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Important Information

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Form 59
Rule 29.02(1)

Affidavit

No. NSD372 of 2023

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

MEHREEN FARUQI

Applicant

PAULINE HANSON

Respondent

Affidavit of: **Ayan Abdirashid Ali**

Address: [Redacted]

Occupation: Student

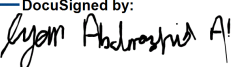
Date: 3 October 2023


Contents

Document number	Details	Paragraph	Page
1	Affidavit of Ayan Abdirashid Ali in support of Originating Application dated 3 May 2023 affirmed on 3 October 2023.	[1] – [31]	1 – 7
2	Annexure “AAA-1” being copy of Ayan Abdirashid Ali’s response to the online survey dated 20 June 2023.	[18]	8 – 10

I, Ayan Abdirashid Ali, student, of [Redacted] affirm:

- I am not a party to this proceeding.
- I am a witness on behalf of the Applicant, Senator Mehreen Faruqi, in these proceedings.
- Unless otherwise indicated, I make this affidavit on my own knowledge, information and belief. Where I depose to matters on information and belief, I believe those matters to be true.

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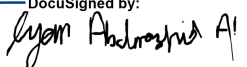
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Personal background

4. On 4 November 2000, I was born in Rome, Italy.
5. I identify as being Australian because I have lived in Australia for the majority of my life and I am also an Australian citizen.
6. I identify as being of Somali origin because my parents were born and raised in Somalia and our affiliations to the country and culture are still intact.
7. I am Muslim. As part of my Muslim faith, I wear a hijab.
8. I lived in Italy between 4 November 2000 and 1 December 2001. In 2001, I migrated from Italy to Australia with my family. I lived in Australia continuously between 2001 and 2015.
9. Between 2015 and 2019, I moved to the United Arab Emirates to attend high school at the Wesgreen International School.
10. I returned to Australia in 2019 to attend university at The University of Adelaide. I am currently completing a Bachelor of Laws and a Bachelor of International Relations at The University of Adelaide.
11. I have lived in Australia continuously since 2019.

Court proceedings

12. I have a personal Twitter account that I regularly use.
13. On or about 9 September 2022, I saw a tweet published by Senator Pauline Hanson to her public Twitter profile '@paulinehansonoz' which said "*Your attitude appalls [sic] and disgusts me. When you immigrated to Australia you took every advantage of this country. You took citizenship, bought multiple homes, and a job in a parliament. It's clear you're not happy, so pack your bags and piss off back to Pakistan. -PH*".
14. I saw Senator Hanson's tweet through my personal Twitter account. I do not recall exactly how I saw Senator Hanson's tweet on Twitter but I believe that it is likely that it came up on my Twitter newsfeed. I have based this belief on the fact that I follow Senator Mehreen Faruqi's Twitter account on Twitter and I often see tweets which mention or respond to the posts Senator Faruqi publishes to Twitter.
15. At paragraphs 21 and 22 of this affidavit, I have outlined my reaction and experiences after reading Senator Hanson's tweet.
16. On 20 June 2023, I saw that Senator Faruqi had published a tweet to her public Twitter account which indicated that she had commenced court proceedings against Senator Hanson. I believe that this was the first time that I became aware of these court proceedings.
17. Also on 20 June 2023, I saw that Senator Faruqi had published another Tweet to her public Twitter which invited individuals to complete an online survey (**Form**) if they would like to. The link to the Form was also contained in this tweet by Senator Faruqi.
18. I completed the online survey on 20 June 2023. A copy of my response to the Form is annexed to this affidavit at **page 8 and marked "AAA-1"**.

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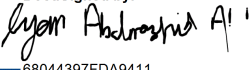
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19. The reason I felt compelled to complete the Form is because I had been personally impacted by Senator Hanson's tweet and I wanted to make my personal feelings and experiences as a result of the tweet known.
20. The Form asked me to, amongst other things, describe the impact that Senator Hanson's tweet had on me and asked me to describe my experiences with racism in Australia. I have elaborated on my responses to the questions contained in the Form at paragraph 22 below.

Impact of Senator Hanson's tweet

21. When I read Senator Hanson's tweet, I understood it to have far-reaching effects, particularly when I observed a parliamentarian resorting to such language so effortlessly. As a parliamentarian, Senator Hanson represents a constituency and as do her views. This is a premise I recall repeating in my mind after seeing Senator Hanson's tweet. I recall thinking, if Senator Hanson is capable of engaging so freely in such speech, does that mean many of her constituents do as well? What about the people in the comments section agreeing with her? Beyond this, the phrase Senator Hanson used in her tweet ("*piss off back to Pakistan*") is a phrase I know very well, because I interpret it as being a variation of the words "*go back to where you came from*". This phrase is one that is incredibly hateful, inflammatory, and xenophobic.
22. In my response to the Form, I indicated that I felt offended, insulted, humiliated and intimidated. The reason I selected these options is explained at paragraphs (a) to (d) below.
 - (a) The reason I felt offended is because of the following.
 - (i) In my view, the words used by Senator Hanson in her tweet to Senator Faruqi are a more discriminatory and hateful variation of the words "*go back to where you came from*". That is because, in my view, the words "*piss off*" are more [threatening and violent than the words "*go back*" and I find these words offensive.
 - (ii) As a personal of colour, a person from a culturally and linguistically diverse background, a migrant and a Muslim (**Personal Attributes**), I have previously been told words to the effect of "*go back to where you came from*". I am also aware of other people who share one or more of my Personal Attributes being told these words. Senator Hanson's tweet reminded me of my experiences with these words, along with the experiences that I have been told by other people that share one or more of my Personal Attributes. Because of this, I felt personally offended by Senator Hanson's Tweet even though it was not directed at me.
 - (b) I felt insulted because, in addition to the matters outlined at paragraph (a) above, these words were used by an Australian Senator with a large public profile against another Australian Senator. It is one thing to hear these words from a general member of the public (which I still find to be hurtful), but it is far more hurtful and insulting to see them being used by someone with Senator Hanson's platform and position in Australian society, and to see them used against someone like Senator Faruqi. It made me feel like it does not matter what I do, what I contribute to Australia, or what position I hold in the future, I will never be safe from these discriminatory words and sentiment. I recall thinking, if Senator Faruqi, an Australian Senator is not safe from such comments, then what position could I possibly be in?
 - (c) I felt humiliated for the reasons outlined at paragraphs (a) and (b) above. Most significantly however, I was humiliated because the words used by Senator Hanson brought back,

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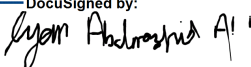
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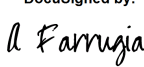
amongst other things, the feeling of humiliation that I felt after being told on numerous occasions, words to the effect of “*go back to where you came from.*”

- (d) The reason I felt intimidated is because of the following.
- (i) I believe that by sharing this tweet on her public Twitter profile, which had (and still has) a significant following of hundreds of thousands of people, Senator Hanson has given a platform and a voice to people that share similar thoughts and feelings to her. I have based this belief on the fact that after Senator Hanson posted her tweet, I saw a significant volume of hatred and discrimination being directed towards Senator Faruqi through comments on Twitter. Many of these comments used the same words or variations of the words used by Senator Hanson in her tweet. However, I also saw some comments were far more violent, although I cannot recall exactly what was said.
- (ii) I remember thinking that the people that share these views, and the people that posted these comments could be anywhere in Australia. They could, for example, be travelling on the train that I take to university. This has made me feel intimidated, hopeless, scared and unwelcome in the country that I call home. It has also on many occasions, made me feel unsafe in public spaces whether that be at the beach, on the train or in the supermarket.

Personal experiences

23. While living in Australia, I have experienced both overt and covert racism and discrimination. I have outlined some of these experiences at paragraphs 24 to 28 below.
24. One of the earliest experiences of racism that I can recall occurred when I was about eight years old. I was walking around my local shopping centre with my older sister (who at the time was about ten years old) when an older white man approached us and yelled in my face words to the effect of “*go back to where you came from.*” The man was significantly larger and older than me, and he used an angry tone. I remember that this made me feel terrified, confused and upset. Both my sister and I subsequently began crying. The reason I felt these emotions, and the reason I began crying, was because of the following.
- (a) As explained at paragraphs 5 and 8 above, I have lived in Australia for the vast majority of my life. It is my home. However, after this man said these words to me, I felt like I did not belong in Australia and that I was unwelcome in my own home. I also remember thinking that I did not know where else I was supposed to go.
- (b) I did not understand what I had done to deserve this level of anger from a man. I did not think I had done anything wrong; I was just walking around the shopping centre. My sister and I were not even wearing hijabs. We did not look Muslim at the time this incident occurred.
- (c) Because my parents were not with us at the time, I did not know what to do and I felt that no one was there to stand up for me. I was scared that if I tried to fight back or if I told this man that this was my home, then he might become physically aggressive towards me. This was the first time that I recall ever feeling unsafe while living in Australia. That has been a feeling that I have unfortunately felt on numerous occasions since this incident occurred.
25. On another occasion in either 2010 or 2011, I was celebrating the Eid holiday with my family. I recall that it was a Monday, which we were allowed to take off school to celebrate Eid (because I

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attended an Islamic school). As part of our celebration, I recall that my father took me and my siblings (my four sisters) to the park to play soccer. I recall that the following incident occurred which made me feel very scared and physically unsafe.

- (a) At the park, a white man who was walking his dog (which I recall looked like a Pit bull or a similar breed) on a leash, approached my father and yelled at him in words to the following effect "*why aren't your kids in school?!*". I also heard him say words to the effect of "*you are illiterate*" and "*you all need to integrate into the Australian way of life*" to my father.
- (b) After my family tried to ignore this man for about 5-10 minutes, I recall that he unleashed his dog on the oval. The dog then chased our family. Given we were all of young age (my youngest sister being four at the time), my father was unable to protect and pick us all up. We ended up climbing out of the oval, which was very distressing.

26. On different occasions, I have also heard people yell at me words to the effect of:

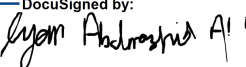
- (a) "*fucking Muzzos*"; and
- (b) "*black bastards*."


I cannot recall when these incidents occurred. I also do not know the people that yelled these words.

27. Since living in Australia (and at least up until 2015), I recall that people have also regularly said words to the effect of "*go back to where you came from*" to me. I cannot count the number of times these words have been said, but I would estimate that they were said to me at least once or twice a year.

28. Since 2019, and after I returned to Australia from the United Arab Emirates, I have fortunately experienced overt racism far less frequently than what I did between 2001 to 2015. However, I still sometimes have experiences of what I would call "covert" racism. I have described some of these experiences below.

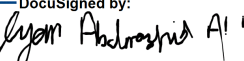
- (a) On occasion when I am walking in public, I have noticed that people stare at me. The reason I believe that these people are staring at me is because I am a person of colour and I wear a hijab which makes me look visually different to most of the other people that are walking in public.
- (b) In my role as a law clerk, I am sometimes required to attend court. On the first occasion that I attended court, I recall that the counsel from the other side appeared to be shocked that someone that looked like me was attending court in a legal/professional capacity.
- (c) On another occasion when I was a paralegal, I recall that counsel for the other side mistook me as the client during court proceedings. The client was not a Muslim woman, and so the reason I believe that this counsel mistook me for the client is because that he was shocked that I was attending court in a professional capacity.


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Impact of my personal experiences

29. As a result of the experiences described in the preceding paragraphs and the frequency with which they have occurred, I have suffered the following impacts in my day-to-day life.
- (a) I have felt scared and intimidated. On occasion, I have even felt scared to wear my hijab in public.
 - (b) I have learned to hide from people in public. When I say “hide”, I mean a few different things depending on the situation. For example:
 - (i) for a large portion of growing up, hiding meant that I did not go to certain public spaces at certain times;
 - (ii) now that I am older, it is more difficult to avoid public spaces, and so hiding has taken the form of keeping to myself at public places like the shopping centre, keeping my head down and walking quickly when I am in situations that make me feel uncomfortable;
 - (iii) hiding has taken the form of physically running away and hiding from people that have made me feel unsafe, or that have shouted or said aggressive things to me; and
 - (iv) hiding has also taken the form of avoiding people in general, for example, if I saw an elderly person fall down, I would be scared to approach and help them because I would be concerned that they hold underlying reservations about who I am and my identity.
 - (c) I am constantly hypervigilant. When I was growing up, my parents taught my sisters and I to be hypervigilant whenever we are in a public space. They said that the more we focus on the situation we are in, the safer we will be. This has stayed with me and now I am hypervigilant everywhere that I go. It takes many forms from not speaking in my native language when I am in public to not sitting next to certain people.
30. As I mentioned in paragraph 28 above, I have fortunately experienced less covert racism since returning to Australia in 2019. However, and despite this, after I saw Senator Hanson’s tweet, I have noticed that the feelings of fear, intimidation and feeling unsafe in Australia have returned.
31. The reason I believe these feelings have returned is because, as explained at paragraph 22(d)(ii) above, I am now constantly paranoid that people that I am associating with, or that I happen to be physically near while I am in public, share the thoughts and sentiment that Senator Hanson expressed in her tweet to Senator Faruqi. The amount of hate that I have seen Senator Faruqi experience after Senator Hanson’s tweet is scary and I always remind myself of the fact that the people that share these views could be anywhere.

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Affirmed by the deponent
at St Clair
in South Australia
on 3 October 2023
Before me:

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Liam Androsiad A1
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Signature of deponent

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A Farrugia
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Signature of witness

Andrea-Marie Farrugia
Solicitor
Marque Lawyers
Level 4, 343 George Street
Sydney NSW 2000

This affidavit was affirmed and witnessed via audio visual link in accordance with Part 2B of the Electronic Transactions Act 2000 (NSW).

Form 59
Rule 29.02(1)

No. NSD372 of 2023

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

MEHREEN FARUQI

Applicant

PAULINE HANSON

Respondent

ANNEXURE AAA-1

This is the annexure marked "**AAA-1**" referred to in the affidavit of Ayan Abdirashid Ali affirmed 3 October 2023 before me:

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Andrea-Marie Farrugia
Solicitor

Response ID: 306

Please provide your first name: Ayan

Which of the following do you identify with? ["Person of colour", "Migrant to Australia", "Person with visible characteristics of religion (ie hijab, turban, hair style, etc)"]

If you would like to, please describe how you identify: Muslim Somali Australian woman of colour

What is the impact of the tweet on you (tick as many as apply)? ["I was intimidated", "I was humiliated", "I was insulted", "I was offended"]

Please describe the impact of the tweet on you: Pauline has repeatedly degraded people like us, everything about her being and her rhetoric is purely hateful. She continues to cross the line in making us feel so ashamed, unwelcome and unwanted in this land her people stole. She quite literally embodies hatred and this comment specifically is one that I know for a fact hit home for many. To see comments like these in Australia in 2022 is one thing but to see it said so effortlessly by a parliamentarian was disastrous for many communities. If parliamentarians are comfortable speaking hateful comments, then no one is safe was my initial thought. My family and I have cried on many occasions for being told such comments. Parliamentarians saying it has only led us to further helplessness.

Have you ever been told to 'go back to where you came from' or words to that effect? Yes

If yes, please describe the impact this has had on you: The first time I was told to go back to where I came from, I was 8 years old in my local shopping centre walking around the with my older sister (by 2 years). A grown, old white Australian man walked up to us and quite literally yelled in our faces to go back to where we came from. I've only ever known Australia I thought to myself and asked where exactly I was being told to go back to. We both burst into tears, confused and incredibly terrified. From that day, I have had unmeasurable encounters where I've been made feel most unwelcome in the only place I've ever known. I learnt to hide from public abusers by walking the other way when seeing someone remotely hostile. This was the remedy after I knew what Australians were capable of after seeing the Christchurch attacks. For the longest time, I have been petrified to walk Australian streets with my hijab on and even worse, as a black hijabi. I've treaded life so full of fear always asking myself what I ever did wrong, whatever did my people do wrong. Thankfully, I have learnt at my ripe age of 22, to never ever accept abuse not onto myself nor those around me. But people like a Pauline should never ever be given the position or the liberty to make comments like that. The respect required from Pauline is evidently absent and the ongoing proceedings I hope will become a lesson for not only her, but any other parliamentarian and Australians generally, that hatred will never ever be tolerated.

In your reading of the tweet, what is the meaning of the phrase 'pack your bags and piss off back to Pakistan'? A violent and utterly discriminatory comment used to degrade an intelligent woman. A low blow at the very best in making Mehreen feel unaustralian and unwelcome in her own home. The piss of element of the comment I would say has elevated the level of hatred she's intended to project. Prima facie I distinguished from the usual comments we get like "go back to where you came from". The comment mehreen received felt more hateful particular as it came from a parliamentarian.

Please provide further detail if you would like to:

Are you happy to be contacted about your responses to this form? **Yes**

If yes, please provide your contact number, email, and postcode if you are willing:

Number: [REDACTED]

Email: [REDACTED]

Postcode: 5011

Would you be willing to provide a statement about your responses to this form which may be used in the Court proceedings between Senator Mehreen Faruqi and Senator Pauline Hanson? **Yes**

Would you be willing give evidence in court about your responses to this form which may be used in the Court proceedings between Senator Mehreen Faruqi and Senator Pauline Hanson? **Yes**

You understand that by submitting this form, the information that you provide may be used in proceedings related to Senator Mehreen Faruqi's racial discrimination claim against Senator Pauline Hanson.

By submitting this form, I consent to Marque Lawyers collecting my personal and sensitive information in accordance with its privacy policy ["Yes"]