are racist, including among themselves.**

140. The claim Jews are racist against each other is a generic slur, but the idea Jews are racist is related to the trope that “Jews think they are the best”, already discussed.

141. The idea that “Zionism is Racism” is another expression of Jews being racist, which is an antisemitic trope pushed by the USSR during the Cold War to draw attention away from Soviet antisemitism.¹⁷⁸ It led to a 1975 UN Resolution declaring this as fact, which is the only UN General Assembly resolution to have ever been repealed, and 10 years after it was repealed there were efforts in the NGO Forum at the Durban World Conference Against Racism to bring it back.¹⁷⁹

Jews hate Muslims

142. This claim is reflecting in the following imputations:

- **Speech A (p) Jews scheme to spark hate against the Muslims** and are to blame for division, fighting and hate among Muslims;
- **Speech A (r) Jews inherently dislike Muslims and Arabs and want to fight the Muslims;** and
- **Speech C (d) the enmity between Jews and Muslims today is the fault of the Jews because:**
 - **(ii) Jews harbour enmity towards Muslims.**

¹⁷⁶ Mehnaz M. Afridi, “Muslim Antisemitism: Religion, Politics, and Israel” in Mark Weitzman, et al., (eds)(2023) *The Routledge History of Antisemitism*, Taylor & Francis Group 255—261, 258.

¹⁷⁷ Ibid.

¹⁷⁸ Nathan A. Kurz. *Jewish Internationalism and Human Rights after the Holocaust*. Cambridge University Press; 2020. 112, 132-134 and generally Chapter 5.

¹⁷⁹ Neuer, B. (2024). ‘Repealing the “Zionism is Racism” UN Resolution following the End of the Cold War’. *Israel Studies* 29(3), 28-57. <https://dx.doi.org/10.2979/is.00026>.



143. This was again a contribution to Islamist antisemitism by Sayyid Qutb in the 1950s. His book *Our Struggle with the Jews* (1950) which spread the Jihadist doctrine he “links the seventh century—Muhammad’s sojourn in Medina—with the twentieth century, as if nothing had happened in the interim” and claimed:¹⁸⁰

The Jews plotted against the Muslim Community from the first day it became a community....This bitter war which the Jews launched against Islam...has not been extinguished, even for one moment, for close on fourteen centuries until this moment, its blaze raging in all corners of the world.

144. Küntzel goes on to explain:¹⁸¹

Qutb’s text is characterized by another interesting feature. While in reality, the Jews of Medina had no chance against Muhammad, Qutb’s tract revises that history and presents the Muslims as the victims and the Jews as the aggressors against Islam: “The struggle between Islam and the Jews continues in force and will thus continue, because the Jews will be satisfied only with the destruction of this religion [Islam].”

145. Küntzel explains this as a “paranoid projection” that is “well known from Nazi ideology” explaining that “Those who want to kill the Jews justify their intention by invoking the idea that the Jews have launched a deadly war against them.”¹⁸² He states that:

Qutb merged the Nazis’ racism and paranoid delusions with the anti-Judaism of early Islam. In his work, the demonization of Israel was radicalized in Islamic terms and the territorial conflict was cast as a religious war in which Muslims represent the party of God and Jews represent Satan. A religious war entails emotion in place of reason, irreconcilability instead of pragmatism, and a battle to the death rather than compromise.

¹⁸⁰ Küntzel, Matthias. “Islamic Antisemitism: Characteristics, Origins, and Current Effects.” *Israel journal of foreign affairs* 14.2 (2020), 231

¹⁸¹ Ibid

¹⁸² Ibid.



146. The conspiracy of Jews wanting “universal war” is the subject of Chapter 7 of the Protocols of the Elders of Zion.¹⁸³

147. Afridi¹⁸⁴ notes that “Islamic history is replete with Muslim-Jewish encounters, and it is important to realize that mentions of Jews in the Qur’an and in the Prophet’s sayings should be understood in the social and historical context of the Prophet’s time.” She gives as an example the verses about the Banu Qurayzha tribe (48:57 - 1:08:21, *Speech A*) as one of the examples that “indicate mistrust between the Jews and Muslims” but counters that “Of course, there are many positive verses that contradict the negative nuances” and gives as an example (Quran 2:62) which states:

Verily, those who have attained to faith [in this divine writ], as well as those who follow the Jewish faith, and the Christians, and the Sabians – all who believe in God and the Last Day and do righteous deeds-shall have their reward with their Sustainer; and no fear need they have, and neither shall they grieve.

148. Afridi states that “ISIS (or Daesh) and other extremist groups not only attempt to erase the long history of Jewish-Muslim co-existence, but they also distort the Qur’an to justify hatred and violence toward the Jews”.¹⁸⁵ Afridi also notes the work of Günther Jikeli examining the views of Muslims living in Europe. Jikeli examined the opinions of 117 young Muslim men and as Afridi summarises the work, Jikeli found that “their views of Jews were based on inaccurate historical information and that they did not have any concrete historical or religious foundation... Muslims’ hostilities against Jews today were framed as revenge against Jews for things ‘they’ did in the past or part of an ongoing historical struggle with the Jews.”¹⁸⁶

Dehumanising Jews as apes and pigs

149. This claim is reflecting in the following imputation:

- **Speech E (f) are descendants of apes and pigs.**

¹⁸³ Sergei Nilus, *Protocols of the Elders of Zion*, translated by Victor E. Marsden. See Protocol 7 (page 25) at: https://www.heritage-history.com/site/hclass/secret_societies/ebooks/pdf/nilus_protocols.pdf

¹⁸⁴ Mehnaz M. Afridi, “Muslim Antisemitism: Religion, Politics, and Israel” in Mark Weitzman, et al., (eds)(2023) *The Routledge History of Antisemitism*, Taylor & Francis Group 255—261, 256.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.



150. The imagery of pigs was seen particularly in Spain in the 1480s where Jews who converted to Christianity under the pressure of the Spanish Inquisition were referred to as “marranos” (literally “pigs”).¹⁸⁷ It also existed in Nazi imagery of Jews,
151. In Germany there were anti-Jewish sculptures of the “Judensau” (“Jew’s pig”) that started appearing from 1300s, with the theme spread across to everything from books and playing cards in modern times.¹⁸⁸ The term was used shouted at a Jewish man as he was physically attacked with thrown rocks, bottles, and a metal pipe while one of his assailants shouted “Get out of Germany, you Judensau!” in 2008.¹⁸⁹
152. In Islamic antisemitism there is a story of some Jews being turned into apes and pigs and this has been used as part of a tradition of degrading Jews (footnotes omitted, emphasis added):¹⁹⁰

Jews are seen first and foremost as infidels and the Koran has a specific commandment to degrade them. These images almost certainly influenced not only the Muslim religious establishment but also the masses who fulfilled the Koran’s commandments, albeit only perfunctorily. They also heard the oral traditions which generally refer to the Jews even more severely than does the Koran. In part of the traditions the Jews are debased forever, cursed and anathematized by God to the end of time, and so rejected by Him that they can never repent; some of them were even **turned into monkeys and pigs**. They have been frightfully execrated, but, since they are by nature cheats and traitors, they denied Muhammad and were jealous of his success. From then on and ever after they have been defiant and stubborn, rebelling against the true prophets and killing them. “Jews are never found in any land but that they are the lowest of its inhabitants.” The Jewish sages falsified the Torah, and the Jews in general are liars, take bribes, and eat carrion.

¹⁸⁷ Joseph Kaplan, “Jews and Judaism in the Political and Social Thought of Spain in the Sixteenth and Seventeenth Centuries” in Shmuel Almog (ed, 1988) *Antisemitism Through the Ages*, Pergamon Press. 154

¹⁸⁸ Carol Schaeffer, “Hatred in Plain Sight”, *Smithsonian Magazine*, October 2020.

<https://www.smithsonianmag.com/history/germany-nazism-medieval-anti-semitism-plain-sight-180975780/>

¹⁸⁹ Ibid.

¹⁹⁰ Shalom Bar-Asher, “Antisemitism and Economic Influence: The Jews of Morocco (1672-1822)” in Shmuel Almog (ed, 1988) *Antisemitism Through the Ages*, Pergamon Press. 196—197.



153. Chapelan notes how the images of the ape and pig are key forms of dehumanisation of Jews and occurring in both Islamic and non-Islamic sources.¹⁹¹ They note the Bavarian writer Johan Pezzl's dehumanising claim in 1933 that "there is no category of supposed human beings which comes closer to the Urang-Utan than does a Polish Jew".¹⁹² They also note how "Some pro-Palestinian figures, from Hamas-affiliated radical clerics to the former Egyptian President Mohammed Morsi, still resort to the trope that Jews are descendants of 'apes and pigs.'"¹⁹³
154. The Mohammed Morsi example became news in 2013, but the comments were made in 2010 before he became President of Egypt. In the comments made on TV, he called Jews "descendants of apes and pigs". Forbes describe the comments as "vicious Jew-hating rants".¹⁹⁴ The US called the comments "deeply offensive" and called on Morsi to clarify his comments.¹⁹⁵ A US State Department spokesperson said "We completely reject these statements, as we do with any language that espouses religious hatred... This kind of rhetoric has been used in this region for far too long. It's counter to the goals of peace."¹⁹⁶
155. Foreign Policy Research Institute notes how in December 2014 a Jordanian MP Khalil Attieh "again revealed his anti-Semitic prejudices by denigrating Jews as the descendants of apes and pigs on Roya TV".¹⁹⁷

¹⁹¹ Alexis Chapelan, "Repulsiveness and Dehumanisation" in Matthias J. Becker, Hagen Troschke, Matthew Bolton and Alexis Chapelan (eds, 2024) *Decoding Antisemitism: A Guide to Identifying Antisemitism Online*, Switzerland: Palgrave Macmillan. 75—78.

¹⁹² Ibid, 76—77 citing Pezzl, Johan. 1923. *Skizze von Wien: Ein Kultur-und Sittenbild aus der josephinischen Zeit*. Graz: Leykam-Verlag.

¹⁹³ Alexis Chapelan, "Repulsiveness and Dehumanisation" in Matthias J. Becker, Hagen Troschke, Matthew Bolton and Alexis Chapelan (eds, 2024) *Decoding Antisemitism: A Guide to Identifying Antisemitism Online*, Switzerland: Palgrave Macmillan. 77.

¹⁹⁴ Richard Behar, "Finally: White House Rips Linking of Jews to 'Apes and Pigs' by Egypt's Morsi, After Forbes Report", *Forbes*, 15 January 2013. <https://www.forbes.com/sites/richardbehar/2013/01/15/finally-white-house-rips-linking-of-jews-to-pigs-by-egypts-morsi-after-forbes-report/>

¹⁹⁵ Richard Behar, "Morsi's anti-Semitic slurs 'deeply offensive', US says", *BBC World News*, 16 January 2013 <https://www.bbc.com/news/world-middle-east-21037606>

¹⁹⁶ The US often classified anti-Jewish hatred as religious vilification rather than racism, though both are unlawful due to the First Amendment. As explained in the introduction, in Australia and similar countries where racial hatred is unlawful, anti-Jewish hate is classed as racism.

¹⁹⁷ Michael Sharnoff, "The Pervasiveness of anti-Semitism in Jordanian Media—and Prospects for Change", *Foreign Policy Research Institute E-Notes*, September 20, 2017. <https://www.fpri.org/article/2017/09/pervasiveness-anti-semitism-jordan-change/>



156. Muhammad Amr Al-Qadi, Dean of the Faculty of Islamic and Arabic Studies at Al-Azhar University, described as the most important religious authority in the Sunni Muslim world, wrote on Facebook in October 18 2023:

“And there are many other gains that have a hadith, I ask God to strengthen his soldier, strengthen his party, and help our brothers in: Gaza, Palestine, and the rest of the Muslim countries against our enemies, their enemies, the enemies of God and the cursed humanity, the offspring of the polluted monkeys and pigs.”¹⁹⁸ (Facebook’s translation, the original is in Arabic).

157. This was picked up by MEMRI who called them “virulently antisemitic remarks” noted the reference to monkeys and pigs means Jews.¹⁹⁹

Jews are dirty / filthy

158. This claim is reflecting in the following imputation:

- **Speech B (b) the Jewish people are filthy.**

159. The *Louis D. Brandeis Center for Human Rights Under Law* have produced a useful “Fact Sheet on the Elements of Anti-Semitic Discourse” which has been included in testimony to the Office of the UN High Commission for Human Rights.²⁰⁰ The document lists “Dirt and Disease” as one of the 10 “the most common motifs in anti-Semitic discourse.”²⁰¹ It explains:

Jews have long been described, literally or metaphorically, as carriers of a physical defect, deformity or disease, often associated with ugliness, weakness, dirt and excrement.... Similarly, the phrase “dirty Jew” has long been common among anti-Semites, and stereotypes of “Jewish odor” were once commonplace. Jews were banned from German swimming pools and

¹⁹⁸ This post is still live on Facebook and can be seen at:

<https://www.facebook.com/drmalgady/posts/pfbid0HLvoniEjAXnfYFHjifuZqij9Fud8NyUfj1F6R4y8cL2RSJfHyoBs8bGqnbM4Pql>

¹⁹⁹ “Virulent Incitement By Al-Azhar: Praise For Palestinian Jihad Fighters; Israel Is Destined To Perish; U.S. Is The Greatest Satan; Jews Are Descendants Of Apes And Pigs”, MEMRI Special Dispatch No. 10952, November 10, 202.

<https://www.memri.org/reports/virulent-incitement-al-azhar-praise-palestinian-jihad-fighters-israel-destined-perish-us>

²⁰⁰ The Louis D. Brandeis Center for Human Rights Under Law, “Fact Sheet on the Elements of Anti-Semitic Discourse”, https://www.ohchr.org/sites/default/files/Documents/AboutUs/CivilSociety/ReportHC/75_The_Louis_D._Brandeis_Center_Fact_Sheet_Anti-Semitism.pdf

²⁰¹ Ibid.



quarantined during the cholera and typhus epidemics of 1892.... The term “dirty Zionist” is now sometimes used in place of “dirty Jew.”

160. The Nazi propaganda film “The Eternal Jew” (1940) shows Aryan families living in clean houses, compared to Jewish families that it depicts choosing to live in bug-infested dirty homes.²⁰² Jews were also visually presented as rats and other vermin in Nazi propaganda.
161. More recently we have the antisemitic murder of Mathieu Roumi in France on 22 February 2008. The Muslim gang who killed him “shoved cigarette butts and a condom into his mouth, and using correction fluid scrawled ‘dirty Jew’ and an anti-gay insult on his forehead.”²⁰³

BDS

162. This claim is reflecting in the following imputation:

- **Speech A (k) people should boycott all Jewish businesses and products, which include (but are not limited to) Coca-Cola, Nike, McDonalds and Starbucks.**

163. The boycott of Jewish businesses is most well-known in the context of the Nazis Party’s boycott of Jewish business which began on 1 April 1933.²⁰⁴ The Holocaust Encyclopedia explains:

On the day of the boycott, Storm Troopers (Sturmabteilung; SA) stood menacingly in front of Jewish-owned department stores and retail establishments, and the offices of professionals such as doctors and lawyers. The Star of David was painted in yellow and black across thousands of doors and windows, with accompanying antisemitic slogans. Signs were posted saying “Don’t Buy from Jews” and “The Jews Are Our Misfortune.” Throughout Germany, acts of violence against individual Jews and Jewish property occurred; the police intervened only rarely.

²⁰² Steven K. Baum (2012) *Antisemitism Explained*, University Press of America. 79.

²⁰³ Ibid, 218.

²⁰⁴ <https://encyclopedia.ushmm.org/content/en/article/boycott-of-jewish-businesses>



164. While this boycott lasted only a day, it was the start of a nationwide boycott of Jewish businesses and professionals in Germany, and a week later saw new laws passed which to prevent “non-Aryans” working in the public service, leading to Jewish civil servants, teachers and academics being fired.²⁰⁵
165. The other well-known anti-Jewish boycott is that of the *Arab League* (a political grouping of countries). The Arab League was created in 1944 with one of its stated objectives being “to frustrate further Jewish economic development in Palestine by means of a boycott against Zionist produce”.²⁰⁶ This was implemented through the Resolution 16 of the Arab League in 1946 which created the “Permanent Boycott Committee” (later the “Central Boycott Committee”) and declared that “Products of Palestinian Jews are to be considered undesirable in Arab countries. They should be prohibited and refused as long as their production in Palestine might lead to the realization of Zionist political aims”.²⁰⁷ This in turn led to the establishment of boycott offices in each Arab country and the passage of Resolution No. 68 which said “Propaganda should be carried on to make the boycott of Zionist goods a creed of the Arab nations so that each Arab might preach it enthusiastically to all.”²⁰⁸ With the creation of the State of Israel the boycott became a boycott of the new State of Israel.
166. The Central Boycott Committee of the Arab League operated a “blacklist” that would bar companies from doing business with their member states if they were engaging in certain forms of business with Israel.²⁰⁹ The reasons for being blacklisted were uncertain and kept changing, and fear of being blacklisted led companies to avoid doing business with Israel.²¹⁰ A famous case was a decision of Coca-Cola not to grant a franchise to an Israeli company, which led to significant protests in the United States over what was seen as caving to the Arab Leagues pressure.²¹¹ There was also a secondary boycott, where companies having dealings with companies on the blacklist would themselves be blacklisted.²¹²

²⁰⁵ Ibid.

²⁰⁶ *The Protocol of Alexandria*, cited in Losman, D. L. (1972). “The Arab Boycott of Israel.” *International Journal of Middle East Studies*, 3(2), 99–122, 100. <http://www.jstor.org/stable/162679>.

²⁰⁷ Resolution 16, cited in Losman, D. L. (1972). “The Arab Boycott of Israel.” *International Journal of Middle East Studies*, 3(2), 99–122, 100. <http://www.jstor.org/stable/162679>.

²⁰⁸ Resolution 68, cited in Losman, D. L. (1972). “The Arab Boycott of Israel.” *International Journal of Middle East Studies*, 3(2), 99–122, 100. <http://www.jstor.org/stable/162679>.

²⁰⁹ Losman, D. L. (1972). “The Arab Boycott of Israel.” *International Journal of Middle East Studies*, 3(2), 99–122, 108. <http://www.jstor.org/stable/162679>.

²¹⁰ Ibid.

²¹¹ Ibid, 108-109.

²¹² Ibid, 109-110.



167. While the Arab League claimed to be only anti-Zionist and not antisemitic, Losman notes how “the anti-Israel campaign has taken on an anti-Semitic character” as it sought to punish Jews for their support of Israel. Losman cites a statement by King Faisal of Saudi Arabia in which the King explained, “Unfortunately Jews support Israel and we consider those who provide assistance to our enemies to as our own enemies.”²¹³
168. The modern “BDS Campaign” (Boycotts, Divestments and Sanctions) started with an “acting steering committee” in 2006 and officially launched under the leadership of the “BDS National Committee” (BNC) in 2008.²¹⁴ It traces its origins to two sources, one is the Arab League boycott just discussed, the other is the anti-Israel academic boycotts that occurred in the UK starting in 2005. Larry Summers, then President of Harvard University, labelled these academic boycotts “actions that are anti-Semitic in their effect if not their intent”.²¹⁵ As I have written about in the past, the modern BDS movement was steeped in the imagery of antisemitism, particularly blood libel,²¹⁶ but also made use of antisemitic conspiracy theories about Jewish being responsibility for everything wrong in the world,²¹⁷ and promoting the antisemitic “Zionism = Racism” trope.²¹⁸
169. While a 2014 statement from the BNC said Coca-Cola, McDonald’s and Starbucks were not priorities,²¹⁹ a 2024 article calls for a boycott Coca-Cola,²²⁰ and a 2023 article call for a boycott of a range of companies including McDonalds.²²¹ Starbucks was threatened with being added to the list in 2014, but is not currently listed as an entity to be boycotted by BNC.²²² Starbucks faced intense boycott calls in 2024 after taking action against its employees union for a social media post that used a logo similar to that of

²¹³ “Faisal Remark stirs up N.Y. Dinner Party”, *Miami News* (23 June 1966), p. 1. Cited in Losman, D. L. (1972). “The Arab Boycott of Israel.” *International Journal of Middle East Studies*, 3(2), 99–122, 110. <http://www.jstor.org/stable/162679>.

²¹⁴ Andre Oboler, “Challenging the Boycott, Divestment and Sanctions (BDS) Movement” in Ronnie Fraser and Lola Fraser (eds) (2023) *Challenging the Boycott, Divestment and Sanctions (BDS) Movement: 20 Years of Responding to Anti-Israel Campaigns*, London: Routledge. 170-191, 172.

²¹⁵ Lawrence H. Summers, “Address to the Academic Freedom and Anti-Semitism Forum, Columbia Center for Law and Liberty,” 29 January 2015, http://larrysummers.com/wp-content/uploads/2015/01/AcademicFreedomAndAntiSemitism_FINAL1-2.pdf

²¹⁶ Andre Oboler, “Challenging the Boycott, Divestment and Sanctions (BDS) Movement” in Ronnie Fraser and Lola Fraser (eds) (2023) *Challenging the Boycott, Divestment and Sanctions (BDS) Movement: 20 Years of Responding to Anti-Israel Campaigns*, London: Routledge. 170-191, 180.

²¹⁷ Ibid 183.

²¹⁸ Ibid 184.

²¹⁹ <https://www.bdsmovement.net/make-an-impact>

²²⁰ <https://www.bdsmovement.net/news/coca-cola-quenching-israel%E2%80%99s-genocidal-soldiers%E2%80%99-thirst>

²²¹ <https://www.bdsmovement.net/Act-Now-Against-These-Companies-Profiting-From-Genocide>

²²² <https://www.bdsmovement.net/news/starbucks-may-face-boycott-if-it-partners-sodastream>



the company with a message supporting Palestine and opposing Israel's initial response to the October 7 attack.²²³ This was exacerbated by social media disinformation that claimed the CEO of Starbucks was now begging for forgiveness and pledging to donate money to Palestinian after previously financially supporting Israel, both the claim of support for Israel and that of support for Palestine are false.²²⁴ It reignited an issue that started with hoax email in 2006, Nike is not listed by the BNC, but is listed by the BDS Movement in Canada,²²⁵ and Masjid Al-Aqsa.²²⁶

170. The boycotts campaign is widely viewed as antisemitic in the Jewish community, either explicitly or, as Summers explained, in effect. Since October 7 2023 there have been incidents in Australia of Jewish businesses being harassed or targeted with property damage such as graffiti.²²⁷ This is reminiscent of those earlier boycotts including in Germany in 1933. While the direct targets here are multinational companies, Jewish people are offended, insulted, humiliated and intimidated by such calls to boycott which not simply a call to exert political pressure as consumers, but have a far darker history.

Conclusion

171. I have provided the historical and cultural context of these imputations, specifically that they represent traditional anti-Jewish tropes, conspiracy theories and negative stereotypes of Jews (that is, of Jewish people based on their membership of the group). I have explained the link between deadly attacks on Jews and such antisemitic discourse both historically and in recent times, including in relation to Hamas and the October 7, 2023, terrorist attack in Israel which triggered the war that is part of the context in which these remarks were made. The link between antisemitic statements and a long history of anti-Jewish violence, dehumanisations, and discrimination is common knowledge in the Jewish community, and to a lesser depth of detail is understood as common knowledge within the wider Australian

²²³ Astha Rajvanshi and Yasmeen Serhan, "What to Know About the Global Boycott Movement Against Israel", *Time Magazine*, 14 February 2024. <https://time.com/6694986/israel-palestine-bds-boycotts-starbucks-mcdonalds/>

²²⁴ Tom Norton, "Fact Check: Has Starbucks CEO Apologized Over Israel Support?" *Newsweek*, 10 January 2024. <https://www.newsweek.com/fact-check-starbucks-ceo-apologized-israel-support-1859521>

²²⁵ <https://bdscoalition.ca/2023/12/15/apartheid-is-not-stylish/>

²²⁶ <https://masjidalaqsa.com/boycott/nike-israel-bds>

²²⁷ Bruce Hill, "Jewish bakery targeted in antisemitic attack", *Australian Jewish News*, 10 March 2025.

<https://www.australianjewishnews.com/jewish-bakery-targeted-in-antisemitic-attack/>; Duncan Evans, "Avner's Bakery in inner-city Sydney hit with Nazi, Hamas graffiti", *The Australian*, 13 October 2024.

<https://www.theaustralian.com.au/breaking-news/avners-bakery-in-innecity-sydney-hit-with-nazi-hamas-graffiti/news-story/3415e201409ec10ede63af82129b3958>; April Glover, "Jewish business founded by Holocaust survivors targeted with antisemitic graffiti", *9 News*, 17 February 2025. <https://www.9news.com.au/national/melbourne-news-jewish-owned-business-malvern-east-targeted-with-antisemitic-graffiti/55a953ae-a71e-427a-9507-e755ac0e112a>



community.²²⁸ Such antisemitic statements are, to the Jewish community, seriously harmful and Jewish people feel it quite viscerally because of their history.

Declaration

172. I have made all the inquiries which I believe are desirable and appropriate, and no matters of significance which I regard as relevant have, to my knowledge, been withheld from the court.

@boier

Andre Oboler

8 April 2025

²²⁸ For example, in a survey by Deakin University, 70% of Australians recognising that the Holocaust refers to the genocide of Jews in 1933-1945, and most (54%) know that in the Holocaust approximately six million Jews were murdered. Cooke S., Frieze, D., Singleton, A. and Vergani, M. (2022) *Gandel Holocaust Knowledge and Awareness in Australia Survey: Project Report*. Geelong: Deakin University. P 4. https://gandelfoundation.org.au/wp-content/uploads/2022/01/Gandel-Holocaust-Report-FINAL-FOR-RELEASE-26_1_22.pdf. I suggest these people would also be aware of the Nazis anti-Jewish propaganda which made the Holocaust possible. As the Ontario Court of Appeal in Canada said in 1989, “The Holocaust did not begin in the gas chambers. It began with words, with racial incitement” *R v. Andrews and Smith* (1989) 65 O.R. (2d) 161 (Ont.CA) at 179.



Appendices

- Dr Andre Oboler's Curriculum Vitae
- The letter of instruction requesting this report
- A copy of the Federal Court of Australia Expert Evidence Practice Note (GPN-EXPT)

Personal details

Name: Andre Oboler

Nationality: Australian

Email: andre@oboler.com | Web: www.oboler.com

LinkedIn: <https://au.linkedin.com/in/oboler>

Google Scholar: <https://scholar.google.com/citations?user=lrkpnC8AAAAJ&hl=en>

Education

Post-Doctoral Fellowship in Political Science, Bar-Ilan University (Israel), 2007 - 2008

- Topic: Interdisciplinary research into political manipulation of Wikipedia and software design flaws that enable the problem to go largely undetected. Supervisor: Prof. Gerald Steinberg.

PhD in Computer Science, Lancaster University (UK), 2003-2007

- Topic: Software Engineering in the Research Environment – Improving the Process of Process Improvement Processes. Supervisor: Prof. Ian Sommerville
- Awards: Full scholarship from Lancaster University

LLM (Juris Doctor), Monash University (Australia), 2009 - 2013

- Graduate Research Paper - Topic: The application of legal doctrines to the area of online hate speech, Supervisor: Prof. Jonathan Clough.
- Awards: Highest grade in: Technology Contract and Licensing Law; Highest grade for a Graduate Research Paper.

Honours in Computer Science (First Class), Monash University (Australia), 2002

- Thesis topic: Use of Software Engineering in the Computer Science Research, Supervisors: Dr David Squire and Dr Kevin Korb
- Awards: Highest grade in: Communications and Research Skills; Highest grade in: Bayesian Models; Highest grade in: Information Security

Selected Training

- 2015 - 2016 Company Directors Course, Australian Institute of Company Directors
- 2006 Diplomatic Leadership Seminar, Israeli Foreign Ministry
- 2005 Stage 1 Certificate in Learning and Teaching in Higher Education, Centre for the Enhancement of Learning and Teaching, Lancaster University

Selected Appointments

- 2024 – 2025 Chair, IEEE Global Public Policy Committee (IEEE Board of Directors appointment)
- 2024 – 2025 Vice President (Technical Operations), IEEE Systems Council
- 2022 – 2024 IEEE Tech Ethics Global Ambassador
- 2021 Member of the Expert Group for the Malmö Forum, Government of Sweden
- 2021 – 2022 Vice President (Member and Geographic Activities), IEEE Computer Society
- 2018 – 2023 IEEE Global Public Policy Committee (Appointed by the IEEE Board of Directors)
- 2018 – 2020 HDR Supervisor Affiliate (external supervisor) for the University of Sydney. Co-supervised a PhD student to completion, the thesis was titled “Antisemitic Memes and Naïve Teens: Qualitative and Quantitative Impacts of the Internet on Antisemitism, the Evolution of Antisemitism 2.0, and Developing Adaptable Research Methodologies into Online Hate, Abuse, and Misinformation”.
- 2015 – Present Expert Member of the Australian Government’s Delegation to the International Holocaust Remembrance Alliance (IHRA) & member of the IHRA Committee on Antisemitism and Holocaust Denial (Appointed by: Australian Government)
- 2007 - 2017 Co-Chair (Antisemitism on the Internet & in the Media), Global Forum for Combating Antisemitism (Appointed by: Israeli Foreign Ministry)
- 2010 Experts Forum Member & Panelist, Inter-parliamentary Coalition for Combating Antisemitism

Selected Volunteering

- 2014 – 2020 Councilor, Executive Council of Australian Jewry (ECAJ)
- 2014 – 2020 Executive Member, Jewish Community Council of Victoria (JCCV)

Dr Andre Oboler

Resume

2005 - 2006	Board Observer, Quality Assurance Agency for Higher Education (UK)
2003 - 2004	Chair, Lancaster University Jewish Society (committee to 2006)
2005	Deputy, Board of Deputies of British Jews (UK)
2005	National Secretary, Union of Jewish Students (UK and Ireland)

Work History

Online Hate Prevention Institute

Managing Director and CEO (2012-present)

I led the founding of Australia's first charity dedicated to tackling online hate and have managed the day-to-day operations, staff, research, education, and stakeholder engagement. In this role I have worked with a wide range of communities, governments, civil society organisations and inter-governmental organisations.

American Jewish Congress

Senior Adviser (2020-2021)

I provide a range of services to the Congress leading their research efforts into antisemitism and extremism, strategic input into engagements with the White House, Congress, the media and the diplomatic corps, and technical support for their online advocacy and donor relations.

Department of Education and Training, Victoria Government

Intercultural adviser to the independent inquiry into Antisemitism at Brighton Secondary (2020)

In this role I supported the independent inquiry and advised the department on matters related to antisemitism in schools. I reviewed the methodology, and the evidence gathered by the investigator, provided advice on intercultural aspects of evidence and on intercultural aspects of recommendations. I contributed ideas for recommendations and background research to support the report and inform the investigator understanding. This work led to the adoption of the IHRA Working Definition of Antisemitism both for the inquiry and more generally by the department.

La Trobe University

Adjunct Associate Professor (2025 – present); Honorary Associate (2020 – 25); Sessional Lecturer (2020); Senior Lecturer / Lecturer (2017-19)

I contribute to the research efforts of the La Trobe Law School, particularly in the area of online hate speech and internet regulation. I was previously employed as a sessional academic to

Dr Andre Oboler

Resume

develop and deliver an online course for the Department of Computer Science introducing students to a range of humanities disciplines including anthropology, history, psychology, and sociology. Prior to that I was employed full time as a Senior Lecturer and before that lecturer, to develop and deliver new subjects for the Masters of Cyber Security, Juris Doctor, Bachelor of Cyber Security and Bachelor of Law programs.

Monash University

Tutor / Senior Tutor (2004 - 2007; 2015 - 2017)

As a tutor / senior tutor in the Faculty of Information Technology I designed and marked assessment, led tutorials, and supervised lab classes, for a wide range of computer science and software engineering subjects.

Zionist Federation of Australia

Director of Online Engagement (2009-2011)

I led a small team developing software and websites, running campaigns and publishing research and media articles about online issues impact the Jewish community and Israel.

NGO Monitor / Legacy Heritage Foundation

Legacy Heritage Fellow (2007-2008)

This role was part of a highly competitive yearlong professional development program for outstanding leaders. The program involved a cohort of 20 recent graduates from across Europe, the USA and Israel and participation in three international leadership conferences as well as the yearlong placement with a mentor from government or the NGO sector in their organisation. Within my placement at NGO Monitor I participated in research and publication work, developed new software, managed interns and improved research and monitoring methodologies.

Lancaster University

General Teaching Assistant (2005 - 2007)

As General Teaching Assistant I designed and delivered subjects on web technologies and provided tutoring and a range of administrative and technical support for subjects across a range of computer science and software engineering areas.

Achievements and contributions

I am an internationally recognised expert in the area of online hate speech and extremism and the policies, practices, tools and legal approaches to combat it. I have delivered over 200 presentations (97 international; 136 invited presentations) including 27 guest lectures and 12 invited keynotes. I have authored / co-authored 1 book and 11 book chapters with major publishers, 29 reports, 14 journal papers, 10 conference papers, 28 submissions to government, and over 250 online articles.

My key contribution has been in the area of online antisemitism, including the work initially coining the term “antisemitism 2.0”. As co-chair of the Online Antisemitism Working Group of the Global Forum for Combating Antisemitism between 2009 to 2017 I co-edited a range of reports collating the state of knowledge. I also produced the first empirical research into antisemitism in social media released in the 2016 report “Measuring the Hate: The State of Antisemitism in Social Media”. More recent work has examined how different stakeholders can work together, locally and globally, to better measure and respond to online antisemitism. A significant part of this work has focused on Holocaust denial and particularly distortion.

My work also covers others forms of hate, such as Islamophobia, anti-Asian hate, and misogyny. In this way both methodology and policies ideas are shared across boundaries related to specific kinds of hate, while still respecting the specific nature of each kind of hate and the specific ways it manifests. My work has generated extensive media interest and I regularly provide media commentary on television, radio, and in the online / print media both in Australia and internationally.

Authored books

1. Jakubowicz A, Dunn K, Mason G, Paradies Y, Bliuc A, Bahfen N, Atie R, Connelly K, Oboler A. 2017. *Cyber Racism and Community Resilience*. Palgrave MacMillan.

Book chapters

1. **Under review:** Andre Oboler and Allington, “Historical and contemporary expressions of Holocaust Disinformation in Australia” in Avril Alba and Jan Lanicek (eds) *The Palgrave Handbook on Australia and the Holocaust*.
2. Casanovas P, and Oboler A, “Foreword: A Holistic Framework for Hate Speech Modelling” in *Regulating Hate Speech Created by Generative AI* (CRC Press, 1 Jan 2025)
3. Andre Oboler, “Trials and Challenges Measuring Online Hate”, in Branco Di Fátima (Ed) *Online Hate Speech* (LabCom Books, October 2024).
4. Andre Oboler, “Chapter 11: Online BDS and Antisemitic Hate”, in Ronnie Fraser and Lola Fraser (eds) *Challenging the Boycott, Divestment and Sanctions (BDS) Movement: 20 Years of Responding to Anti-Israel Campaigns* (Routledge, March 2023)
5. Oboler A., Casanovas P. (2021) “The Web of Data’s Role in Legal Ecosystems to Address Violent Extremism Fuelled by Hate Speech in Social Media” in: Rodríguez-Doncel V., Palmirani M., Araszkievicz M., Casanovas P., Pagallo U., Sartor G. (eds) *AI Approaches to the Complexity of Legal Systems XI-XII*. AICOL 2020, AICOL 2018, XAILA 2020. Lecture Notes in Computer Science, vol 13048. Springer, Cham. https://doi.org/10.1007/978-3-030-89811-3_16
6. Andre Oboler, "Solving Antisemitic Hate Speech in Social Media through a Global Approach to Local Action". Volume 5 *Confronting Antisemitism in Modern Media, the Legal and Political Worlds*, edited by Armin Lange, Kerstin Mayerhofer, Dina Porat and Lawrence H. Schiffman (De Gruyter, 2021) pp. 343-368. <https://doi.org/10.1515/9783110671964-022>
7. Andre Oboler, “After the Charlie Hebdo Attack: The Line between Freedom of Expression and Hate Speech” in Mikael Shainkman (Ed) *Antisemitisms Today and Tomorrow: Global Perspectives on the Many Faces of Contemporary Antisemitism* (Academic Studies Press, 2018).
8. Andre Oboler, “Zionism through the Internet’s looking glass” in *From Antisemitism to Anti-Zionism: The Past & Present of a Lethal Ideology* (Academic Studies Press, 2017).

9. Andre Oboler, "The normalisation of Islamophobia through social media: Facebook" in *Islamophobia in Cyberspace: Hate Crimes Go Viral*, Routledge, 2016.
10. Andre Oboler, "Online Antisemitism 2.0 and Social Acceptability" in Eunice Pollack (Ed), *Antisemitism on the Campus: Past & Present*, Academic Studies Press, 2010.

Journal articles

11. Andre Oboler, 2024. Review of "Phishing for Nazis: Conspiracies, Anonymous Communications and White Supremacy Networks on the Dark Web" by Lev Topor, *Australian Journal of Jewish Studies*, Vol. XXXVII, 88-92.
12. Oboler, A. and Connelly, K. 2018. Building SMARTER Communities of Resistance and Solidarity. *Cosmopolitan Civil Societies: an Interdisciplinary Journal*, 10(2), 91-110.
13. Andre Oboler, Legal Doctrines Applied to Online Hate Speech, *Computers & Law*, Number 87, pp 9—15, July 2014.
14. Andre Oboler, "Tackling antisemitism on Facebook." *Journal for the Study of Antisemitism* 5.1 (June, 2013) p. 295
15. Andre Oboler, Kristopher Welsh, Lito Cruz, The danger of big data: Social media as computational social science, *First Monday*, Volume 17, Number 7 – 2 July 2012
16. Andre Oboler, A legal model for government intervention to combat online hate, *Internet Law Bulletin* 14(2), May 2011
17. Andre Oboler, The ICCA tackles online hate, (2011) 13 (9&10) *Internet Law Bulletin*
18. Andre Oboler, Time to Regulate Internet Hate with a New Approach? (2010) 13(6) *Internet Law Bulletin*
19. Andre Oboler, Gerald Steinberg and Rephael Stern, The Framing of Political NGOs in Wikipedia through Criticism Elimination, *Journal of Information Technology and Politics*, 7(4), 2010
20. Andre Oboler, The Rise and Fall of a Facebook Hate Group, *Covenant – Global Jewish Magazine*, Volume 3, Issue 1 (August 2009) [An updated version of the *First Monday* article with both editors consent]

21. Andre Oboler, Facebook, Holocaust Denial, and Anti-Semitism 2.0, Post-Holocaust and Anti-Semitism Series, No. 86, The Jerusalem Center for Public Affairs, 15 September 2009
22. Andre Oboler, The rise and fall of a Facebook hate group, First Monday, Volume 13, Number 11 – 3 November 2008
23. Andre Oboler, Google Earth: A New Platform for Anti-Israel Propaganda and Replacement Geography, Jerusalem Issue Briefs, Vol. 8, No. 5, JCPA, 26 June 2008
24. Andre Oboler, Online Antisemitism 2.0. “Social Antisemitism on the Social Web”, Post-Holocaust and Antisemitism Series, JCPA, (April 2008, No. 67)
25. Andre Oboler, David McG. Squire and Kevin B. Korb, Software Engineering for Computer Science Research – Facilitating Improved Research Outcomes, International Journal of Computer and Information Science, 5, 1, pp. 24-34, January 2004

Conference proceedings

26. Casanovas Romeu P. And Oboler AS, ‘Behavioural Compliance and Law Enforcement in Online Hate Speech’. *CEUR Workshop Proceedings*. 2019
27. Meg Colasante, Andre Oboler, Louisa Walsh, Mark Civitella, ‘Striving for authentic social constructivism in online learning; examples from postgraduate Law & Humanities’, *ASCILITE 2018: Conference Proceedings*, 2018, 324-329.
28. Andre Oboler, Solving antisemitic hate speech in social media through a global approach to local action, “An End to Anti-Semitism!”, Vienna, Feb 18 – 22, 2018.
29. Andre Oboler and Karen Connelly, Hate Speech: a Quality of Service Challenge, Proceedings of the IEEE Conference on e-Learning, e-Services and e-Management, Melbourne, 10-12 December 2014.
30. Andre Oboler, Simon Lock, Ian Sommerville, “Targetted Improvements,” in proceedings of the second International Conference on Software Engineering Advances (ICSEA 2007), Cap Esterel, France, 25-31 Aug. 2007, IEEE Press, 2007.
31. Andre Oboler, Formal Technical Reviews for Research Projects, CAQDAS 07 Conference – “Advances in Qualitative Computing”, London, 18-20 April 2007.

32. Andre Oboler and Ian Sommerville, Research Documentation Guidelines: Capturing knowledge, improving research, in proceedings of Fourth International Conference on Information Technology : New Generations (ITNG 2007), Las Vegas, Nevada, USA, April 2-4, 2007
33. Andre Oboler, Charles Twardy and David Albrecht, Super Iterator: A design pattern for Algorithm and Data structure collections, in proceedings of Fourth International Conference on Information Technology : New Generations (ITNG 2007), Las Vegas, Nevada, USA, April 2-4, 2007
34. Andre Oboler, Ian Sommerville, Simon Lock, Reflection: Improving research through knowledge transfer, in proceedings of the first International Conference on Software Engineering Advances (ICSEA 2006), Tahiti, French Polynesia, 29 October – 1 November 2006
35. Andre Oboler (2003). Examining the use of Software Engineering by Computer Science Researchers. In Proceedings of Education Students’ Third Regional Research Conference, Graduate School in Humanities University of Cape Town, Cape Town, South Africa. pp. 37-45, 26-27 September 2003.

Submissions to Government

36. Andre Oboler, Online Hate Prevention Institute submission to the statutory review into the operation of the Online Safety Act 2021, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Australian Government, 2024
37. Australian IHRA Experts Submission to the Joint Select Committee on Social Media and Australian Society, 2024
38. Andre Oboler, Online Hate Prevention Institute Submission to Joint Select Committee on Social Media and Australian Society, 2024
39. Andre Oboler, Online Hate Prevention Institute submission to the Attorney General Department’s Public Consultation on Doxxing and Privacy Reforms, 2024

40. Andre Oboler, Online Hate Prevention Institute submission to the Parliamentary Joint Committee on Intelligence and Security on Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023 (Cth), 2023
41. Andre Oboler, Online Hate Prevention Institute submission to the Legal and Constitutional Affairs Legislation Committee of the Senate on the Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023 (Cth), 2023
42. Andre Oboler, Online Hate Prevention Institute submission on Legislative ban of the Nazi salute, Department of Justice and Community Safety, Victorian Government, 2023
43. Andre Oboler, Online Hate Prevention Institute Submission on Prohibition on Display of Nazi Symbols, Department of Justice and Community Safety, Victorian Government, 2022
44. Andre Oboler, Online Hate Prevention Institute Submission on the National Anti-Racism Framework, Australian Human Rights Commission, Australian Government, 2022
45. Andre Oboler, Mark Civitella, David Wishart and Simon Katterl, Online Hate Prevention Institute Submission to the Inquiry into the Online Safety Bill 2021, Senate Standing Committee on Environment and Communications, Australian Parliament, 2021
46. Andre Oboler, David Wishart, Alette de Koker, Online Hate Prevention Institute Submission to the Consultation on the Online Safety (Basic Online Safety Expectations) Determination, Department of Infrastructure, Transport, Regional Development And Communications, Australian Government, 2021
47. Andre Oboler, David Wishart, Simon Katterl, Online Hate Prevention Institute Submission to the Consultation on a Bill for a New Online Safety Act, Department of Infrastructure, Transport, Regional Development And Communications, Australian Government, 2021
48. Andre Oboler and Mark Civitella, Online Hate Prevention Institute Submission on Extremist Movements & Radicalism in Australia, Parliamentary Joint Committee on Intelligence and Security, Australian Parliament, 2021
49. Andre Oboler, Mark Civitella and David Wishart, Online Hate Prevention Institute, Supplemental Submission, Online Vilification and Coronavirus, Inquiry Into Anti-

- vilification Protections, Legal and Social Issues Committee Legislative Assembly, Parliament of Victoria, 2020
50. Andre Oboler, Mark Civitella and Nasya Bahfen, Online Hate Prevention Institute Submission to the Inquiry Into Anti-vilification Protections, Legal and Social Issues Committee Legislative Assembly, Parliament of Victoria, 2020
51. Andre Oboler, David Wishart and Mark Civitella, Online Hate Prevention Institute Submission to the Consultation on a new Online Safety Act, Department of Infrastructure, Transport, Regional Development and Communications, Australian Government, 2020
52. Andre Oboler, Online Hate Prevention Institute Submission on the Human Rights and Technology: Issues Paper (2018), Australian Human Rights Commission, Australian Government, 2018
53. Greg Adamson, Michael Guihot, Adam Ladders, Andre Oboler, Samuli Haataja, Morgan Broman, Kieran Tranter, Marcus Wigan, IEEE SSIT Experts Panel Submission on the Human Rights and Technology: Issues Paper (2018), Australian Human Rights Commission, Australian Government, 2018
54. Casanovas Romeu P, Watts D, de Koker L, Keyzer P, Wallace A, Morris N, Smyth S, Oboler A, Stammers M, Law Trobe Law Tech Submission on the Human Rights and Technology: Issues Paper (2018), Australian Human Rights Commission, Australian Government, 2018
55. Andre Oboler, Online Hate Prevention Institute Briefing for the Department of Home Affairs, Australian Government, 2018
56. Jakubowicz A, Dunn K, Mason G, Paradies Y, Bliuc A-M, Bahfen N, Atie R, Connelly K, Oboler A, Cyber Racism, Personal Well-being and Community Resilience, Project Report and Recommendations to Vichealth, Victorian Government (Confidential report), 2017
57. Jakubowicz A, Bliuc A-M, Dunn K, Bahfen N, Mason G, Atie R, Paradies Y, Connelly K, Oboler A, Czapski N, Cyber Racism, And Community Resilience: Project Report and Recommendations to Australian Human Rights Commission (a confidential report), 2017
58. Andre Oboler, Submission to the Inquiry into the Freedom of Speech in Australia, Parliamentary Joint Committee on Human Rights, Australian Parliament, 2016

59. Andre Oboler, Submission to the Inquiry into the 2016 Census, Senate Standing Committees on Economics, Australian Parliament, 2016
60. Andre Oboler, Submission on the Discussion Paper on Enhancing Online Safety for Children, Department of Communications, Australian Government, 2014
61. Andre Oboler, Submission to the Commonwealth Attorney-General on the Proposed Amendments to the Racial Discrimination Act 1975 (Cth), Australian Government, 2014
62. Andre Oboler, Submission on the draft issues paper “Two freedoms: freedom of expression and freedom from racial vilification”, Australian Human Rights Commission, Australian Government, 2013
63. Andre Oboler, Submission to the Coalitions Review of Online Safety for Children, Liberal Party of Australia and the National Party of Australia, 2012

Reports and other selected publications

64. A. Oboler, E. Roth, C. Noonan, K. Steiner, A. Mohammed, J. Beinart, J. Beinart, W. Oliver and S. McNamara. Online Anti-Muslim Hate and Racism Against Palestinians and Arabs: October 2023 – February 2024. Melbourne: Online Hate Prevention Institute, 2024.
65. A. Oboler, E. Roth, J. Beinart & J. Beinart Online Antisemitism After 7 October 2023. Melbourne: Online Hate Prevention Institute, 2024.
66. A. Oboler and J. Beinart, Online Antisemitism Before 7 October 2023, Melbourne: Online Hate Prevention Institute, 2023.
67. Andre Oboler, *Anti-Asian Racism in Australian Social Media* (Online Hate Prevention Institute, 25 October 2022).
68. Andre Oboler, *Buffalo Terrorist Attack* (Online Hate Prevention Institute, May 15, 2022)
69. *Nazi Symbols Are Saturating American Politics: Anti-vaxxers, Georgia Politicians, and White Supremacists Are Normalizing the Abnormal in Their Quest for Political Power* (American Jewish Congress, January 2022)
70. *Jews Are Not a Prop: Politicians Are Using Antisemitism as a Tool to Mobilize Extremism for Their Own Political Power* (American Jewish Congress, 19 July 2021)

71. Lyria Bennett Moses, Andre Oboler and Lauren Parnaby, "Tracking Violent Extremism Online and the Challenge of Open-Source Intelligence", Global Network on Extremism & Technology, 2 June 2021 <https://gnet-research.org/2021/06/02/tracking-violent-extremism-online-and-the-challenge-of-open-source-intelligence/>
72. *90 Days Of White Supremacist Radicalization: Extremism's Evolution In A Post-january 6th America* (American Jewish Congress, 6 April 2021)
73. *The New White Supremacist Politics: Why White Supremacy and QAnon Are Antisemitic & A Threat To The Jewish Community* (American Jewish Congress, April 2021)
74. *Radicalization's Exodus: Holocaust Denial Is Used As A Gateway To Further White Supremacist Radicalization* (American Jewish Congress, 26 January 2021)
75. *Capitol Storming: Neo-nazi, Qanon & Antisemitic Online Chatter* (American Jewish Congress, January 2021)
76. Andre Oboler, William Allington and Patrick Scolyer-Gray, *Hate and Violent Extremism from an Online Sub-Culture: The Yom Kippur Terrorist Attack in Halle, Germany* (Online Hate Prevention Institute, 2019).
77. Oboler, A. San Diego Synagogue Attack, Online Hate Prevention Institute, April 2019.
78. Oboler, A. *New Zealand Terrorist Attack*, Online Hate Prevention Institute, March 2019.
79. Oboler, A. *Bourke Street Attack November 2018*, Online Hate Prevention Institute, November 2018
80. Moses LB, Oboler A, Logan S, Wang M. *Project B4: Using 'Open Source' Data and Information for Defence, National Security and Law Enforcement: Legal Report (Report A)*. 1-67. 2018
81. Oboler A. *Car Attack in Flinders Street Melbourne*, Online Hate Prevention Institute 2017
82. Andre Oboler, "Measuring the Hate: The State of Antisemitism in Social Media", Online Hate Prevention Institute, Prepared for the Global Forum to Combat Antisemitism, Ministry of Foreign Affairs of the State of Israel, 2016.
83. Andre Oboler, *Je Suis Humain: Responsible free speech in the shadow of the Charlie Hebdo murders*, Online Hate Prevention Institute 2015

84. Andre Oboler, How Facebook Responded to Anti-Muslim Hate, Online Hate Prevention Institute, December 8, 2014
85. Andre Oboler, The Antisemitic Meme of the Jew, Online Hate Prevention Institute, 2014
86. Andre Oboler, Islamophobia on the Internet: The growth of online hate targeting Muslims, Online Hate Prevention Institute, 2013
87. Andre Oboler and David Matas (eds), "Online Antisemitism: A systematic review", Report of the Online Antisemitism Working Group of the Global Forum to Combat Antisemitism, Ministry of Foreign Affairs of the State of Israel, 30 May 2013.
88. Andre Oboler, Attacking the ANZACs on Facebook, Online Hate Prevention Institute, 2013
89. Andre Oboler, Recognizing Hate Speech: Antisemitism on Facebook, Online Hate Prevention Institute, 2013
90. Andre Oboler, Aboriginal Memes and Online Hate, Online Hate Prevention Institute, 2012
91. Andre Oboler, "Multiple and Severe Hate Speech on YouTube", Online Hate Prevention Institute, August 2012.
92. Andre Oboler and David Matas, Report from the Working Group on Online Antisemitism, the Global Forum to Combat Antisemitism, Jerusalem, December 2009.
93. Andre Oboler, "Enhancing Research: A Strategic Approach", poster for Emerging landscapes: Research into quality management in higher education' conference, Birmingham, 27 June 2007

Presentations

Recent Conferences Presentations

1. Andre Oboler, "Balancing free speech and human dignity in an artificial intelligence powered social media world", Annual Castan Centre for Human Rights Conference (Melbourne, 19 July 2024)
2. Andre Oboler, "Online Antisemitism, Social Media, and AI", European Conference of Public Prosecution Services on Antisemitism (The Hague, 4—5 June 2024)

3. Andre Oboler, “Survey Results”, European Conference of Public Prosecution Services on Antisemitism (The Hague, 4—5 June 2024)
4. Andre Oboler, “A civil society organisation's response to disinformation spreading hate and extremism online”, Conference on Disinformation Psychology (The University of Texas at Arlington, 14 October 2023)
5. Andre Oboler, “Workshop on Recognising Hate Speech”, IEEE Digital Platforms and Societal Harms, (Washington DC, 2—3 October, 2023)
6. Andre Oboler, “Measuring Moderation”, All Things in Moderation (Online, May 10, 2023)
7. Andre Oboler, “The situation today: Antisemitism and hate speech on the internet. Findings, data, statistics.” IHRA Greek Delegation Conference on *Fighting Antisemitism and Holocaust Distortion and Denial on the Digital Battlefield* (Ioannina, 7-9 October 2022)
8. Andre Oboler, “Best Practices: Online Hate Prevention Institute” IHRA Greek Delegation Conference on *Fighting Antisemitism and Holocaust Distortion and Denial on the Digital Battlefield* (Ioannina, 7-9 October 2022)
9. Andre Oboler, “The longest hate as a case study of online Disinformation & Misinformation”, IEEE Computer Society’s Tech Forum on Digital Platforms and Societal Harms (Online, 3 November 2022)
10. Andre Oboler, “Anti-Asian Racism in Australian Social Media”, IEEE Computer Society’s Tech Forum on Digital Platforms and Societal Harms (Online, 25 October 2022)
11. Andre Oboler, “Tackling Misogyny in Social Media”, IEEE Women in Engineering International Leadership Conference (San Diego, 6-7 June 2022)
12. Andre Oboler, “The naïve idea that the internet changes everything”, Third Moscow International Conference «Protecting the Future» on combating Xenophobia, Antisemitism, and Racism, 23 November 2021.
13. Andre Oboler, “Going Meta on Xenophobia in Online Game”, Third Moscow International Conference «Protecting the Future» on combating Xenophobia, Antisemitism, and Racism, 23 November 2021.

14. Andre Oboler, "Technology and Processes to Reliably Reduce Societal Harm in the Social Media Industry", Keynote, IEEE IAS GUCON 2021, 25 September 2021.
15. Andre Oboler, "Online Antisemitism: The New War Front", World Union for Progressive Judaism, New York (USA), 19 May 2021 & 21 May 2021.
16. Andre Oboler, "Online Hate and Antisemitism", World Union of Jewish Students, Jerusalem (Israel), 29 December 2020.
17. Andre Oboler, "Online Hate Against Politicians", Council for Christians and Jews, Melbourne (Australia), 5 December 2020.
18. Andre Oboler, "Towards a safer space for minorities: Positive initiatives to address online hate speech", *United Nations Thirteenth session of the Forum on Minority Issues*, Geneva, 19-20 November 2020.
19. Andre Oboler, "Antisemitism 2.0", Italian Government Conference on *Online Antisemitism and Hate Conspiracies in Internet Time*, Milan (Italy), 18 November 2020.
20. Andre Oboler, "Addressing online hate speech", *Asia-Pacific Regional Forum on Hate Speech, Social Media and Minorities*, 19-20 October 2020.
21. Nasya Bahfen, Andre Oboler, Mark Civitella, "COVID and Combating the rise of Hate Speech", *Hate Speech in Asia: Challenges and Solutions*, 7-9 October 2020.
22. Andre Oboler, "Enabling a Hybrid Approach to Identifying Antisemitism", *Symposium on Combating Antisemitism at the European Commission*, Brussels, 29 November 2019.
23. Andre Oboler, "Cooperative Intelligence & Regulation", *Law and New Technologies 2019*, 30 April 2019
24. Andre Oboler, "Information warfare goes well beyond the military in the hybrid context, and we aren't ready", *Hybrid Threats and the Asia Pacific Region Symposium*, 25 March 2019.

Other recent talks

1. Andre Oboler, "The rise in online hate targeting Jews and Muslims", The University of Sydney, 19 September 2024.
2. Andre Oboler, "Online Holocaust Disinformation", The University of Sydney, 18 September 2024.
3. Andre Oboler, "Practical Engineering Ethics: Can we engineer Away Online Hate?" Rutgers University, April 10, 2024
4. Andre Oboler, "Online Antisemitism After October 7", Rutgers University, April 8, 2024
5. Andre Oboler, "Online Antisemitism Before and After October 7", IHRA, Zagreb Plenary 27 November 2023
6. Andre Oboler and Nasya Bahfen, "Extremism in Victoria", Victorian State Parliament, 14 June 2022.
7. Andre Oboler, "The role of computer science in tackling online hate", Guest lecturer, Department of Computer Science, American University, October 5, 2023
8. Andre Oboler and Matthew Quinn, Prohibition of Nazi Symbols, Legal and Constitutional Affairs Legislation Committee, Australian Parliament.
9. Andre Oboler, "Extracting & Analyzing Social Media Posts", Guest Lecture, Universiti Teknologi Mara, 18 December 2021.
10. Andre Oboler, "IHRA's Working Definition of Antisemitism: The Value of Government Adoption", Vaad Hapoel, World Zionist Organization, 6 December 2021.
11. Andre Oboler, "Countering Hate & Extremism", The National Centre of Crime Prevention, Danish National Police, 30 November 2021.
12. Andre Oboler, "Background on OHPI & Countering Extremism", British Embassy Copenhagen, 28 October 2021.
13. Andre Oboler, "Background on OHPI", Swedish Defence Research Agency (FOI), 19 October 2021.
14. Andre Oboler, "Broader Technologies Tackling Online Hate", Tech Forum: Mitigating Societal Harms in a Social Media World, IEEE Computer Society, 21 September 2021.
15. Andre Oboler, "Professionalism. Software Engineering values, ethics and the real world", Guest Lecture for FIT4002, Monash University, 18 August 2021.
16. Andre Oboler, "Monitor & classify antisemitic and racist discourse in Social Media", University of Cape Town, 17 June 2021.
17. Andre Oboler, "Social Media and antisemitism: a symbiotic relationship?" Fachstelle Globaler Antisemitismus, Halle (Germany), 14 June 2021.
18. Andre Oboler, "Tackling Hate Speech", Interfaith Alliance for Safer Communities, Geneva (Switzerland), 27 May 2021
19. Andre Oboler, "Antisemitism on Social Media", Expert Group of the Malmö International Forum on Holocaust Remembrance and Combating Antisemitism, Government of Sweden, 5 May 2021.
20. Andre Oboler, Alina Bricman, Leon Saltiel and Juliane Wetzel, "Defining Antisemitism", Jewish Heritage Centre of Western Canada, Winnipeg (Canada), 25 April 2021.
21. Andre Oboler, "Whose problem is online hate?", 3M, 1 March 2021.

22. Andre Oboler, "Monitoring Online Antisemitism", CIDI, Amsterdam (Netherlands) 8 December 2020.
23. Andre Oboler, "Antisemitism Today", Leadership Training Seminar, AUJS, Melbourne (Australia), 29 November 2020
24. Andre Oboler, "The Rising Online Hate from COVID-19", Council of Christians and Jews, Online Hate Prevention Institute and La Trove University, 16 August 2020.
25. Andre Oboler, "Covid-19 Pandemic and Antisemitism: Australia & UK", International Holocaust Remembrance Alliance, 29 June 2020.
26. Andre Oboler, "Online Racism in the Coronavirus Crisis", Global Webinar Series, IEEE Computer Society, 26 May 2020.
27. David Wishart, Andre Oboler, Nasya Bahfen, Mark Civitella, Presentation to the Inquiry into anti-vilification protections of the Legal and Social Issues Committee, Parliament of Victoria, 11 March 2020.
28. Andre Oboler, "Extremism resulting from an online culture: How AML/CTF can benefit from greater collaboration with those combating online extremism", AFCAS Forum, 7 February 2020.
29. Andre Oboler, "The Holocaust and Online Hate", Western University (Canada), 30 January 2020.
30. Andre Oboler, "Can we win the war against online hate?", IEEE and UNSW Grand Challenge on Living with 21st Century Technology, 16 April 2019. (Repeated in Melbourne, Brisbane and Milan)

20 March 2025

Private & Confidential

Dr Oboler
9/23 Elizabeth Street
BENTLEIGH EAST VIC 3165

By email: ceo@ohpi.org.au

Dear Dr Oboler

Letter of Instruction

Federal Court Proceedings NSD 1503/2024 (Proceedings)

1 Introduction

- 1.1 We act for Peter Wertheim AM (**Mr Wertheim**) and Robert Goot AO SC (**Mr Goot**) (the '**Applicants**') who are the First and Second Applicants in Proceedings NSD 1503 of 2024 in the Federal Court of Australia against the First Respondent, Mr Wissam Haddad (also known as William Haddad or Abu Ousayd) (**Mr Haddad**) and the Second Respondent, the Al Madina Dawah Centre (ABN 38 967 325 114) (**AMDC**).
- 1.2 You have been engaged on behalf of the Applicants to provide an expert report. Using the enclosed materials, and your own specialised knowledge, you are requested to provide a written opinion on the question set out in **Annexure A**, and your reasons for those opinions. There is an existing direction from the Court requiring the Applicants' expert evidence to be served by 21 March 2025.
- 1.3 Your role is to provide relevant and impartial evidence in the area of your expertise. You have a paramount duty to assist the Court impartially on matters relevant to your expertise.
- 1.4 The terms of your engagement are set out more fully below.

2 Summary

- 2.1 Mr Wertheim and Mr Goot are respectively employed as the Co-Chief Executive Officer and elected as the Deputy President of the Executive

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Council of Australian Jewry (ABN 17 162 489 951) (**ECAJ**). The Applicants have brought the Proceedings in their personal capacity.

- 2.2 Mr Haddad is a Muslim cleric and the AMDC is a Muslim religious centre, and a registered incorporated association.
- 2.3 In or around November 2023, Mr Haddad delivered the following speeches (copies of the transcripts are annexed to the Statement of Claim (**SOC**) filed on 25 October 2024):
 - (a) ‘*The Jews of Al Madina Part 1*’ (on or about 4 November 2023) (**Speech A**);
 - (b) ‘*Murdered by Israel Khutbah Jummah*’ (on or about 10 November 2023) (**Speech B**);
 - (c) ‘*The Jews of Al Madina Part 2*’ (on 12 November 2023) (**Speech C**);
 - (d) ‘*Media Response to Reality of World Palestine*’ (on 14 November 2023) (**Speech D**); and
 - (e) ‘*The Jews of Al Madina Banu Quraytha Part 3*’ (on 29 November 2023) (**Speech E**);

(collectively referred to as the **Speeches**).
- 2.4 The Applicants claim the Speeches conveyed imputations as particularised at [29] to [33] of the SOC and further highlighted in the transcripts annexed to the SOC, that contravened s 18C of the *Racial Discrimination Act 1975* (Cth) and engaged in unlawful discrimination within the meaning of the *Australian Human Rights Commission Act 1986* (Cth).
- 2.5 The Speeches were delivered by Mr Haddad at the AMDC, and the AMDC published the Speeches on the AMDC Facebook and Rumble pages, which were accessible to the public.
- 2.6 The Applicants claim that the AMDC’s publication of each of the Speeches on the AMDC Facebook and Rumble pages, contravened s 18C of the *Racial Discrimination Act 1975* (Cth) and engaged in unlawful discrimination within the meaning of the *Australian Human Rights Commission Act 1986* (Cth).
- 2.7 Prior to commencing proceedings on 25 October 2024, the Applicants lodged a complaint with the Australian Human Rights Commission which was later terminated on the ground that there was no reasonable prospect of the matter being settled by conciliation.

3 Brief Materials

- 3.1 For the purposes of providing your opinion in relation to the question set out in **Annexure A**, we have set out an index of documents in **Annexure B** to assist you in preparing your report.

4 Court requirements

- 4.1 You must:
- (a) acknowledge in your report that:
 - (i) you have read and complied with the Federal Court's Expert Evidence Practice Note (GPN-EXPT) (set out at **Annexure C**) and that you agree to be bound by it; and
 - (ii) your opinions are based wholly or substantially on specialised knowledge arising from your training, study or experience;
 - (b) identify in your report the questions that you were asked to address;
 - (c) sign the report and attach or exhibit to it copies of:
 - (i) documents that record any instructions given to you; and
 - (ii) documents and other materials that you have been instructed to consider.

5 Format of your report

- 5.1 When drafting your report please address the question in **Annexure A** specifically and directly.
- 5.2 Your report should give clear references to any materials you draw upon and, where practicable, attach that material.
- 5.3 Your report must clearly state your opinion and must additionally:
- (a) state your name and address;
 - (b) contain an acknowledgement that you have read the Harmonised Expert Witness Code of Conduct (**Annexure A** to the Federal Court's Expert Evidence Practice Note (GPN-EXPT)) and agree to be bound by it;
 - (c) state your qualifications as an expert to prepare the report;
 - (d) specify the assumptions and material facts on which each opinion expressed in the report is based - you should refer to the information contained in paragraphs 1.1 to 2.8 of this letter or annex this letter so that readers of your report will understand the basis of its preparation;

- (e) set out the reasons for and any literature or other materials utilised in support of each of your opinions;
- (f) if applicable, state that a particular question, issue or matter falls outside your field of expertise;
- (g) identify any examinations, tests or other investigations on which you relied, identifying the person who carried them out and their qualifications;
- (h) if any of your opinions involve the acceptance of another person's opinion, identify that person and the opinion expressed by that person;
- (i) declare that you have made all inquiries which you believe are desirable and appropriate (save any matters identified explicitly in the report), and that no matters of significance which you regard as relevant have, to your knowledge, been withheld from the Court. Please ensure that you make all necessary inquiries in a timely fashion to enable you to make this declaration;
- (j) provide any qualification of an opinion expressed in your report, without which your report is or may be incomplete or inaccurate;
- (k) state whether any opinion expressed in your report is not a concluded opinion because of insufficient research or insufficient data or for any other reason; and
- (l) if your report is lengthy or complex, include a brief summary of the report at the beginning of the report.

5.4 You should attach to the report:

- (a) a copy of your Curriculum Vitae; and
- (b) a copy of this letter and its annexures.

5.5 If your report includes any photographs, plans, calculations, analyses, survey reports, measurements, graphs, illustrations or any other extrinsic materials, these should also be attached to the report, and clearly identified and numbered.

5.6 Please number all pages and paragraphs of your report in sequential order.

5.7 As noted above, if your report is long or complex, you must provide a brief summary at the beginning of the report. You may also wish to include an index. In summarising your report, we suggest you provide a short response (if possible, in no more than three sentences) to each of the questions you have been asked to respond to in your report.

6 Court appearance and complying with the Court's directions

- 6.1 You have a duty to comply with the Court's directions. The Court's directions may include, but are not limited to, requiring you to:
- (a) confer with any other expert witness;
 - (b) provide a joint report specifying matters agreed, not agreed and the reasons for non-agreement; and
 - (c) abide in a timely way with any direction of the Court.
- 6.2 If the Respondents instruct an expert and a report is served in these Proceedings, the Court may require you to confer with the Respondents' expert, in the absence of the parties and their legal representatives to identify and produce a joint report setting out the matters of expertise, and excluding disagreements about factual assumptions, on which they agree and the matters of expertise on which they disagree, giving brief reasons for any disagreement.
- 6.3 At the hearing of these Proceedings, you may be required to attend Court and give evidence.
- 6.4 If you are required to attend Court to give evidence, we will contact you to discuss your availability and make the necessary arrangements.
- 6.5 In accepting this engagement, you agree that:
- (a) this letter and all future communications (whether electronically maintained or not) between us, and between you and our client, are confidential. These communications may be subject to client legal privilege;
 - (b) you must take all steps necessary to preserve the confidentiality of our communications and of any material or documents created or obtained by you in the course of preparing your report;
 - (c) you must not disclose the information contained in our communications or obtained or prepared by you in the course of preparing your report without our consent;
 - (d) you must not provide any other person with documents which come into your possession during the course of preparing this report, whether created by you or provided to you by us or the Applicants, without our consent; and
 - (e) you must not use the material or documents received by you in the course of these Proceedings, for any other purpose.

- 6.6 The duty of confidentiality continues beyond the conclusion of your instructions.
- 6.7 If you are ever obliged by law to produce documents containing any of this confidential information (whether by subpoena, notice of non-party discovery or otherwise) please contact us immediately so that we may take steps to claim privilege on behalf of the Applicants.
- 6.8 If requested, you must return to us all documents and other material (including copies) containing confidential information. Where any confidential information is in electronic form, we may require you to delete this information instead.

7 Change of opinion

- 7.1 If for some reason, you change your opinion after delivering your report, please advise us as soon as possible. If that change of opinion is in respect of a material matter, you will need to immediately provide a supplementary report which explains the reasons for the change in your opinion, stating, specifying or providing the information referred to at paragraph 4 of the Harmonised Expert Witness Code of Conduct.

Yours faithfully

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a long, horizontal, slightly wavy line.

Annexure A

Question for the expert

1. Consider each of the imputations pleaded at paragraphs 29 to 33 of the Statement of Claim.

What is the historical and cultural context, for Australian Jews in 2023 and today, of the pleaded imputation? Include, if appropriate, reference to any well-known historical usages of the imputation, or the attribution of characteristics to Jewish people by reason of their membership of that group.

In addressing the question, please do so for each one of the pleaded imputations, but you may group and address collectively any of the imputations if you consider it appropriate to do so.

Annexure B

Index of Documents

No.	Document	Date
<i>Pleadings</i>		
1.	Statement of claim	25 October 2024

Annexure C

**Expert Evidence Practice Note (GPN-EXPT) together with its annexures, being
the Harmonised Expert Witness Code of Conduct and the Concurrent Expert
Evidence Guidelines**

EXPERT EVIDENCE PRACTICE NOTE (GPN-EXPT)

General Practice Note

1. INTRODUCTION

- 1.1 This practice note, including the *Harmonised Expert Witness Code of Conduct* ("**Code**") (see **Annexure A**) and the *Concurrent Expert Evidence Guidelines* ("**Concurrent Evidence Guidelines**") (see **Annexure B**), applies to any proceeding involving the use of expert evidence and must be read together with:
- (a) the Central Practice Note (CPN-1), which sets out the fundamental principles concerning the National Court Framework ("**NCF**") of the Federal Court and key principles of case management procedure;
 - (b) the Federal Court of Australia Act 1976 (Cth) ("**Federal Court Act**");
 - (c) the *Evidence Act 1995* (Cth) ("**Evidence Act**"), including Part 3.3 of the Evidence Act;
 - (d) Part 23 of the *Federal Court Rules 2011* (Cth) ("**Federal Court Rules**"); and
 - (e) where applicable, the Survey Evidence Practice Note (GPN-SURV).
- 1.2 This practice note takes effect from the date it is issued and, to the extent practicable, applies to proceedings whether filed before, or after, the date of issuing.

2. APPROACH TO EXPERT EVIDENCE

- 2.1 An expert witness may be retained to give opinion evidence in the proceeding, or, in certain circumstances, to express an opinion that may be relied upon in alternative dispute resolution procedures such as mediation or a conference of experts. In some circumstances an expert may be appointed as an independent adviser to the Court.
- 2.2 The purpose of the use of expert evidence in proceedings, often in relation to complex subject matter, is for the Court to receive the benefit of the objective and impartial assessment of an issue from a witness with specialised knowledge (based on training, study or experience - see generally s 79 of the *Evidence Act*).
- 2.3 However, the use or admissibility of expert evidence remains subject to the overriding requirements that:
- (a) to be admissible in a proceeding, any such evidence must be relevant (s 56 of the *Evidence Act*); and
 - (b) even if relevant, any such evidence, may be refused to be admitted by the Court if its probative value is outweighed by other considerations such as the evidence

being unfairly prejudicial, misleading or will result in an undue waste of time (s 135 of the Evidence Act).

- 2.4 An expert witness' opinion evidence may have little or no value unless the assumptions adopted by the expert (ie. the facts or grounds relied upon) and his or her reasoning are expressly stated in any written report or oral evidence given.
- 2.5 The Court will ensure that, in the interests of justice, parties are given a reasonable opportunity to adduce and test relevant expert opinion evidence. However, the Court expects parties and any legal representatives acting on their behalf, when dealing with expert witnesses and expert evidence, to at all times comply with their duties associated with the overarching purpose in the Federal Court Act (see ss 37M and 37N).

3. INTERACTION WITH EXPERT WITNESSES

- 3.1 Parties and their legal representatives should never view an expert witness retained (or partly retained) by them as that party's advocate or "hired gun". Equally, they should never attempt to pressure or influence an expert into conforming his or her views with the party's interests.
- 3.2 A party or legal representative should be cautious not to have inappropriate communications when retaining or instructing an independent expert, or assisting an independent expert in the preparation of his or her evidence. However, it is important to note that there is no principle of law or practice and there is nothing in this practice note that obliges a party to embark on the costly task of engaging a "consulting expert" in order to avoid "contamination" of the expert who will give evidence. Indeed the Court would generally discourage such costly duplication.
- 3.3 Any witness retained by a party for the purpose of preparing a report or giving evidence in a proceeding as to an opinion held by the witness that is wholly or substantially based in the specialised knowledge of the witness¹ should, at the earliest opportunity, be provided with:
 - (a) a copy of this practice note, including the Code (see Annexure A); and
 - (b) all relevant information (whether helpful or harmful to that party's case) so as to enable the expert to prepare a report of a truly independent nature.
- 3.4 Any questions or assumptions provided to an expert should be provided in an unbiased manner and in such a way that the expert is not confined to addressing selective, irrelevant or immaterial issues.

¹ Such a witness includes a "Court expert" as defined in r 23.01 of the Federal Court Rules. For the definition of "expert", "expert evidence" and "expert report" see the Dictionary, in Schedule 1 of the Federal Court Rules.

4. ROLE AND DUTIES OF THE EXPERT WITNESS

- 4.1 The role of the expert witness is to provide relevant and impartial evidence in his or her area of expertise. An expert should never mislead the Court or become an advocate for the cause of the party that has retained the expert.
- 4.2 It should be emphasised that there is nothing inherently wrong with experts disagreeing or failing to reach the same conclusion. The Court will, with the assistance of the evidence of the experts, reach its own conclusion.
- 4.3 However, experts should willingly be prepared to change their opinion or make concessions when it is necessary or appropriate to do so, even if doing so would be contrary to any previously held or expressed view of that expert.

Harmonised Expert Witness Code of Conduct

- 4.4 Every expert witness giving evidence in this Court must read the *Harmonised Expert Witness Code of Conduct* (attached in Annexure A) and agree to be bound by it.
- 4.5 The Code is not intended to address all aspects of an expert witness' duties, but is intended to facilitate the admission of opinion evidence, and to assist experts to understand in general terms what the Court expects of them. Additionally, it is expected that compliance with the Code will assist individual expert witnesses to avoid criticism (rightly or wrongly) that they lack objectivity or are partisan.

5. CONTENTS OF AN EXPERT'S REPORT AND RELATED MATERIAL

- 5.1 The contents of an expert's report must conform with the requirements set out in the Code (including clauses 3 to 5 of the Code).
- 5.2 In addition, the contents of such a report must also comply with r 23.13 of the *Federal Court Rules*. Given that the requirements of that rule significantly overlap with the requirements in the Code, an expert, unless otherwise directed by the Court, will be taken to have complied with the requirements of r 23.13 if that expert has complied with the requirements in the Code and has complied with the additional following requirements. The expert shall:
 - (a) acknowledge in the report that:
 - (i) the expert has read and complied with this practice note and agrees to be bound by it; and
 - (ii) the expert's opinions are based wholly or substantially on specialised knowledge arising from the expert's training, study or experience;
 - (b) identify in the report the questions that the expert was asked to address;
 - (c) sign the report and attach or exhibit to it copies of:
 - (i) documents that record any instructions given to the expert; and

- (ii) documents and other materials that the expert has been instructed to consider.

5.3 Where an expert's report refers to photographs, plans, calculations, analyses, measurements, survey reports or other extrinsic matter, these must be provided to the other parties at the same time as the expert's report.

6. CASE MANAGEMENT CONSIDERATIONS

6.1 Parties intending to rely on expert evidence at trial are expected to consider between them and inform the Court at the earliest opportunity of their views on the following:

- (a) whether a party should adduce evidence from more than one expert in any single discipline;
- (b) whether a common expert is appropriate for all or any part of the evidence;
- (c) the nature and extent of expert reports, including any in reply;
- (d) the identity of each expert witness that a party intends to call, their area(s) of expertise and availability during the proposed hearing;
- (e) the issues that it is proposed each expert will address;
- (f) the arrangements for a conference of experts to prepare a joint-report (see Part 7 of this practice note);
- (g) whether the evidence is to be given concurrently and, if so, how (see Part 8 of this practice note); and
- (h) whether any of the evidence in chief can be given orally.

6.2 It will often be desirable, before any expert is retained, for the parties to attempt to agree on the question or questions proposed to be the subject of expert evidence as well as the relevant facts and assumptions. The Court may make orders to that effect where it considers it appropriate to do so.

7. CONFERENCE OF EXPERTS AND JOINT-REPORT

7.1 Parties, their legal representatives and experts should be familiar with aspects of the Code relating to conferences of experts and joint-reports (see clauses 6 and 7 of the Code attached in [Annexure A](#)).

7.2 In order to facilitate the proper understanding of issues arising in expert evidence and to manage expert evidence in accordance with the overarching purpose, the Court may require experts who are to give evidence or who have produced reports to meet for the purpose of identifying and addressing the issues not agreed between them with a view to reaching agreement where this is possible ("**conference of experts**"). In an appropriate

case, the Court may appoint a registrar of the Court or some other suitably qualified person (**“Conference Facilitator”**) to act as a facilitator at the conference of experts.

- 7.3 It is expected that where expert evidence may be relied on in any proceeding, at the earliest opportunity, parties will discuss and then inform the Court whether a conference of experts and/or a joint-report by the experts may be desirable to assist with or simplify the giving of expert evidence in the proceeding. The parties should discuss the necessary arrangements for any conference and/or joint-report. The arrangements discussed between the parties should address:
- (a) who should prepare any joint-report;
 - (b) whether a list of issues is needed to assist the experts in the conference and, if so, whether the Court, the parties or the experts should assist in preparing such a list;
 - (c) the agenda for the conference of experts; and
 - (d) arrangements for the provision, to the parties and the Court, of any joint-report or any other report as to the outcomes of the conference (**“conference report”**).

Conference of Experts

- 7.4 The purpose of the conference of experts is for the experts to have a comprehensive discussion of issues relating to their field of expertise, with a view to identifying matters and issues in a proceeding about which the experts agree, partly agree or disagree and why. For this reason the conference is attended only by the experts and any Conference Facilitator. Unless the Court orders otherwise, the parties' lawyers will not attend the conference but will be provided with a copy of any conference report.
- 7.5 The Court may order that a conference of experts occur in a variety of circumstances, depending on the views of the judge and the parties and the needs of the case, including:
- (a) while a case is in mediation. When this occurs the Court may also order that the outcome of the conference or any document disclosing or summarising the experts' opinions be confidential to the parties while the mediation is occurring;
 - (b) before the experts have reached a final opinion on a relevant question or the facts involved in a case. When this occurs the Court may order that the parties exchange draft expert reports and that a conference report be prepared for the use of the experts in finalising their reports;
 - (c) after the experts' reports have been provided to the Court but before the hearing of the experts' evidence. When this occurs the Court may also order that a conference report be prepared (jointly or otherwise) to ensure the efficient hearing of the experts' evidence.
- 7.6 Subject to any other order or direction of the Court, the parties and their lawyers must not involve themselves in the conference of experts process. In particular, they must not seek to encourage an expert not to agree with another expert or otherwise seek to influence the

outcome of the conference of experts. The experts should raise any queries they may have in relation to the process with the Conference Facilitator (if one has been appointed) or in accordance with a protocol agreed between the lawyers prior to the conference of experts taking place (if no Conference Facilitator has been appointed).

- 7.7 Any list of issues prepared for the consideration of the experts as part of the conference of experts process should be prepared using non-tendentious language.
- 7.8 The timing and location of the conference of experts will be decided by the judge or a registrar who will take into account the location and availability of the experts and the Court's case management timetable. The conference may take place at the Court and will usually be conducted in-person. However, if not considered a hindrance to the process, the conference may also be conducted with the assistance of visual or audio technology (such as via the internet, video link and/or by telephone).
- 7.9 Experts should prepare for a conference of experts by ensuring that they are familiar with all of the material upon which they base their opinions. Where expert reports in draft or final form have been exchanged prior to the conference, experts should attend the conference familiar with the reports of the other experts. Prior to the conference, experts should also consider where they believe the differences of opinion lie between them and what processes and discussions may assist to identify and refine those areas of difference.

Joint-report

- 7.10 At the conclusion of the conference of experts, unless the Court considers it unnecessary to do so, it is expected that the experts will have narrowed the issues in respect of which they agree, partly agree or disagree in a joint-report. The joint-report should be clear, plain and concise and should summarise the views of the experts on the identified issues, including a succinct explanation for any differences of opinion, and otherwise be structured in the manner requested by the judge or registrar.
- 7.11 In some cases (and most particularly in some native title cases), depending on the nature, volume and complexity of the expert evidence a judge may direct a registrar to draft part, or all, of a conference report. If so, the registrar will usually provide the draft conference report to the relevant experts and seek their confirmation that the conference report accurately reflects the opinions of the experts expressed at the conference. Once that confirmation has been received the registrar will finalise the conference report and provide it to the intended recipient(s).

8. CONCURRENT EXPERT EVIDENCE

- 8.1 The Court may determine that it is appropriate, depending on the nature of the expert evidence and the proceeding generally, for experts to give some or all of their evidence concurrently at the final (or other) hearing.

- 8.2 Parties should familiarise themselves with the *Concurrent Expert Evidence Guidelines* (attached in Annexure B). The Concurrent Evidence Guidelines are not intended to be exhaustive but indicate the circumstances when the Court might consider it appropriate for concurrent expert evidence to take place, outline how that process may be undertaken, and assist experts to understand in general terms what the Court expects of them.
- 8.3 If an order is made for concurrent expert evidence to be given at a hearing, any expert to give such evidence should be provided with the Concurrent Evidence Guidelines well in advance of the hearing and should be familiar with those guidelines before giving evidence.

9. FURTHER PRACTICE INFORMATION AND RESOURCES

- 9.1 Further information regarding *Expert Evidence* and *Expert Witnesses* is available on the Court's website.
- 9.2 Further information to assist litigants, including a range of helpful guides, is also available on the Court's website. This information may be particularly helpful for litigants who are representing themselves.

J L B ALLSOP
Chief Justice
25 October 2016

HARMONISED EXPERT WITNESS CODE OF CONDUCT²

APPLICATION OF CODE

1. This Code of Conduct applies to any expert witness engaged or appointed:
 - (a) to provide an expert's report for use as evidence in proceedings or proposed proceedings; or
 - (b) to give opinion evidence in proceedings or proposed proceedings.

GENERAL DUTIES TO THE COURT

2. An expert witness is not an advocate for a party and has a paramount duty, overriding any duty to the party to the proceedings or other person retaining the expert witness, to assist the Court impartially on matters relevant to the area of expertise of the witness.

CONTENT OF REPORT

3. Every report prepared by an expert witness for use in Court shall clearly state the opinion or opinions of the expert and shall state, specify or provide:
 - (a) the name and address of the expert;
 - (b) an acknowledgment that the expert has read this code and agrees to be bound by it;
 - (c) the qualifications of the expert to prepare the report;
 - (d) the assumptions and material facts on which each opinion expressed in the report is based [a letter of instructions may be annexed];
 - (e) the reasons for and any literature or other materials utilised in support of such opinion;
 - (f) (if applicable) that a particular question, issue or matter falls outside the expert's field of expertise;
 - (g) any examinations, tests or other investigations on which the expert has relied, identifying the person who carried them out and that person's qualifications;
 - (h) the extent to which any opinion which the expert has expressed involves the acceptance of another person's opinion, the identification of that other person and the opinion expressed by that other person;
 - (i) a declaration that the expert has made all the inquiries which the expert believes are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which the expert regards as relevant have, to the

² Approved by the Council of Chief Justices' Rules Harmonisation Committee

- knowledge of the expert, been withheld from the Court;
- (j) any qualifications on an opinion expressed in the report without which the report is or may be incomplete or inaccurate;
 - (k) whether any opinion expressed in the report is not a concluded opinion because of insufficient research or insufficient data or for any other reason; and
 - (l) where the report is lengthy or complex, a brief summary of the report at the beginning of the report.

SUPPLEMENTARY REPORT FOLLOWING CHANGE OF OPINION

- 4. Where an expert witness has provided to a party (or that party's legal representative) a report for use in Court, and the expert thereafter changes his or her opinion on a material matter, the expert shall forthwith provide to the party (or that party's legal representative) a supplementary report which shall state, specify or provide the information referred to in paragraphs (a), (d), (e), (g), (h), (i), (j), (k) and (l) of clause 3 of this code and, if applicable, paragraph (f) of that clause.
- 5. In any subsequent report (whether prepared in accordance with clause 4 or not) the expert may refer to material contained in the earlier report without repeating it.

DUTY TO COMPLY WITH THE COURT'S DIRECTIONS

- 6. If directed to do so by the Court, an expert witness shall:
 - (a) confer with any other expert witness;
 - (b) provide the Court with a joint-report specifying (as the case requires) matters agreed and matters not agreed and the reasons for the experts not agreeing; and
 - (c) abide in a timely way by any direction of the Court.

CONFERENCE OF EXPERTS

- 7. Each expert witness shall:
 - (a) exercise his or her independent judgment in relation to every conference in which the expert participates pursuant to a direction of the Court and in relation to each report thereafter provided, and shall not act on any instruction or request to withhold or avoid agreement; and
 - (b) endeavour to reach agreement with the other expert witness (or witnesses) on any issue in dispute between them, or failing agreement, endeavour to identify and clarify the basis of disagreement on the issues which are in dispute.

CONCURRENT EXPERT EVIDENCE GUIDELINES

APPLICATION OF THE COURT'S GUIDELINES

1. The Court's Concurrent Expert Evidence Guidelines ("**Concurrent Evidence Guidelines**") are intended to inform parties, practitioners and experts of the Court's general approach to concurrent expert evidence, the circumstances in which the Court might consider expert witnesses giving evidence concurrently and, if so, the procedures by which their evidence may be taken.

OBJECTIVES OF CONCURRENT EXPERT EVIDENCE TECHNIQUE

2. The use of concurrent evidence for the giving of expert evidence at hearings as a case management technique³ will be utilised by the Court in appropriate circumstances (see r 23.15 of the *Federal Court Rules 2011* (Cth)). Not all cases will suit the process. For instance, in some patent cases, where the entire case revolves around conflicts within fields of expertise, concurrent evidence may not assist a judge. However, patent cases should not be excluded from concurrent expert evidence processes.
3. In many cases the use of concurrent expert evidence is a technique that can reduce the partisan or confrontational nature of conventional hearing processes and minimises the risk that experts become "opposing experts" rather than independent experts assisting the Court. It can elicit more precise and accurate expert evidence with greater input and assistance from the experts themselves.
4. When properly and flexibly applied, with efficiency and discipline during the hearing process, the technique may also allow the experts to more effectively focus on the critical points of disagreement between them, identify or resolve those issues more quickly, and narrow the issues in dispute. This can also allow for the key evidence to be given at the same time (rather than being spread across many days of hearing); permit the judge to assess an expert more readily, whilst allowing each party a genuine opportunity to put and test expert evidence. This can reduce the chance of the experts, lawyers and the judge misunderstanding the opinions being expressed by the experts.
5. It is essential that such a process has the full cooperation and support of all of the individuals involved, including the experts and counsel involved in the questioning process. Without that cooperation and support the process may fail in its objectives and even hinder the case management process.

³ Also known as the "hot tub" or as "expert panels".

CASE MANAGEMENT

6. Parties should expect that, the Court will give careful consideration to whether concurrent evidence is appropriate in circumstances where there is more than one expert witness having the same expertise who is to give evidence on the same or related topics. Whether experts should give evidence concurrently is a matter for the Court, and will depend on the circumstances of each individual case, including the character of the proceeding, the nature of the expert evidence, and the views of the parties.
7. Although this consideration may take place at any time, including the commencement of the hearing, if not raised earlier, parties should raise the issue of concurrent evidence at the first appropriate case management hearing, and no later than any pre-trial case management hearing, so that orders can be made in advance, if necessary. To that end, prior to the hearing at which expert evidence may be given concurrently, parties and their lawyers should confer and give general consideration as to:
 - (a) the agenda;
 - (b) the order and manner in which questions will be asked; and
 - (c) whether cross-examination will take place within the context of the concurrent evidence or after its conclusion.
8. At the same time, and before any hearing date is fixed, the identity of all experts proposed to be called and their areas of expertise is to be notified to the Court by all parties.
9. The lack of any concurrent evidence orders does not mean that the Court will not consider using concurrent evidence without prior notice to the parties, if appropriate.

CONFERENCE OF EXPERTS & JOINT-REPORT OR LIST OF ISSUES

10. The process of giving concurrent evidence at hearings may be assisted by the preparation of a joint-report or list of issues prepared as part of a conference of experts.
11. Parties should expect that, where concurrent evidence is appropriate, the Court may make orders requiring a conference of experts to take place or for documents such as a joint-report to be prepared to facilitate the concurrent expert evidence process at a hearing (see Part 7 of the Expert Evidence Practice Note).

PROCEDURE AT HEARING

12. Concurrent expert evidence may be taken at any convenient time during the hearing, although it will often occur at the conclusion of both parties' lay evidence.
13. At the hearing itself, the way in which concurrent expert evidence is taken must be applied flexibly and having regard to the characteristics of the case and the nature of the evidence to be given.
14. Without intending to be prescriptive of the procedure, parties should expect that, when evidence is given by experts in concurrent session:

- (a) the judge will explain to the experts the procedure that will be followed and that the nature of the process may be different to their previous experiences of giving expert evidence;
 - (b) the experts will be grouped and called to give evidence together in their respective fields of expertise;
 - (c) the experts will take the oath or affirmation together, as appropriate;
 - (d) the experts will sit together with convenient access to their materials for their ease of reference, either in the witness box or in some other location in the courtroom, including (if necessary) at the bar table;
 - (e) each expert may be given the opportunity to provide a summary overview of their current opinions and explain what they consider to be the principal issues of disagreement between the experts, as they see them, in their own words;
 - (f) the judge will guide the process by which evidence is given, including, where appropriate:
 - (i) using any joint-report or list of issues as a guide for all the experts to be asked questions by the judge and counsel, about each issue on an issue-by-issue basis;
 - (ii) ensuring that each expert is given an adequate opportunity to deal with each issue and the exposition given by other experts including, where considered appropriate, each expert asking questions of other experts or supplementing the evidence given by other experts;
 - (iii) inviting legal representatives to identify the topics upon which they will cross-examine;
 - (iv) ensuring that legal representatives have an adequate opportunity to ask all experts questions about each issue. Legal representatives may also seek responses or contributions from one or more experts in response to the evidence given by a different expert; and
 - (v) allowing the experts an opportunity to summarise their views at the end of the process where opinions may have been changed or clarifications are needed.
15. The fact that the experts may have been provided with a list of issues for consideration does not confine the scope of any cross-examination of any expert. The process of cross-examination remains subject to the overall control of the judge.
16. The concurrent session should allow for a sensible and orderly series of exchanges between expert and expert, and between expert and lawyer. Where appropriate, the judge may allow for more traditional cross-examination to be pursued by a legal representative on a particular issue exclusively with one expert. Where that occurs, other experts may be asked to comment on the evidence given.
17. Where any issue involves only one expert, the party wishing to ask questions about that issue should let the judge know in advance so that consideration can be given to whether

arrangements should be made for that issue to be dealt with after the completion of the concurrent session. Otherwise, as far as practicable, questions (including in the form of cross-examination) will usually be dealt with in the concurrent session.

18. Throughout the concurrent evidence process the judge will ensure that the process is fair and effective (for the parties and the experts), balanced (including not permitting one expert to overwhelm or overshadow any other expert), and does not become a protracted or inefficient process.

NOTICE OF FILING

Details of Filing

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A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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