

Annexure GR-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 GR-1**” to the affidavit of Professor Gabriel Reynolds sworn on 30 May 2025.

Expert Report of Professor Reynolds dated 30 May 2025

A. Qualifications and Professional Background

1. My name is Gabriel Reynolds. My address is 15280 Quail Hollow Ct., Granger Indiana 46530, USA.
2. I acknowledge that I have read and complied with the Federal Court's Expert Evidence Practice Note (GPN-EXPT) (set out at Annexure C) and I agree to be bound by it. My opinions are based on specialized knowledge from my research, teaching experience, and public education engagements.
3. I am currently the Jerome Crowley Professor of Islamic Studies and Theology at the University of Notre Dame (USA). Annexed to this report and marked **A** is my curriculum vitae. Annexed to this report and marked **B** is a copy of the letter of instruction and its annexures.
4. In 2013 I co-founded (with Emran El-Badawi) the International Qur'anic Studies Association, the first learned society dedicated to the academic study of the Qur'an.
5. Over the course of my career I have engaged extensively in study and dialogue with traditional Muslim scholars.
 - a. During my doctoral studies at Yale University I spent one year studying Qur'an and Qur'an interpretation with a Sunni imam at the Maqasid Institute in Beirut (1999-2000).
 - b. I have participated in academic conferences with various institutions in the Islamic world, including Al-Azhar in Cairo, Egypt as well as various universities and associations in: Iran, Türkiye, Syria, Jordan, Morocco, and Tunisia.
 - c. In 2022 I was named an Expert Speaker for the US Department of State Speaker Program.
 - d. I am a member of the Editorial Board of 16 academic journals, including journals based in: Indonesia, Iran, Türkiye, and Malaysia.
6. I was promoted to a named chair at the University of Notre Dame in 2023 and have held visiting professorships in Belgium and Lebanon.
7. At the University of Notre Dame I have been the doctoral advisor for twelve students, from the United States, Palestine, Nigeria, Egypt, Iran, Indonesia, and the Philippines. I have also served as an external examiner on doctoral dissertation boards at Oxford (UK), University of Cairo (Egypt), La Sorbonne (France), Strasbourg (France), and La Sapienza (Italy).
8. In my academic career I have six individual monographs (three with Yale University Press), edited four books, and translated one book from Arabic. Three of my books have been translated into Arabic and widely distributed in the Arab world. I have published 44

academic articles or book chapters and dozens of entries in academic encyclopedias in the field of Islamic Studies.

9. I have been interviewed frequently by Arab and other Islamic media organizations on Islam, including on current trends in Islamic thought, including the Egyptian program “Mukhtalif ‘Alayhi” with Ebrahim Eissa and the Arabic service of France24.
10. In my book *The Emergence of Islam: Classical Traditions in Contemporary Perspective* I discuss in detail the nature and logic of contemporary Sunni Muslim currents, especially Salafism, and their appeal to the Qur’an, the hadith, and the traditional biography of the Prophet Muhammad to justify their theological, social, and political views.

B. Preparation of this report

11. I have been asked to provide a report addressing certain questions in regard to Federal Court Proceedings NSD 1503/2024.
12. The letter of instruction (dated May 16, 2025, from Deutsch Miller) identified two questions that I have been asked to answer. These questions are as follows:

(1) Please read the Speeches and, focusing on the highlighted sections, provide your opinion on whether and to what extent the Speeches and the highlighted sections are consistent with the Qur’an, Hadith, the Tafsir, or other Islamic religious text or teaching.

(2) Please comment on the Expert Report of Sheikh Adel Ahmad Muhammad Ibrahim dated 9 May 2025, including by identifying any matter which you agree or disagree with, and state why.

13. In addition to the letter of instruction, I received the following documents, which I have read and considered:

A. The following speeches of Mr. Haddad:

- (1) *‘The Jews of Al Madina Part 1’* (on or about 4 November 2023) (**Speech A**);
- (2) *‘Murdered by Israel Khutbah Jummah’* (on or about 10 November 2023) (**Speech B**);
- (3) *‘The Jews of Al Madina Part 2’* (on 12 November 2023) (**Speech C**);
- (4) *‘Media Response to Reality of World Palestine’* (on 14 November 2023) (**Speech D**); and
- (5) *‘The Jews of Al Madina Banu Quraytha Part 3’* (on 29 November 2023) (**Speech E**);

B. The following document from Mr. Ibrahim

- (6) *Expert Report of Sheikh Adel Ahmad Muhammad Ibrahim*

14. To the extent that I have relied on any other document in this report, I have identified that document in the body of this report or in a footnote.
15. The Letter of Instruction also enclosed the Expert Evidence Practice Note of the Federal Court of Australia. I have read this document and agree to be bound by it.

C. Definitions

16. Before addressing the question put to me by the Inquiry I would like to clarify a few terms and concepts that will appear in this report.

“Qur’an,” “Sunna,” “Hadith” “Sira Nabawiyya”

17. Muslims generally believe that God has communicated His will and many of His attributes. They are divided over how much His will and attributes can be known through reason alone (without any access to supernatural communication or revelation). They agree that God communicated His will and attributes to a series of men named messengers or prophets, from Adam to Muhammad.
18. Muslims generally hold that all prophets were infallible. In theory every prophet communicated God’s will in two ways: by relating to his community messages given to them by an angel or directly by God and by modeling the conduct that God wills for humanity through their words and actions. Muslims hold that some of the messages given to prophets were recorded into earlier books: including a book of Moses’ messages (the Tawrah – an Arabic word derived from the Hebrew word Torah) and a book of Jesus’ messages (the Injil – an Arabic word derived from the Greek word for Gospel: euangelion). Most Muslims hold, however, that all books before the Qur’an have been corrupted and are unreliable.
19. Muslims generally hold the Qur’an to be the very Arabic words of God. Most Muslims (particularly among Sunni Muslims) hold that the Qur’an is an eternal, uncreated word. They believe that the Qur’an was revealed to Muhammad through periodic oral messages given to him by the angel Gabriel between his 40th year of life (conventionally dated to 610 CE) and the end of his life (conventionally dated to 632 CE). They believe that all of these messages were accurately gathered and codified by the third caliph, `Uthman, so that the words one reads in the Qur’an today are the very words of God. As they believe no prophet will come after Muhammad, Muslims hold that the Qur’an is the scripture which God intends all humans to follow until the end of time.
20. In addition, Muslims hold that Muhammad, who was infallible, both gave additional guidance in the other things that he said, the things that he did, and the things that he explicitly or implicitly approved of. Muhammad’s conduct or example is known in Arabic as his *sunna*. The *sunna* is largely communicated through discrete reports or narrations known

as *hadith*. Collectively the *hadith* represent a second source of revelation and jurisprudence – valid for theological, legal, and ethical teaching – to the Qur'an, although only the Qur'an is seen as "God's word" and consequently recited as part of prayer and devotion. The classical biography of the prophet, known as the *Sira Nabawiyya* ("Prophetic Life"), is composed through various narrations (some of which are also included as discreet reports in Hadith collections). The earliest and most authoritative *Sira* is that of Ibn Ishaq (d. 767 CE), as passed down to us by Ibn Hisham (d. 833 CE).

"Sharia"

21. Most Muslims believe that God has imposed upon humanity a way of living as individuals and societies known as the sharia. This "way of living," in principle, might cover every aspect of life. Doctrines and religious teachings as well as actions and behaviors, can accordingly be defined as "permitted" or "forbidden" by God. Jurisprudents are even more precise, often classifying actions or behaviors as: required, recommended, neutral, discouraged, or forbidden.
22. Muslims disagree over how one is to interpret and apply the Qur'an and the hadith in order to develop legal and ethical teachings in particular contexts. Many Muslims are open to the use of reason and data outside of the Qur'an and hadith to develop teachings. Others attempt to rely only on Qur'an, hadith, and the teachings of those earlier Muslim scholars whom they deem reliable. This latter group of Muslims are generally within the Sunni Islamic movement known as "Salafism." Even within Salafism there is great diversity, for example as to whether one should be politically active or politically "quietist."
23. Many Muslim thinkers, especially in the West, argue that the Qur'an and hadith must be interpreted in the light of insights about human nature, culture, and human societies, including new insights that the study of religion, history, sociology, psychology and other fields offers to Muslims. For example, Abdullah Saeed (*Islam in Australia*, pp. 65-66), distinguishes Islamic teachings between "Level 1" matters (basic religious beliefs, such as God's existence and the requirement to pray), "Level 2" matters (interpretation of these beliefs in a general way), and "Level 3" matters ("Cultural manifestation" of these beliefs in a particular way, and in distinct contexts). He notes that Muslims differ on Level 2 matters and especially "Level 3" matters.

"People of the Book" "Yahud" "Quraysh"

24. The Qur'an refers to Jews and Christians (at least) as "People of the Book." By "book" it means, generally, the heavenly storehouse of God's messages. Accordingly, this label speaks to a conviction that these two groups have received divine revelation in the past. In Islamic

political thought Jews and Christians (and sometimes other groups) are accordingly accepted in an Islamic society as “dhimmis” or protected people. While the Qur’an joins these two groups together under the term “People of the Book” it also addresses them separately at times. In Qur’an 5:82, for example, it speaks of Jews and pagans as the “severest in enmity” to “believers” and Christians as the “closest in love” to “believers” (apparently, in light of Q 5:83), because they acknowledge the authenticity of Muhammad’s proclamations.

25. Mr. Haddad often uses the Arabic word for Jews: Yahud, which is a Qur’anic term (for example, in Q 5:82).
26. Quraysh is the name for the principal tribe in Mecca which, during much of the story of the Muhammad’s life, refused his claims to prophethood. After Muhammad’s hijra or migration to Medina (622 CE) a series of battles between the new Muslim community there and the Quraysh took place (Badr, Uhud, the Battle of the Trench or khandaq).

“Rasulullah” “Ummah” “Sahaba”

27. Rasulallah is an adaptation of the Arabic term rasul Allah, or “Messenger of God.” As used in Islamic religious discourse it usually refers specifically to Muhammad. The standard name (which does appear in the Qur’an; e.g. Q 2:143), for the community of Muslims is umma or ummah. The companions of Muhammad from his generation are known as the Sahaba. Sunni Muslims generally consider them all to be righteous and virtuous.

“Takbir”

28. A reference to the standard Arabic Islamic declaration: “God is greater” (Allahu akbar).

D. Questions

(1) Please read the Speeches and, focusing on the highlighted sections, provide your opinion on whether and to what extent the Speeches and the highlighted sections are consistent with the Qur’an, Hadith, the Tafsir, or other Islamic religious text or teaching.

29. Summary response (A): Mr. Haddad’s quotations of translated Qur’an passages are generally accurate. His citations of narrations from the life of Muhammad are generally accurate. The narrations he cites are not only from the hadith collections but also from biographies of Muhammad. Generally, he does not consider if those narrations are historically authentic, or ask if they might reflect an anti-Jewish or pro-Islamic perspective of an author. Moreover, his use of those narratives (including both elements he omits and the commentary he makes on them) is often selective in a way that produces a maximally anti-Jewish presentation of Muhammad’s biography.

30. Summary response (B): Mr. Haddad regularly concludes that Jewish behavior today is a manifestation of inherent negative qualities of the Jewish people, which was manifested in the life of Muhammad and on other occasions. This declaration is not consistent with the Qur'an or the hadith, and many Muslim scholars do not reach this conclusion.

Examples of (A): Mr. Haddad's Reading of the Qur'an and Islamic narrations

31. Excerpt from Speech A:

(19:45 - 20:13)

So this is one of the main ways for them that they used in Al Medina to gain power and money and authority. Another thing that they used to do was again magic, tying of the knots, and people used to go, what is known today as Jewish Kabbalah, Jewish magic, that they learned from the djinn at the time of who? Suleiman A.S. So they were known for this. They were also craftsmen, and they were involved in all aspects of life.

(20:13 - 20:43)

They were jewelers, they used to own and sell jewelry, and they were also into import and export. So they were holding a position of wealth in the society, and they would use this wealth in order to have authority over the weak, just like they do today. You find that their hands are in everywhere, in businesses, in products that we should be boycotting, Coca -Cola, and Nike, and McDonalds, and Starbucks, and the list is long.

(20:44 - 21:14)

They had their hand everywhere, so they were in the media, as they do today, and they would use this against the weak, against the weak. Another thing that they were very good at was they had one of the most oppressive interest loans, so they would give a loan to people that were in need, that was impossible to pay.

32. In this section of the first speech Mr. Haddad follows standard narrations around the life of Muhammad (notably that of the Indian scholar al-Mubarakfuri, first written in Arabic and then translated into English in 1976 as the Sealed Nectar (which itself relies on narrations in classical sources, notably Ibn Hisham's recension of Ibn Ishaq's Sira). He adds to these certain negative elements, for example that the Jews (in 7th century Arabia) had "their hands everywhere" in Medina and that they would use the media against the weak "as they do today." In the classical sources (Ibn Hisham/Ibn Ishaq and Bukhari), the three Jewish

tribes in Medina are described as having agreements and cooperating with the Arab tribes before Muhammad's arrival in Medina (622 CE), and then arriving at a pact (the "Constitution of Medina") with Muhammad. They are said to have their own settlements (sometimes translated as "fortresses") and agricultural land (principally date palms). These classical sources do report that individual Jews of Banu Nadir (one of the three tribes) tried to assassinate Muhammad (in revenge for two of their men who were accidentally killed by a Muslim, according to the Islamic report) but were stopped by the Angel Gabriel.

33. However, in the classical sources there is no sweeping, generalized declaration about "the Jews" being conspiratorial or treacherous. The actions of the three Jewish tribes are presented as individual cases. The Sealed Nectar does add some of these generalized perspectives on Jews as manipulative or treacherous. Mr. Haddad adds new ideas in this passage, particularly about Jews and "media control" and Jews "having their hands everywhere" in businesses and thereby controlling society. His comment "as they do today" (a phrase that also appears in Speech E [(19:59-20:31)]) is not found in the medieval Islamic sources.

34. Excerpts from Speech A and Speech B:

Speech A (4:25 - 5:02)

And we need to learn about these people because these are the people that we are going to always be dealing with until Allah ~ sends Imam al-Nabi. These are the people that when it comes to the end of time, Allah, would cause miracles for the nation of Muhammad! to see and hear with their own eyes and ears. Towards the end of times when the Muslims will be fighting the Jews, the trees will speak, the stone will speak, and they will say, O Muslim, O believer, there is a Yahudi behind me, come and kill him.

Speech A (5:06 - 5:35)

So we need to know where they came from, what they did at the time of the Messenger of Muhammad, what they continue to do now and what they will continue to do in the future. So let us first start with the proof from the Qur' an itself about them. Allah he says to the meaning, and when they are told, believe in what Allah has sent down, they say we believe in what was sent down to us.

Speech B (19:40 – 20:19)

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. But the tree of Gharak would not say that. For it is the tree of the Jews. This is our aqeedah. We believe every single word the messenger And if he said it. It's going to come to pass. And anyone who doubts this has fallen into disbelief.

35. Mr. Haddad discusses in two different speeches the hadith of the stones (and in some traditions, trees, except for the “Jewish Tree” known as the Gharqad) that will speak in the end times and command Muslims to kill Jews that are hiding behind it. Versions of this hadith are found in the major hadith collections, including the two most important Sunni collections, Bukhari and Muslim. These hadith are part of a number of apocalyptic traditions which speak about the unification of the world under Islam in the end times. This tradition is not found in the Qur’an. Mr. Haddad uses this tradition to argue that Jews generally – not only the Jews of Medina in Muhammad’s time, or the Jews of Israel today – are enemies of Muslims and, by implication, enemies of God “So we need to know where they came from, what they did at the time of the Messenger of Muhammad, what they continue to do now and what they will continue to do in the future.” However, that narration does not assert that Jews are timeless enemies of Muslims or God. This is one narration of “end-times” events that will also include acts against Christians (breaking crosses, and killing pigs, for example) and is part of a vision of the world uniting under Islam before the Day of Resurrection.

36. Excerpt from Speech C:

(48:31 - 48:39) And we can see their love of wealth because they didn't even let their kids go on the camels. They made them walk while their wealth was on the back of their camels. So that's why

37. The detail that Banu Nadir, when exiled from Medina, made their children walk while they used their camels for their property, is not found in the standard biography of Ibn Ishaq/Ibn Hisham. [REDACTED]

(B): Mr. Haddad’s Assertions about the Permanent Qualities of Jews

38. Excerpts from Speech A:

(p. 19; 48:57-1:08:21) Muslims we also have a limit there is a limit that we even as Muslims cannot transgress and especially disbelievers cannot cross this line yes we have patience we are forbearing we put up with a lot but when somebody crosses the line then Allah subhanahu wa ta'ala has given us in the Sharia of Muhammad a

way to deal with such people war was started because of one Muslim, war was started because of one Muslim, and because of a Muslim who ran to her aid so what about now what is happening in Gaza it's not one Muslim it's not one Muslim what's the body count now the latest 8000 8000 men women and children being killed by the Jews nobody come and tell me but brother this is the Zionists it's not really the Jews there was no Zionists at the time of the Prophet it was Jews Yahud and they were addressed this way.

39. Here Mr. Haddad is clear that he rejects the notion that the problem in Gaza or Palestine generally is with Zionism or Zionists. He urges his community to recognize that the problem is with Jews (Yahud) generally: "nobody come and tell me but brother this is the Zionists it's not really the Jews there was no Zionists at the time of the Prophet it was Jews Yahud."

40. Although Mr. Haddad writes (para. 84 of his affidavit) that his references to Jewish people were either to Jewish peoples at the time of Muhammad in Medina, "the violent acts of genocide, plotting of death against the Prophet Muhammad" or to "the IDF and Israeli government involved in what I believed to be the genocide of the innocent lives in Gaza," he frequently makes comments in his speeches which refer to the danger of all Jews, at all times. For example, in Speech A, (4:25 - 5:02): "And we need to learn about these people because these are the people that we are going to always be dealing with until Allah ~ sends Imam al-Nabi. These are the people that when it comes to the end of time."

41. Excerpt from Speech E:

(26:51 - 27:00)

And they said, yes, we know who you are. And he said, you know that I am a good advisor? And they said, yes. And he goes, you know that I know the Jews better than you? And they said, yes.

(27:00 - 27:17)

And he said, the Jews are a people who always betray. So they said to him, so what do you advise? He said to them, don't trust him. In fact, they have regretted what they have done with Muhammad.

...

(34:35 - 34:46)

No different. No different than today. Today they tell our brothers and sisters, yeah you can go out from Egypt, the border of Egypt, but then they bomb them on the way out.

(34:47 - 34:55)

Yeah you can go in the safe zone and they bomb the safe zone. Yeah you can get humanitarian aid and they bomb the humanitarian aid. Same games that they play.

(34:56 - 35:09)

Nothing's changed. And as we said and as we proved from the very first lesson, these are a people who used to kill their own prophets. A treacherous people.

(35:10 - 35:27)

A vile people. So they did come and try to invade that side of Al Madinah. But some of the Muslim women were able to scare the Jews *off* and the Jews actually thought that there was men there with the women.

42. The first two paragraphs are from the story in Islamic sources of Nu'aym b. Mas'ud converted to Islam from a pagan Arab tribe (Ghatafan) who had been allied to the Jewish tribe of Banu Qurayza, who told that tribe not to trust the Quraysh (the pagans of Mecca who were besieging Medina) and to give up their alliance with them. This was an intentional move to sow distrust among the opponents of Muhammad and the Muslims. The classical sources, however, do not have him say that "the Jews are a people who always betray." This is an addition. In the paragraphs thereafter Mr. Haddad uses stories about one tribe in Medina (Banu Qurayza) to make assertions about the enduring nature of the Jews as a "treacherous people" and "a vile people." It is clear that Mr. Haddad believes that the "treacherous" or "vile" nature of the Jews is the same in Muhammad's day and in the present day. For example, in Speech C, he declares, after referring to the exile of two Jewish tribes and the execution and enslavement of a third Jewish tribe in Medina:

(46:05 - 46:19) But we can see how the Prophet he dealt so easily with the Jews of Al-Madinah. Even though they were always conspiring against him and against the Muslims.

(46:20-46:53) And he had so much patience. And sometimes people want to know where the hatred between the Jews and Muslims started. We say it started right back then when they started to break their agreements with the Prophet ~ - So the enmity that we see today is no other of the Jews today is no other because their forefathers had shown the same enmity to the Prophet.

43. Excerpt from Speech E:

(39:53 - 40:16) And he actually calls out to them in a way and he says to them, O descendants of apes and pigs, are you insulting me? What do you think the first thing they did? The first thing they did to say was, no we didn't insult you. It's not true, we weren't saying that. They're back peddling what they say.

44. The description of Jews as “descendants of apes and pigs” reflects a way of reading Qur’an 2:65 and 7:163–66, two passages which tell the story of one particular community, assumed to be Jews since this community is meant to observe the Sabbath. In this Qur’anic passage God curses this particular community and transforms them (according to a literal reading), into apes and pigs. The line that Mr. Haddad has chosen to quote from the biography of the Prophet suggests that Jews are descended from apes and pigs, which is certainly not the implication of the Qur’anic passage.

45. Speech D is not based on scripture, and consequently I do not address Mr. Haddad’s opinions there.

Comparative Observations

46. It is important to note that many prominent, conservative, Sunni Muslim leaders who know the narrations in regard to Muhammad and the three Jewish tribes of Medina, or the narration about Jews in the end times, do not arrive at the same conclusions as Mr. Haddad does in regard to the Jews as a people or a race.

47. In his address to the House of Lords in 2015, the grand imam of Al-Azhar, Ahmad Al-Tayyeb, described Jews in quite different terms: “Islam does not see non-Muslims, Christians and Jews from the perspective of enmity, tension and violence, but from the perspective of human brotherhood and kindness.”¹

48. Yusuf al-Qaradawi, the Egyptian cleric who is widely seen as a respected figure among conservative Sunni movements (and is cited as a reliable authority in Mr. Ibrahim’s expert report), explained in 2006: “It is essential for everyone to recognize that I do not harbor hatred towards Jews based solely on their Jewish identity, as Judaism is not the cause of the conflict between us and Israel. Jews, as followers of a heavenly religion, remain close to us.”²

¹ <https://www.azhar.eg/observer-en/Al-Azhar-Observatory-for-Combating-Extremism/ArtMID/3472/ArticleID/2021/Speech-of-His-Eminence-Prof-Ahmad-Al-Tayyeb-the-Grand-Imam-of-Al-Azhar-Al-Sharif-to-the-House-of-Lords-11-June-2015>

² <https://www.ukm.my/ijit/wp-content/uploads/2024/05/Ainul-Asyraf-Luqman-IJIT-Vol-25-June-2024-PDF.pdf>
The authors of this article quote from Qaradawi’s Arabic book *Nahnu wa-l-gharb*.

49. The Muslim authors of the 2024 article (from the International Journal of Islamic Thought) from which the above (#48) quotation of Qaradawi is taken note that the majority of Muslim imams do not connect the conflict in Gaza or Israel/Palestine generally to the Jews as a race or religion: “The nature of the conflict with Israel can be approached from two perspectives: (i) Considering it a clash of religious ideologies rooted in Jewish identity, and; (ii) perceiving it as a struggle against colonialism rather than Judaism itself. This viewpoint is espoused by all official Islamic institutions, including the majority of Al-Azhar scholars and Muslim Brotherhood scholars.”³

(2) Please comment on the Expert Report of Sheikh Adel Ahmad Muhammad Ibrahim dated 9 May 2025, including by identifying any matter which you agree or disagree with, and state why.

50. Summary response (A): Mr. Ibrahim’s description of Qur’an, hadith, sunnah, and tafsir (Islamic commentary) is generally accurate. A few paragraphs are missing points of information, or portray Islamic religious traditions as though they are historical facts. I agree with Mr. Ibrahim’s essential argument that neither the Qur’an nor the hadith teach that Jews have any inherent negative qualities as a people, but rather that the criticism in these texts therein is against the Jews in one particular historical context: Muhammad’s community in seventh century Medina.
51. Summary response (B): Mr. Ibrahim’s characterization of Mr. Haddad’s speeches as relating to either certain Jews in Muhammad’s day, or to certain Jews in the present day, is inaccurate. Rather Mr. Haddad repeatedly insists that Jews have inherent negative qualities and that (from his perspective) their actions in Medina in the seventh century and Gaza in the twenty-first century are only two manifestations of those inherent qualities. As for whether Mr. Haddad’s characterization of Jews’ inherent negative qualities is a question of racial epithets is not a subject on which either I or Mr. Ibrahim (to my knowledge) have any specialist expertise.

Examples of (A): Mr. Ibrahim’s description of Qur’an, hadith, sunnah, and tafsir

52. Unlike the speeches of Mr. Haddad, Mr. Ibrahim notably mentions (p. 9) that not all Jews were enemies of Muhammad, and that some Jews (even those who were not converts to Islam) had positive relationships with Muhammad, and that Muhammad attended a funeral for one of his Jewish neighbours.
53. There are numerous assertions about the Qur’an, the hadith, sira, and tafsir in Mr. Ibrahim’s statements that are only partially correct, or which represent only one interpretation, or which are false. For example:

³ <https://www.ukm.my/ijit/wp-content/uploads/2024/05/Ainul-Asyraf-Luqman-IJIT-Vol-25-June-2024-PDF.pdf>

54. In paragraph 48 Mr. Ibrahim writes: “The Prophet, SAWS, only fought those who attacked Muslims or refused to coexist peacefully after inviting them to Islam. The hadith guarantees safety for those who accept Islam or live peacefully under his rule.” He is correct that Islamic teaching permits Jews and Christians to keep their religion under Islamic rule. Standard Islamic teaching is that Muhammad did not extend this permission to polytheists, who were given the choice to leave, to convert to Islam, or to be executed. In addition, there are many accounts of raids (maghazi) initiated by Muhammad, including those against Dumat al-Jandal or the raids of Muta and Tabuk towards the end of his life. The Sealed Nectar, for example, includes many accounts of the early Muslims’ “invasions” of enemy settlements.
55. On p. 59 he writes that Qur’an 59:2-5 “describes the expulsion of the Banu Nadir due to their conspiracies against Muslims.” It is true that Islamic tafsir connects this to Muhammad’s attack on Banu Nadir. The verses, however, do not mention any Jewish conspiracies against Muhammad, although it does justify the siege on their fortresses by mentioning their “opposition” to God and Muhammad. The verses relate only the following:

Q 59:2. It is He who evicted those who disbelieved among the People of the Book from their homes at the first mobilization. You did not think they would leave, and they thought their fortresses would protect them from God. But God came at them from where they never expected, and threw terror into their hearts. They wrecked their homes with their own hands, and by the hands of the believers. Therefore, take a lesson, O you who have insight.

3. Had God not decreed exile for them, He would have punished them in this life. But in the Hereafter they will have the punishment of the Fire.

4. That is because they opposed God and His Messenger. Whoever opposes God—God is stern in retribution.

5. Whether you cut down a tree, or leave it standing on its trunk, it is by God’s will. He will surely disgrace the sinners.

Examples of (B): Mr. Ibrahim’s characterization of Mr. Haddad’s statements as referring only to certain Jews in Muhammad’s day, or the present day.

56. In paragraph 98 of his expert report, Mr. Ibrahim, describing Mr. Haddad’s “balanced view,” writes: “This balanced view rejects broad generalisations and evaluates people based on their deeds and faith, not their race or lineage. The teachings of Islam emphasise justice and equality, and condemn collective punishment or unfair blame, as in the Qur’anic verse:

"And no bearer of burdens shall bear the burden of another" (Qur'an 17:15). Therefore, while the Qur'an recounts historical conflicts with some Jewish tribes because of their breach of covenants and their hostility, it also emphasises the principle that measures goodness on the basis of piety and conduct-not just by tribal or religious affiliation. This well considered approach ensures that Muslims remain fair in their dealings with all people, including Jews, while remaining vigilant against injustice and falsehood in any form."

57. Mr. Ibrahim's assessment, that Mr. Haddad "emphasises the principle that measures goodness on the basis of piety and conduct" is an inaccurate description of Mr. Haddad's speeches.
58. Mr. Ibrahim's assessment in paragraph 101 of his expert report, that "Even when [Mr. Haddad's] criticisms extend beyond explicit texts, they remain ideologically consistent with Islam's traditions of critical research and defending truth" is inaccurate in light of statements from conservative Sunni leaders such as Ahmad Al-Tayyeb and Qaradawi (see paragraphs 47 and 48 above).
59. I agree with Mr. Ibrahim's assessment that the classical Islamic sources emphasize right action over one's ethnicity or social standing. I disagree with Mr. Ibrahim's suggestion that Mr. Haddad's speeches follow the classical Islamic sources in this regard. The assertion that Mr. Haddad makes no "generalization against the Jews" (p. 26 of the expert report) is an inaccurate description of his speeches, which include numerous generalizations against the Jews. At the opening of Speech A Mr. Haddad declares: "So the Yahud, the Jews of Banu Israel, they have been a very mischievous people causing fitna even before the coming of Muhammad" (2:59-3:49). Towards the end of Speech E, he declares: "(34:56 - 35:09) Nothing's changed. And as we said and as we proved from the very first lesson, these are a people who used to kill their own prophets. A treacherous people. (35:10 - 35:27) A vile people." Mr. Haddad's interpretation of anti-Jewish traditions set in the end times (see paragraph 35) suggests that he believes that Jews permanently have such qualities.

Annexure A

curriculum vitae

latest update: June 30, 2018

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Academic Position

University of Notre Dame, Professor of Islamic Studies and Theology
(from Aug. 2003, promotion to Associate May 2009, promotion to Professor May 2013)

Lebanese American University, Beirut (visiting professor, Sep 2006-Jun 2007)

Université de Saint Joseph, Beirut (visiting professor, Sep 2010-Feb 2011, May-Jun 2011)

Université Libre de Bruxelles (visiting professor, Mar-Apr 2011, Mar-Apr 2013).

Education

Yale University (Sep. 1997 - May 2003)

Program in Islamic Studies, Department of Religious Studies

M.A. (May 2001) M. Phil. (Dec. 2001) Ph. D. (May 2003; Advisor: Gerhard Böwering)

Columbia University (Sep. 1991 - Dec. 1994)

B.A. in Middle Eastern Languages and Cultures (Dec. 1994), *magna cum laude*

Languages

Classical Arabic, Colloquial Arabic (Eastern), Syriac, Persian, Biblical Hebrew, Latin, New Testament Greek, German, French, Italian.

Fellowships/Awards

Henkels Grant to Host World Religions World Church conference “Ecumenical and Inter-religious Relations” (January 2018; \$22,500).

National Endowment for the Humanities Fellowship, “God of Vengeance and Mercy: On the Qur'an's Theology in Relation to Jewish and Christian Tradition” (2016-2017).

Institute of Advanced Studies-Nantes (France), Residential Fellowship (2016-17).

Notre Dame Global Collaboration Initiative Grant, “Islam, the Qur’ān, and Catholic Theology” (2016-18; \$15,700)

Small Henkels Grant to Host Notre Dame “World Religions World Church Colloquium” on Converts and Martyrs in the Islamic World (April 2014; \$2190).

Mellon Foundation Sawyer Seminar Grant, “The Qur’ān in the World of Late Antiquity” (2011-13).

A grant of \$175,000 to support 2 doctoral and 1 post-doctoral fellows, and a series of 5 conferences, over the academic year 2012-13 at Notre Dame.

Notre Dame Library Acquisitions Grant (co-authored) “Near East Reading Room Collection” (2011; \$125,000).

Louisville Institute Project Grant for Researchers (2011; \$25,000).

Notre Dame Henkels Lectures Award to host academic conference, “The Qur’ān in Its Historical Context” on April 19-21, 2009.

Fulbright Regional Research Award, for research in Beirut and Jerusalem (2007; \$27,000).

Luce Fellow in Theology (2006-7; \$72,000).

Notre Dame Henkels Lectures Award to host academic conference, “Towards a New Reading of the Qur’ān?” on April 2-4, 2005.

The Theron Rockwell Field Prize, for a dissertation in Humanities, Yale University (2003).
 Whitney Fellow, Yale University (2002-3).
 Fulbright-Hays Grant for research in Beirut, Lebanon (2000-2001).
 Bates Junior Fellow, Jonathan Edwards College, Yale University (1999-2003).
 Mellon Fellow (1996-97).

Publications

*** Books**

- The Qur'an and the Bible: Text and Commentary* (Revised Qur'an Translation of Ali Quli Qara'i annotated with Biblical Texts and Commentary by Gabriel Said Reynolds). New Haven: Yale University Press: 2018. 1008 pages.
- The Qur'an Seminar Commentary / Le Qur'an Seminar: A Collaborative Study of 50 Qur'anic Passages / Commentaire collaboratif de 50 passages coraniques* (editor and contributor), Berlin: De Gruyter, 2016. 487 pages.
- The Emergence of Islam*. Minneapolis, MN: Fortress Press, 2012. 226 pages. Arabic translation: *Nushū' al-Islām*. Trans. Sa'd Sa'dī and 'Abd al-Masīh Sa'dī. Beirut: Dar al-Machreq, 2017. Persian translation: Trans. Fahimeh Jamei, in progress.
- New Perspectives on the Qur'ān: The Qur'ān in Its Historical Context 2*. Introduced and Edited. London: Routledge, 2011. 536 pages.
- The Qur'ān and Its Biblical Subtext*. London: Routledge, 2010. 304 pages.
 Reviews: D. King, *Journal of Late Antique Religion and Culture* 4 (2010), 84-88; O Leaman, *Journal of Shi'a Islamic Studies* 4 (2011), 219-22; P. Wright, *Relegere* 1 (2011), 219-223; Y. Tzvi Langermann, *Ilahiyat Studies* 2 (2011), 112-121; D. Madigan, *Journal of the American Oriental Society*, 133 (2013), 387-91; A. Neuwirth, *Journal of Qur'anic Studies* 14 (2012), 131-38; L. Bohome Pulido, *Collectanea Christiana Orientalia* 9 (2012), 302-4; Amidu Olalekan Sanni, *Journal of Islamic Studies* 23 (2012), 359-422; Vinay Khetia, *al-Bayan* 11 (2013), 99-103; C. Bori, *Quaderni di Studi Arabi* 7 (2012); Juan Pedro Monferrer-Sala, *Oriens Christianus* 95 (2011), 282-84.
- The Critique of Christian Origins: Qādī 'Abd al-Jabbār's (d. 415/1025) Islamic Essay on Christianity*. Introduced, Translated, and Annotated. Edited Samir Khalil Samir. Provo UT: BYU Press, 2010. 512 pages.
- The Qur'ān in Its Historical Context*. Introduced and Edited. London: Routledge, 2008. 294 pages.
Arabic translation: *Al-Qur'ān fī muḥīṭihī al-tārīkhī*. Trans. Sa'd Sa'dī and 'Abd al-Masīh Sa'dī. Beirut: Dār al-Jamal, 2011.
- A Muslim Theologian in the Sectarian Milieu: 'Abd al-Jabbār and the 'Critique of Christian Origins'*. Leiden: E.J. Brill, 2004. 297 pages.
 Reviews: S. Schmidtke, *Journal of the American Oriental Society*, 126 (2006), 288-90; D. Thomas, *Islam and Christian-Muslim Relations* 17 (2006), 240-41; J. Waardenburg, *International Journal of Middle Eastern Studies* 38 (2006), 588-90.

*** Articles**

Refereed Articles

- “‘Une exhortation pour les pieux’: la nature parénétique du Coran,” *Revue théologique du Louvain* 49 (2018), 182-200.
- “Noah’s Lost Son in the Qur’an,” *Arabica* 64 (2017), 1-20.
- “Gavin D’Costa, Vatican II, and Islam,” (solicited) *Nova et Vetera* 16 (2017), 291-99.
- “Islamic Studies in North America, or Reflections on the Academic Study of the Qur’an,” (solicited) *Islamochristiana* 40 (2014), 55-73.
- “On the Presentation of Christianity in the Qur’an and the Many Aspects of Qur’anic Rhetoric,” *al-Bayān* 12 (2014), 42-54.

- “The Qur’ān and the Apostles of Jesus,” *Bulletin of the School of Oriental and African Studies* 76 (2013), 1-19.
- “On the Description of the Jews as ‘Killers of the Prophets’ in the Qur’ān,” *al-Bayān* 10 (2012), 9-34. [Translated and published in Persian].
- “Le problème de la chronologie du Coran,” *Arabica* 58 (2011), 477-502.
- “Remembering Muḥammad,” (solicited) *Numen* 58 (2011), 188-206.
- “On the Qur’ānic Accusation of Scriptural Falsification (*tahrīf*) and Christian anti-Jewish Polemic,” *Journal of the American Oriental Society* 130 (2010), 1-14.
- “The Muslim Jesus: Dead or Alive?” *Bulletin of the School of Oriental and African Studies* 72 (2009), 237-58.
- “The Rise and Fall of Qadi ‘Abd al-Jabbar,” *International Journal of Middle Eastern Studies* 37 (2005), 3-18. [Translated and published also in Persian].
- “A Reflection on Two Qur’ānic Words (*Iblīs* and *Jūdī*) with Attention to the Theories of A. Mingana,” *Journal of the American Oriental Society* 124 (2004) 4, 1-15.
- “A New Source for Church History? Eastern Christianity in ‘Abd al-Jabbār’s (415/1025) *Confirmation*,” *Oriens Christianus* 86 (2002), 46-68.
- “Jesus, the Qā’im, and the End of the World,” *Rivista degli studi orientali* 75 (2001), 55-86.
- “Saint Thomas’ Islamic Challenges: Reflections on the Antiochene Questions,” *Islam and Christian-Muslim Relations* 12 (April 2001) 2, 161-189.
- “The Sufi Meal: A Case Study of Ādāb,” *Muslim World* 90 (Spring 2000), 198-218.
- “The Ends of *al-Radd al-Jamīl* and Its Portrayal of Christian Sects,” *Islamochristiana* 25 (1999), 45-65.

Chapters of Books

- “Sourates 4-6,” *Le Coran des historiens*, ed. Mohammad Ali Amir-Moezzi and Guillaume Dye (Paris, Le Cerf, forthcoming).
- “Divine Mercy in the Qur’ān,” *Finding Beauty in the Other: Theological Reflections across Religious Traditions*, ed. P. Casarella and M. Sirry (New York: Crossroads, forthcoming).
- “God Has Spoken Before: On the Recitation of the Bible in Islamic Ritual Prayer,” *Between the Cross and the Crescent Studies in Honor of Samir Khalil Samir, S.J. on the Occasion of his Eightieth Birthday*, ed. Z. Paša (Rome: Pontifical Oriental Institute, 2018), 573-91.
- “Moses Son of Pharaoh: A Study of Qur’ān 26 and Its Exegesis,” *Exegetical Crossroads*, ed. Georges Tamer et al. (Berlin: De Gruyter, 2018), 289-301.
- “A Flawed Prophet? Noah in the Qur’ān and Qur’ānic Commentary,” *Islamic Studies Today: Essays in Honor of Andrew Rippin*, ed. M. Daneshgar and W. Saleh (Leiden: Brill, 2016), 260-73.
- “On the Qur’ān’s *Mā’ida* Passage and the Wanderings of the Israelites,” *The Coming of the Comforter: When, Where, and to Whom? Studies on the Rise of Islam in Memory of John Wansbrough*, ed. B. Lourié, C.A. Segovia, and A. Bausi (Piscataway, NJ: Gorgias, 2011), 91-108.
- “‘Abd al-Jabbār,” *The Islamic World*, ed. A. Rippin (London: Routledge, 2008), 338-44.
- “Reading the Qur’ān as Homily: The Case of Sarah’s Laughter,” *The Qur’ān in Context*, ed. A. Neuwirth, N. Sinai, and M. Marx (Leiden: Brill, 2010), 585-92.
- “Redeeming the Adam of the Qur’ān,” *Arabische Christen – Christen in Arabien*, ed. D. Kreikenbom, F.-Ch. Muth and J. Thielmann (Frankfurt: Lang, 2006), 71-83.
- “The Eschaton and Justice in the Thought of Mulla Sadra,” *Proceedings of the Second World Congress on Transcendent Philosophy* (Tehran, Iran: 2005).
- “A Philosophical Odyssey: Ghazzālī’s *Intentions of the Philosophers*,” *Medieval Philosophy and the Classical Tradition in Islam, Judaism and Christianity*, ed. D. Thomas (Richmond: Curzon, 2001), 37-50.

Encyclopedia Articles

- “Biblical Background,” *Wiley-Blackwell Handbook of the Qur’ān* (Oxford: Blackwell, 2017), 303-19.
- “Christ in Islam,” *Oxford Handbook of Christology* (Oxford: Oxford University Press, 2015), 183-98.
- “Gabriel/Jibrīl,” *Encyclopedia of Islam*, 3rd Edition (Leiden: Brill, 2014), 126-29.
- “David,” *Encyclopedia of Islam*, 3rd Edition (Leiden: Brill, 2012), 78-81.
- “Al-Hādī Ilā l-Haqq,” *Christian-Muslim Relations: A Bibliographical History*, ed. D. Thomas (Leiden: Brill, 2010), 2:125-9.
- “‘Abd al-Jabbār,” *Christian-Muslim Relations: A Bibliographical History*, ed. D. Thomas (Leiden: Brill, 2010), 2:594-610.
- “Angels,” *Encyclopedia of Islam*, 3rd Edition (Leiden: Brill, 2009), 86-99.
- “Bible,” *Medieval Islamic Civilization: An Encyclopedia* (London: Routledge, 2005), 1:107-8.
- “Seven Sleepers of Ephesus,” *Medieval Islamic Civilization: An Encyclopedia* (London: Routledge, 2005), 2:719-20.
- “‘Uthmān,” *Encyclopedia of the Qur’ān* (Leiden: Brill, 2001-6), 5:408-10.

Non-Refereed Articles

- Various articles and book reviews in the *Times Literary Supplement*, *Christian Science Monitor*, *Commonweal*, *First Things*, and *Huffington Post*.
- “Publics of Theological Research,” *Theological Education* 50 (2017) 2, 149-56.
- “Quatre prophètes coraniques : Noé, Lot, Moïse, et Jésus,” *Annuaire de l’École pratique des hautes études* 123 (2014-15), 271-76.
- With Emran El-Badawi, “The Qur’an and the Syriac Bible,” *Oxford Islamic Studies Online*, July 2013 (<http://www.oxfordislamicstudies.com/Public/focus.html>).
- “Sidon and the South through American Eyes” (in Arabic), *As-Safir* (July 12, 1999), 4.

Reviews

- “*Al-Radd al-jamīl – A Fitting Refutation of the Divinity of Jesus*,” ed. Mark Beaumont and Maha El Kaisy-Friemuth,” *Islam and Muslim-Christian Relations* 29 (2018), 265-68.
- “Jacqueline Chabbi, *Les trois piliers de l’Islam : Une lecture anthropologique du Coran*,” *Review of Qur’ānic Research*, 2 (2016) 7.
- “Navid Kermani, *God is Beautiful: The Aesthetic Experience of the Qur’an*,” *First Things* August/September 2016, 60-61.
- “John Renard, *Islamic Theological Themes: A Primary Source Reader*,” *Theological Studies* 77 (2016), 534-45.
- “Michel Cuyppers, *La composition du Coran*,” *Review of Qur’ānic Research* 1 (2015) 2.
- “Theodor Nöldeke, Friedrich Schwally, Gotthelf Bergsträsser and Otto Pretzl, *The History of the Qur’ān*, ed. and trans., Wolfgang H. Behn,” *Ilahiyat Studies* 5 (2014), 251-57.
- “Anne-Sylvie Boisliveau, *Le Coran par lui-même : vocabulaire et argumentation du discours coranique auto référentiel*,” *Marginalia Review of Books*, June 10, 2014.
- “Hans-Thomas Tillschneider, *Typen historisch-exegetischer Überlieferung: Formen, Funktionen und Genese des asbāb an-nuzūl Materials*,” *Bulletin of the School of Oriental and African Studies* 2013 (1), 120-22.
- “Stephen Shoemaker, *Death of a Prophet*,” *Religion and Literature* 45 (2013), 193-95.
- “Michel Cuyppers, *Le festin: une lecture de la sourate al-Mā’ida*,” *Der Islam* 88 (2012), 427-34.
- “Francis S. Peters, *Jesus & Muhammad: Parallel Tracks, Parallel Lives*,” *Journal of Interdisciplinary History* 42 (2012), 439-40.
- “Keith E. Small: *Textual Criticism and Qur’ān Manuscripts*,” *al-Bayān* (Malaysia), 10 (2012), 103-7.
- “Thomas Hoffmann, *The Poetic Qur’ān: Studies on Qur’ānic Poeticity*,” *Orientalistische Literaturzeitung* 106 (2011), 1-2.

- “Frederick S. Colby, *Narrating Muḥammad’s Night Journey: Tracing the Development of the Ibn ‘Abbās Ascension Discourse*,” *Review of Middle East Studies* 44 (2010) 75-76.
- “*The Encounter of Eastern Christianity with Early Islam*, ed. Emmanouela Grypeou, Mark N. Swanson, and David Thomas,” *Journal of the American Oriental Society* 129 (2009), 520-2.
- “*Coming to Terms with the Qur’an. A Volume in Honor of Professor Issa Boullata*, ed. Khaleel Mohammed and Andrew Rippin,” *Journal of the American Oriental Society* 129 (2009), 383-84.
- “Walter H. Wagner, *Opening the Quran: Introducing Islam’s Holy Book*,” *The Catholic Historical Review* (2009), 768-70.
- “Sidney Griffith, *The Church in the Shadow of the Mosque*,” *Journal of Law and Religion* 24 (2008-9), 101-5.
- “Yehuda Nevo and Judith Koren, *Crossroads to Islam*,” *Journal of the American Oriental Society* 125 (2006), 9-13.
- “Qamar-ul Huda, *Striving for Divine Union*,” *Journal of Near Eastern Studies* 65 (January 2006) 1, 66-9 .
- “Günter Lüling, *A Challenge to Islam for Reformation*,” *Bulletin of the Royal Institute of Inter-faith Studies* 7 (Spring/Summer 2005) 1, 185-91.
- “Samuel-Martin Behloul, *Ibn Hazms Evangelienkritik: Eine methodische Untersuchung*,” *Journal of the American Oriental Society* 124 (2005), 14-5.
- “Harald Motzki, *The Origins of Islamic Jurisprudence*,” *Journal of Semitic Studies* 50 (Spring 2005) 1, 227-30.
- “David Thomas, *Early Muslim Polemic against Christianity: Abū ‘Īsā al-Warrāq’s “Against the Incarnation*,” *Journal of the American Oriental Society* 124 (2004) 2, 4-7.
- “Linda Walbridge, *Christians of Pakistan*,” *Bulletin of the Royal Institute of Inter-faith Studies* 5.1 (Spring/Summer 2003), 220-5.
- “Daniel Madigan, *The Qur’ān’s Self Image*,” *al-Abhath* (2002-3), 225-8.
- “Michael Gilsenan, *Recognizing Islam*,” *Middle East Studies Association Bulletin* 36 (Summer 2002) 1, 70.
- “Andrew Rippin, *Muslims: Their Religious Beliefs and Practices*,” *Middle East Studies Association Bulletin* 36 (Summer 2002) 1, 71-2.
- “Tarif Khalidi, *The Muslim Jesus*,” *Books and Culture* (March/April 2002), 8.
- “Muhammad Abdel Haleem, *Understanding the Qur’an*,” *al-Abhath* (2001), 131-5.

Work In Progress

- Allah: A Portrait of God in the Qur’an* (book manuscript 95% completed on the Qur’an’s theology).
- “Biblical Turns of Phrase in the Qur’ān” (article manuscript to be submitted to a Festschrift, completed).
- “Intra-textuality and Orality in the Qur’ān: The Evidence of Suras 61 and 66” (article manuscript for the acts of an Oxford conference, completed).
- Associate Editor for a work on Biblical Traditions in the Qur’an under contract with Princeton University Press.

Select Lectures

- 4 Jun 2018, “History and the Qur’ān,” Hebrew University (Jerusalem).
- 14 Mar 2018, “J’ai été parmi les Injustes ! Le prophète Jonas dans le Coran et les commentaires coraniques,” Institut des études avancées (Nantes, France).
- 12 Mar 2018, “Biblical Allusions in the Qur’an,” Catholic University of Leuven (Belgium).
- 12 Mar 2018, “Allah: Dieu de Clémence et de Vengeance” Université Libre de Bruxelles (Belgium)
- 19 Nov 2017, “Speaking Biblically: On the Qur’an’s Use of Biblical Turns of Phrase” *International Qur’ānic Studies Association Annual Meeting* (Boston).

- 12 Jun 2017, "The Qur'an's Allusions to the Bible," Nangeroni Late Antiquity Conference (Florence, Italy).
- 18 May 2017, "Introduction à la théologie musulmane," Institut Catholique (Paris).
- 27 Apr 2017, "La rhétorique coranique," Université de Fribourg (Switzerland).
- 20 Apr 2017, "The Quran and the Bible," Public Lecture, University of New England in Tangier (Morocco).
- 19 Mar 2017, "A Study of Q 61 and 66 in Light of Oral Composition Theories," *Unlocking the Medinan Qur'ān* conference (Oxford).
- 18 Nov 2016, "God of Mercy and Vengeance," *International Qur'ānic Studies Association Annual Meeting* (San Antonio).
- 4 Nov 2016, "Etat des lieux des approches universitaires du Coran," *Le Coran entre antiquité tardive, canonisation et exégèse première* Lecture Series (École des Hautes Études en Sciences Sociales, Paris).
- 13 Oct 2016, "Une histoire courte des relations entre musulmans et chrétiens dans les premiers siècles de l'Islam," Echos Festival (Nantes, France).
- 17 Sep 2016, "Biblical Turns of Phrase in the Qur'ān," *The Qur'ān between Judaism and Christianity* Lecture Series (Nottingham, England).
- 8 Sep 2016, "Dieu de Clémence et Vengeance," Pluriel Conference (Lyons, France).
- 23 Mar 2016, "Noah, the Qur'ān, and the Bible," Vanderbilt University Divinity School (Nashville, TN).
- 22 Nov 2015, "Noah's Lost Son in the Qur'ān," *International Qur'ānic Studies Association Annual Meeting* (Atlanta).
- 11 Sep 2015, "Vengeance and Mercy in the Qur'ān," *Finding Beauty in the Other*, World Religions World Church Colloquium (Notre Dame).
- 18-29 May 2015, Lecture Series: "Quatre prophètes coraniques : Noé, Lot, Moïse, et Jésus." École Pratique des Hautes Études (Paris).
- 10 Jan 2015, "Reading Qur'an and Bible Together: The Case of Moses." Tantur Ecumenical Institute (Jerusalem).
- 18 Sep 2014, "Scholarly Debates over the Arabian Origins of Islam," Kennesaw State University (Georgia).
- 23 May 2014, "Islamic Studies in the United States: New Directions," Pontifical Institute for Arabic and Islamic Studies (Rome, Italy).
- 21 May 2014, "Comment lire le Coran," l'Institut dominicain d'études orientales (Cairo, Egypt).
- 4 Apr 2014, "The Qur'an and the Bible," Public Lecture (University of Arkansas at Little Rock).
- 25 Feb 2014, "Reflections on the Christian Encounter with the Qur'an," Centre for Muslim-Christian Studies (Oxford, England).
- 21 Feb 2014, "The Bible in Classical and Modern Tafsīr," Exegetical Crossroads Conference (Erlangen, Germany).
- 24 Nov 2014, "Reading the Bible with Aḥmad Deedat," International Qur'anic Studies Association Conference (Baltimore).
- 3 Oct 2013, "The Islamic Christ," Catholic University of America (Washington, DC).
- 19 Sep 2013, "The Implications of Recent Research on Qur'an Manuscripts," Mingana Symposium (Birmingham, England).
- 4 May 2013, "The Qur'an, Qur'anic Rhetoric, and Christianity," Conference: Rethinking the Qur'an (Ankara, Turkey).
- 29 Apr 2013, "L'éthique sexuelle des chrétiens selon 'Abd al-Jabbar (m. 1025)," Lecture Series : Regards croisés sur les minorités religieuses (Brussels, Belgium).
- 20 Jan 2013, "The Qur'an and Christian Heresies," Conference: The Qur'an's Reformation of Judaism and Christianity (Nottingham, England).

- 17 Nov 2012, "The Qur'an and the Apostles of Jesus," Society of Biblical Literature Conference (Chicago).
- 17 Jul 2012, "On the Jews as Killers of the Prophets in the Qur'an," Symposium Syriacum (Malta).
- 20 Apr 2012, "A Catholic Appreciation of Ibn Taymiyya," Church and Islam Colloquium, Institute for Church Life (Notre Dame).
- 6 Mar 2012, "The Muslim Jesus and a Table from Heaven," Centre College Convocation (Danville, KY).
- 26 Feb 2012, "The Publics of Theological Research," Association of Theological Schools Conference (Pittsburgh, PA).
- 24 Oct 2011, "On the Muslim Jesus and His Qur'ānic Companions," Theology Department Colloquium, (Notre Dame).
- 7 Aug 2011, "The Problem with Reading the Qur'an Chronologically," Conference on The Origins of Islam, Dartmouth College.
- 8 Mar-5 Apr 2011, "Le Coran et la Bible". Lecture series at Le Centre Interdisciplinaire d'Etude des Religions et de la Laïcité (Brussels, Belgium).
- 14 Dec 2010, "An Islamic Account of the Bible's Composition: 'Abd al-Jabbār's *Critique of Christian Origins*," Orient-Institut der deutschen morgenländischen Gesellschaft (Beirut, Lebanon).
- 13 Sep 2010, "Heavenly Warfare in the Qur'ān," Conference on Legitimate and Illegitimate Violence in Islamic Thought, The University of Exeter (Exeter, United Kingdom).
- 15 Apr 2010, "The Myth of the Abrahamic Religions," World Affairs Council of Springfield, Illinois.
- 18 Mar 2010, "The Future of Muslim-Christian Relations," Lampen Lecture, Ancilla College (Ancilla, IN).
- 29 Jan 2010, "Sexual Depravity and Medieval Muslim-Christian Controversy," Duke University Center for Late Ancient Studies Symposium.
- 22 Nov 2009, "On Muḥammad, Miracles, and Christianity," Middle East Studies Association Conference (Boston).
- 22 Sep 2009, "On Sexual Depravity and Muslim-Christian Controversy," Woodbrooke-Mingana Symposium (Birmingham, England).
- 27 Jun 2009, "Whom Does the Qur'ān Accuse of Scriptural Falsification?" Symposium on Religious Culture in Late Antique Arabia (Berlin).
- 1 Jun 2009, "Qur'ānic Cosmology and the Serpent's Curse" Institute of Advanced Study Colloquium (Princeton, NJ).
- 13 Mar 2009, "Qāḍī 'Abd al-Jabbār on the True Religion and Sexual Perversion," American Oriental Society Conference (Albuquerque, NM).
- 26 Feb 2009, "On the Charge of Scriptural Falsification in the Qur'ān, Islamic Tradition, and Christian anti-Jewish Polemic," Medieval Institute Research Colloquium (Notre Dame).
- 24 Nov 2008, "An Elegy for the Orientalists," Middle East Studies Association Conference (Washington).
- 17 Mar 2008, "Abraham the Gentile," American Oriental Society Conference (Chicago).
- 19 Nov 2007, "'The Male is Unlike the Female.' On the Quranic Narrative of Mary's Birth," Middle East Studies Association Annual Conference (Montreal, Canada).
- 4 Nov 2007, "Reading the Qur'ān in Light of a Jewish-Christian-Islamic Tradition," Henry Luce III Theology Fellows conference (Pittsburgh, PA).
- 21 Jun 2007, "A New Approach to the Qur'ān," Public Lecture, American Embassy (Beirut, Lebanon).
- 10 Sep 2006, "Reading Qur'ān and Bible Together," Tantur Ecumenical Institute (Jerusalem).
- 25 Apr 2006, "Islam and Christianity," Corpus Christi Lecture Series on Christianity and World Religions (Toledo, OH).
- 21 Nov 2005, "Why Does God Give the Children of Adam Feathers in Qur'ān 7:26?" The Society of Biblical Literature Conference (Philadelphia, PA).

- 16 Sep 2005, "The Laughter of Sarah in Christian Tradition and Qur'ān 11:71," The Fifth Woodbrooke-Mingana Symposium on Arab Christianity and Islam (Birmingham, England).
- 18 Mar 2005, "Why is Abraham's Wife Laughing in Qur'ān 11:71?" American Oriental Society Conference (Philadelphia, PA).
- 25 May 2004, "The Eschaton and Justice in the Thought of Mulla Sadra," Second World Congress on Mulla Sadra (Tehran, Iran).
- 30 Apr 2004, "Arab Christianity and the Redemption of the Qur'ānic Adam," Universität Mainz Konferenz: "Arabische Christen" (Mainz, Germany).
- 8 Nov 2003, "Jesus, the Qur'ān and the Day of Resurrection," Middle East Studies Association Annual Conference (Anchorage, AK).
- 8 Oct 2003, "Occidentalism," Centre Lebret Conference on the Dialogue of Civilizations (Beirut, Lebanon).
- 14 Jun 2001, "The Problem of Evil: Muslim and Christian Perspectives," (in Arabic), The Iranian Cultural Center at the Lebanese University (Beirut, Lebanon).
- 6 Feb. 2001, "Faith and Reason: the Conversions of Augustine and Ghazzālī" (in Arabic), Institut des études islamo-chrétien, l'Université Saint Joseph (Beirut, Lebanon).

Select Media Appearances, Newspaper Articles

- 13 May 2018, "The Qur'ān and the Bible" Kresta in the Afternoon (EWTN Radio)
- 29 Apr 2017, quoted in article, "The Pope's Perilous Mission to Egypt," *CNN.com*.
- 27 Apr 2017, "Hopes for Pope's Visit to Egypt's al-Azhar University," *Vatican Radio*.
- 3 Oct 2016, "What ISIS Thinks of Christianity," *New York Daily News*.
- 28 Apr 2016, "Thinking Clearly about Islam" Kresta in the Afternoon (EWTN Radio)
- 6 Mar 2016, "Politically Speaking – Muslims in Michiana" WNIT (PBS) Television
- 6 Dec 2015, "So, Just How Islamic is ISIS?" *New York Daily News*.
- 4 Oct 2015, Interview with BBC Radio 4 on the Birmingham Qur'an and "Revising Islamic History."
- 5 Aug 2015, "Variant Readings: The Birmingham Qur'an in the Context of Debate on Islamic Origins," *The Times Literary Supplement*. [Translated into Turkish and published in the Journal of the Divinity Faculty of Hitit University, 2016, pp. 603-8]
- 1 Mar 2015, "ISIS' Apocalyptic Endgame," *New York Daily News*.
- 17 Oct 2014, "Why ISIS Enslaves," *New York Daily News*.
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- 12 Mar 2010, Quoted in article, M. Oppenheimer, "A Christian Overture to Muslims Has Its Critics," *New York Times*.
- 23 Apr 2009, Quoted in article, N. Kristof, "Islam, Virgins, and Grapes," *New York Times*.
- 28 Jun 2007, Interview for *al-Safir* newspaper, Beirut (in Arabic).
- 4 May 2007, Guest for a one-hour long television program on inter-religious relations in Beirut, al-Hurra International Television (in Arabic).
- 2 Jun. 2006, Article on 25 Apr. 2006 lecture: "Interfaith lecture draws Christians and Muslims," *Catholic Chronicle*, 5.
- 16 Jul. 2005, Article on the Notre Dame conference, "Towards a New Reading of the Qur'ān?" *al-Hayat Newspaper* (London/Beirut, in Arabic), p. 16.

- 13 Apr. 2005, Interview on WCBS Radio (New York) on Islam and the Future of the Catholic Church.
 27 Dec. 2004, Interview on National Public Radio (“Here and Now”) on new theories of Qur’ānic interpretation.
 - Interviews on KDXU radio (Utah):
 6 Sep. 2005, on recent Islamic fatwas regarding violence.
 7 Mar. 2005, on political quietism in Shī‘ī Islam.
 7 Feb. 2005, on Islamic sexual ethics.
 15 Dec. 2004, on Islamic modernism and fundamentalism.
 31 Aug. 2004, on the Qur’ān.
 22 Sep. 2004, Interview for the Swedish Broadcasting Corporation on Islamic militancy.
 15 Sep. 2004, Quoted in article, “...É doloroso que quase todos os terroristas sejam muçulmanos,” *Veja* magazine (Brazil).
 4 Aug. 2004, Quoted in article: N. Kristof, “Martyrs, Virgins and Grapes,” *New York Times*.
 25 May 2004, Interview on Radio Javan, Iranian Youth Radio (in Persian).
 19 Jul 2003, “The Clash of Civilizations and Western Views of Islam,” one-hour interview (in Arabic) on al-Īrānī television (Iranian local and satellite government channel).
 12 Jul. 2003, “Muslim-Christian Dialogue in the post-Cold War World,” one-hour interview (in Arabic) on al-‘Ālam television (Iranian satellite channel).

Activities

- Chair of the Executive Board of the International Qur’anic Studies Association (May 2014-Present)
 Joint editor (with Mun’im Sirry and David Thomas), *Islam and Christian Muslim Relations*.
 Co-Organizer (with Mehdi Azaiez), Symposium on the Qur’ān and Catholic Theology (Notre Dame, Mar 20, 2017).
 Participant, Official Dialogue between the Pontifical Council for Interreligious Dialogue and al-Azhar University (Cairo, Egypt, Feb 22-23, 2017).
 Co-Director, Lecture Series *Le Coran entre antiquité tardive, canonisation et exégèse première* (Ecole des hautes études en sciences sociales, Paris, 2016-17).
 Co-Organizer, World Religions World Church Conference “Finding the Beauty in the Other” (Sep. 2015).
 Co-Director (with Emran El-Badawi) of the Consultation under the Society of Biblical Literature for the formation of the International Qur’anic Studies Association (IQSA; Sep. 2011-May 2014).
 Co-Director, Mellon/Sawyer Seminar, “The Qur’an Seminar” (a year-long project to produce a collaborative commentary on the Qur’an involving 30 scholars worldwide and five conferences at Notre Dame, funded by the “Qur’ān in the World of Late Antiquity” grant) (2011-13).
 Director, Notre Dame Conference “The Qur’ān in Its Historical Context” (19-21, Apr. 2009).
 Co-Director, Orient-Institut der deutschen morgenländischen Gesellschaft Conference, “Interpretation and Authority” (Beirut, 21 Apr. 2007).
 Director, Notre Dame Conference “Towards a New Reading of the Qur’ān?” (2-4, Apr. 2005).
 Co-Founder, Member, Beirut Circle for Qur’ānic Studies (Mar. 2001–Aug. 2005).
 Co-Founder, Co-Director, Yale University “Islam and Modernity” Lunch Colloquium (Jan. 1999-May 2000, Sep. 2001-May 2003).
 Cape Cod Marathon (Oct. 2001).
 English as a Second Language Instructor, Arab American Family Support Center, Brooklyn, NY (Jun. 1994-Aug. 1996).

Teaching

Courses taught at Notre Dame:

Islamic Origins (Ph.D.), Muhammad (Ph.D.) Muslim-Christian Relations (Masters), Holy Land (Masters), The Qur'ān and Its Relation to the Bible (Undergraduate), Islam and Christian Theology (Undergraduate), Foundations of Theology (Undergraduate),

In Fall 2015 I taught an Open Online Course through EdX entitled "Introduction to the Qur'ān" with a total enrollment of 9816 students. I taught an updated version of this course in Spring 2018 with 2300 students.

In Spring 2016 I taught "Introduction to Islam and Christianity" at the Westville (IN) Correctional Institute through the Holy Cross Westville Educational Initiative.

Since Fall 2006 I have directed a weekly "Qur'ān Circle" dedicated to the reading, translation, and discussion of the Qur'ān in Arabic. The Qur'ān Circle has twice been made a 1 credit p/f class.

I have also taught: Arabic versions of "Holy Land," and "Islam and Christian Theology," and a French version of "Islamic Origins" at Université de St. Joseph in Beirut (2010-11); two intensive courses in French at Université Libre de Bruxelles (Belgium): "Jésus dans le Coran," and "Le dialogue islamo-chrétien" (Spring 2011); an intensive version of "Holy Land" at Notre Dame's Tantur Ecumenical Institute in Jerusalem (May 2010, 2018); and a doctoral seminar on medieval Christian and Islamic polemical literature in Arabic at the University of Chicago (winter quarter 2008).

Ph.D. Theses

* Director

Matthew Kuiper (Notre Dame, 2016), "Indian Muslims, Other Religions, and the Modern Globalization of Da'wa: The Tablighi Jama'at and Islamic Research Foundation." *Sheehan Award for Best Notre Dame Dissertation in the Humanities, 2017.*

Rufino Dango (Notre Dame, 2018), "Muhammad Asad and His Rationalist Translation of the Qur'ān"
Andrew O'Connor (Notre Dame, current), "Only a Warner? The Prophetic Vocation in the Qur'an and Early Islam"

Mourad Takawi (Notre Dame, current), "The Interreligious Project of Qur'ān Interpretation: Early Arabic Christian and Muslim Exegesis of the Qur'ān, 8th-11th Centuries CE."

* Committee Member

Mette Bjerregaard Mortenson (Aarhus University, 2018), "A Contribution to Qur'ānic Studies: Toward a Definition of Piety and Asceticism in the Qur'ān."

Jeremy Pearson (Tennessee, 2017), "William of Tripoli and His Eastern Context: Reconsidering the Cultural Milieu of the Latin East."

Andrew Geist (Notre Dame, 2016), "A Market of Mercy: The Problem of Trust in Wealth in the Bible and its Mesopotamian Background."

Ahmed Ali (Cairo University, 2015), "A Stylistic Study of Morpho-semantic Shifts in Some Selected English Translations of the Glorious Qur'an."

Tommaso Tesei (La Sapienza, 2013), "Deux légendes d'Alexandre le Grand dans le Coran."

Hamza Mahmoud (Cornell University, 2013), "O Children of Israel! Rhetoric & Representation in Qur'ānic Polemics."

Mehdi Azaiez (Université de Provence, 2012), "Le contre-discours du Coran."

Emran El-Badawi (University of Chicago; 2011), "Sectarian Scripture: The Qur'an and Its Dogmatic Rearticulation of the Aramaic Gospel Traditions."

Ph.D. Exam Committees:

Patricia Idoko (2018)
Rocio Cortes-Rodriguez (2018)
Andrew O'Connor (2017)
Mourad Takawi (2017)
Rufino Dango (2015)
Alison Fitchett-Climenhaga (2015)
Matthew Kuiper (2014)
Andrew Geist (2014)
Brandon Peterson (2011)
Joshua Robinson (Medieval Institute, 2008)

Undergraduate Theses (Director):

James Henke (2015-16), "Translating *Allah*."
Joseph DeMott (2009-10), "Jihad in 20th Century Islamic Thought."
Kelli Barton (2004-5), "Louis Massignon, Islam, and Catholicism."

Service

* Academy

Chair of the Executive Board of the International Qur'anic Studies Association (May 2014-Present)
Co-Director (with Emran El-Badawi) of the Consultation under the Society of Biblical Literature for the formation of the International Qur'anic Studies Association (IQSA; September 2011-May 2014).

Manuscript Reviewer:

Brill, Routledge, Oxford University Press, Bulletin of the School of Oriental and African Studies, Islam and Christian-Muslim Relations, Journal of the American Oriental Society, Journal of Near Eastern Studies, Journal of Religion and Literature, Mélanges de l'Institut Dominicain d'Études Orientales, Speculum.

Member:

International Qur'anic Studies Association, Orient-Institut der deutschen morgenländischen Gesellschaft (Beirut, Lebanon).

Advisory/Editorial Board Member:

Al-Bayān (Malaysia)
Collectanea Christiana Orientalia
History of Christian Muslim Relations (monograph series: Brill)
Ilahiyat Studies (Turkey)
Islamic History and Thought (monograph series: Gorgias)
Mélanges de l'Institut Dominicain d'Études Orientales

* Department

Director of Undergraduate Studies, Department of Theology (Jul. 2011-June 2015)
Member, Committee on Advancement and Promotion, Department of Theology (Sep. 2009-June 2012)
Director, Masters of Theological Studies Program (2008-10)
Department of Theology Library Committee (2003-6)
Theology Department Undergraduate Committee (2004-5, 2017-18)

* University

Fellow, Medieval Institute

Member, Jerusalem Global Gateway Advisory Committee, (2014-17)

Member, Academic Advisory Committee for Tantur (2013-14)

Member, Middle East Task Force Committee (2012-13)

Residential Scholar (2005-2010)

Participant, Faculty Seminar on the Catholic Ideal of Liberal Learning (2005-6)

Organizer and Presenter, First-Year Convocation (22 Sep. 2003)

References

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Directeur d'études

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16 May 2025

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Prof Reynolds
University of Notre Dame
Notre Dame, IN 46556, USA

By email: reynolds@nd.edu

Dear Prof Reynolds

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 in reply to the Respondents' evidence, which includes the Affidavit of William Haddad sworn on 9 May 2025, and Expert Report of Sheikh Adel Ahmad Muhammad Ibrahim dated 9 May 2025. Using the **enclosed** materials at Annexure B, 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 in reply to be served by 30 May 2025, but we have undertaken to serve the report as soon as it can be prepared, and it would be good to have your report earlier than the 30th if that can be achieved.
- 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.

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2 Summary

- 2.1 Mr Wertheim and Mr Goot are respectively the Co-Chief Executive Officer and the Deputy President of the Executive 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). That section provides that it is unlawful for a person to do an act otherwise than in private that is “*reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people*” and the act is “*done because of the race, colour or national or ethnic origin of the other*

person or of some or all of the people in the group". It is a defence if the act was done reasonably and in good faith [set out the parts of 18D relied upon by the respondents].

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.

2.8 The Applicants served their evidence on 9 April 2025, and in particular the expert report of Dr Andre Oboler dated on 8 April 2025. The Respondents served their evidence on 9 May 2025 and 14 May 2025, and the evidence included the following:

- (a) Affidavit of William Haddad sworn on 9 May 2025; and
- (b) Expert Report of Sheikh Adel Ahmad Muhammad Ibrahim dated 9 May 2025.

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



Annexure A

Question for the expert

1. Please read the Speeches and, focusing on the highlighted sections, provide your opinion on whether and to what extent the Speeches and the highlighted sections are consistent with the Qur'an, Hadith, the Tafsir, or other Islamic religious text or teaching.
2. Please comment on the Expert Report of Sheikh Adel Ahmad Muhammad Ibrahim dated 9 May 2025, including by identifying any matter which you agree or disagree with, and state why.

Annexure B

Index of Documents

No.	Document	Date
<i>Pleadings</i>		
1.	Statement of Claim	25 October 2024
2.	Defence	10 February 2025
<i>Respondents Expert Evidence</i>		
3.	Affidavit of William Haddad sworn on 9 May 2025	9 May 2025
4.	Expert Report of Sheikh Adel Ahmad Muhammad Ibrahim dated 9 May 2025	9 May 2025
<i>Speeches</i>		
5.	https://highq.in/15ahjxt4ie3	-

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

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
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Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "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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