



Form 59
Rule 29.02(1)

Affidavit

No. 1503 of 2024

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

Peter Wertheim AM and another
Applicants

Wissam Haddad and another
Respondents

Affidavit of: **REDACTED**
Address: **REDACTED**
Occupation: Family Business
Date: 25 March 2025

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I, **REDACTED** Family Business, say on oath:

Background

1. I am 56 years of age, and I am Jewish.

Filed on behalf of (name & role of party) The First and Second Applicants
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[Version 3 form approved 02/02/2015]


Mark Deutsch

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2. I am a former inhouse lawyer in Australia and Israel. I currently have a role within our family business in the hospitality industry, and volunteer within the Jewish community, but do not currently practice as a lawyer or have any formal position in any organisation.
3. I was born in Cape Town, South Africa and my mother is a Holocaust survivor.
4. In 1980, I moved to Sydney, Australia and I attended a Jewish school both in South Africa and in Australia. In 1994, I moved to Israel with my Israeli-born partner, and we later married in Israel. In 2001, we moved back to Australia with our first-born son and have resided in Sydney ever since.
5. During my undergraduate university days, I was involved in the Australasian Union of Jewish Students at UNSW. I was involved in Zionist Youth movements. I took on the role of Head of the Parents and Friends at my son's then Jewish primary school for a year, but most of my volunteering prior to October 2023 was outside the Jewish community. I currently do not have any formal role in any Jewish or Zionist organisation but am active in advocacy, volunteering and related matters.
6. I am a Jew. It is who I am. I am the daughter and granddaughter of Holocaust survivors, which is something that has forged a significant part of my identity. I am a secular Jew and I do not belong to a synagogue and never have, not in Australia nor in Israel. This is by choice. Whilst I identify very strongly as a Jewish woman, my identity is not as a religious person or an observant Jew, however, being Jewish is at the core of who I am and how I identify myself. I identify proudly as a Jew, and I always have.
7. The concept of Tikkun Olam, "Healing the World", has been a key tenet of my ethical and moral compass. I believe it was the famous Jewish sage, Rabbi Hillel, who lived thousands of years ago, who is credited with saying words in effect of, what is hateful to you, do not do unto others, and the rest is commentary. For me, this and the code of Tikkun Olam have been guiding principles in my identity, my life, in my values, in how I have tried to live my life and raise my sons.
8. Being Jewish is much more than a religious identity, it is the people to whom I belong. It is the nation to which I belong. It is my ethnic identity, different to my religious identity, especially for someone like me who does not identify as a religious or believing person but very much as a Jewish person.
9. When I came to Australia and until I started attending university in the late 1980s, I lived in an Eastern Suburbs "bubble" inside the Jewish community. I grew up in the Eastern Suburbs and went to a Jewish day school, and my exposure to the world outside of this



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bubble was limited while at school. I later encountered instances of antisemitism, some of which included:

- (a) In my initial weeks of studying Arts/Law (majoring in Theatre Studies in my Arts degree) at the University of New South Wales (**UNSW**), I was sitting with a group of new friends on the library lawn, and a male in the group needed money for a coffee. I recall that he asked the person sitting next to him for some money and the person said no, and in reply he said, "*don't be such a Jew*". I was shocked as I had never heard that expression before. I raised that I was Jewish with him and that I felt offended by this. However, in response he said that it had nothing to do with me and it was just a thing that people said.
- (b) While studying at UNSW, I enrolled in Islamic Law in the law school, and I left after one week because in the first lesson, the lecturer made derogatory throwaway comments about women and Jews. I believe that I may have been the only Jew in the class and there were very few females. I spoke to someone at the faculty afterwards about what had happened, and I was told in effect that if I could not put up with it, I should change into a different class.
- (c) When I moved to Israel and came back to Australia in my later years, I recall receiving comments by people when I came back to work of "*you must be so glad to be back from the rude Israelis*".
- (d) In 2010, I started studying my Masters in Creative Writing at the University of Technology Sydney (**UTS**) where I encountered a higher level antisemitism. There were articles in the University newspaper about Zionists and at the campus there were students with pamphlets with very stereotypical statements about Zionists. To me, it was very clear that these students were referring to Jews when they were speaking about Zionists. I had discussions with administrators, and the faculty of the University and was told effectively that people were entitled to their opinion.
- (e) During my time at UTS, I made a new friend who was also a student, and he was an Australian man from the Northern Beaches. On one occasion, while we were doing a presentation together, the subject of Israel and Jews came up. He turned around to me and said in effect that maybe us Jews need to try and work out why people always hate us and turn on us, and maybe there is something wrong with us. He also said in effect that I could not call him racist because he was married to a woman who was not white.

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- (f) In 2014, when my son attended a school in North Strathfield my exposure to being "othered" and stepping outside of my bubble in the Eastern Suburbs, was far more extensive and I felt more vulnerable in terms of my safety.
10. As a result of my experiences like those stated above, I have always felt the need to make sure people know who I am, and I am on the defensive as a Jewish person in Australia. I am vigilant about telling people that I am Jewish and for me it is a part of being ready and on the defence, as it allows me to then wait for their reaction which may be good or a bad, and to be more prepared. For me, it is a way for me to protect myself, and it allows me to have my "armour" on.
 11. I feel vulnerable as a result of my experiences of antisemitism and of being "othered" because of who I am. The above experiences remind me that there is a degree of antisemitism and there are people who do not like Jews, if not hate Jews. I understood based on my experiences that a lot of people were ignorant to what a Jew was really like because they had never really met or encountered a Jew. I recall the Australian student referred to at paragraph 9 (e) said to me at UTS that I was the first Jew he had ever really had a discussion with and that I was not what he expected a Jew to be like. For me, his misconception was based around real ignorance and stereotyping.
 12. My consciousness of the Holocaust impacts me in the experiences I have had with antisemitism. My maternal grandmother lived in Germany during the rise of Nazism, but she never spoke about the Holocaust and her experience in it, as it was too traumatic, and she could not speak about it. I understood that it was too emotional for her to discuss. As a result, my grandfather often recounted stories to me on her behalf, and the following story in particular is of my maternal grandmother's identical twin sister. My maternal grandmother had an identical twin who was blonde, had blue eyes, and by outward appearance could have been a "poster child" Aryan for the Nazis. She was married to a Jewish looking man in Germany, who was arrested and beaten up, and the reason for this was because he had "defiled" an Aryan woman. I understand that the Germans refused to believe that this blonde, blue eyed woman was Jewish. Following this in 1933 or 1934, my maternal grandmother, her twin sister and brother-in-law left Germany as they felt uncomfortable. I understood that they were very frightened as they noticed a change in attitude in their friends who no longer wanted to speak to them or their neighbours, because of the fact that they were Jewish. I always understood through stories like these that Jews were "othered", and I was always very conscious of my identity as a Jew and our history as a people of persecution and harm that continues to

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Penny Kanter

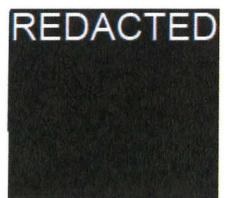
live in our minds as direct descendants of family members that confronted Nazi Germany.

My experience around 7 October 2023

13. I recall vividly how I came to find out what was happening with the Hamas attacks in Israel on 7 October 2023 and at the time I was completely overwhelmed, frightened and horrified in ways I do not think I have experienced before. This was despite living in Israel during a period when there were many suicide bombings and personally knowing people who have either survived a suicide bombing and/or have lost people to one.
14. I recall, on or shortly after 7 October 2023, expressing to a friend here in Sydney that the world would now understand the true meaning of terrorism, the terrorism Israelis face and fear, and that the world would stand with us and help us because this was terrorism at a level none of us could ever contemplate occurring. Yet, within mere hours, I was seeing in the media footage of celebrations in the streets of Greenacre and Lakemba, religious leaders there calling it a glorious day.
15. The events at the Sydney Opera House on 9 October 2023 had a profound impact on me. I was genuinely shocked by the outpouring of hate, the support for terrorism in my city, the justifications for it, and calling it resistance. I had intended to go to the Opera House with my son to see it lit in blue and white, to seek some support and compassion, empathy and solidarity from overwhelmed Jewish community members, our political leaders, and others in the wider community. During this time, I was in profound shock, pain and crisis, and I recall on 9 October 2023 my son ran to show me messages that he had received from friends, warning Jews to not to go to the Sydney Opera House. At the time, I had an overwhelming sense of being abandoned, thrown to the wolves, as images from the Opera House started coming through. I felt scared and fearful for my sons, for us as Jews here in Sydney, for their future, my future, and for what would follow.
16. My first child was born in Israel, the day the second Intifada broke out. It was the catalyst for our return to Sydney. My Israeli-born husband quite suddenly expressed a desire to raise his son in a place where he was not worried about stopping in traffic behind a bus in case it exploded, of being able to enter a shopping centre without going through metal detectors in case someone was carrying an explosive device. In my mind, Australia was multicultural, safe, far from violence and hate and terrorism, where there was hardly any antisemitism, and what there was, was not dangerous or threatening.



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17. My Holocaust background informs my experience of antisemitism and the events that have occurred following 7 October 2023. I was very close to my grandfather, and although we did not live in the same country from the age of 11, we remained close. My grandfather used to say to me *"you have to be prepared, you have to be ready, as a Jew you have to be prepared, you have to be ready"*. What I understood that my grandfather meant by this was that I needed to be ready to run if Jews came under attack. My grandfather kept a bank account in one country, diamonds in another and gold in another. He did not believe in investing in property as you could not pick it up and take it with you if you had to "run". I recall telling him that we live in different times, and it was not like that anymore. I have been haunted by my grandfather's words following 7 October 2023, as the impact of the reality that we are not living in different times and society can turn on Jews has become all too real.
18. Since 7 October 2023, I understand how the Holocaust could happen and that I was not prepared for what happened and what has happened in the days since. I had never really understood how the Holocaust happened on an emotional or logical level, despite all my reading, my personal family history, the knowledge I had developed about the Allies' actions and inactions, and my own family's escape from Europe using a fake baptism certificate that I still have.

Reaction to the Speeches on or around November 2023

19. On or around November 2023, I came across a speech by Mr Haddad that was circulated on Memri TV, which I understand is a website that monitors channels from the Arab and Muslim world and posts videos, and I either saw it through Instagram or I was sent it by one of my friends. I recognise that what I watched on Memri TV was either a segment of Speech A or Speech E, that I was provided by the Applicants' solicitors in a montage of Speeches (the **Speeches**). It is unlikely that I watched the entire speech but just a couple of minutes of it. I do not recall for certain, but I believe I shared the Memri TV post of Mr Haddad's speech on social media, and I may have posted it on my Instagram stories. I can no longer locate the Memri TV post, or the post that I shared. I recall Mr Haddad in the video referred to Jews as rats, descendants of apes and pigs, and I was shocked and horrified by this. I recall feeling truly shocked when I watched this, and it took me back to the suicide bombings in Israel. I was immediately concerned about what Mr Haddad was preaching in Australia, what he was teaching his followers and in particular children who are impressionable and like sponges. I found Mr Haddad's comments of calling Jews apes and pigs extremely shocking and insulting including because it was happening in a multicultural country like Australia where we are

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supposed to learn from and respect each other. I understood that Mr Haddad was teaching hatred and violence against Jews, and I recall, thinking about it in the context of what had happened in Israel and my experience living in Israel when there were bus bombings and other random terrorist attacks. I was fearful that the comments made by Mr Haddad was inciting violence and that what occurred in Israel could happen in Australia with an outbreak of attacks on Jews or terrorist attacks generally. I found Mr Haddad's comments to be dangerous, as I understood that he was in essence teaching people to dehumanise Jews and cause harm to Jews. I thought it was disgusting and disgraceful that he was calling Jews descendants of pigs and apes, as I understand that a pig is something dirty, and distasteful to a Muslim. I have heard this antisemitic slur of Jews being pigs and apes before as it is a historical slur, and it seeks to dehumanise Jews, and it is humiliating.

20. After watching the above speech, I recall being overwhelmed, shocked and horrified, as to me it was open expressions of antisemitism being justified behind disinformation about Israel and religious teachings. I was fearful of the potential violence, both verbal and physical, towards Jews that come as a result of this.

Reaction to the Speeches on 6 March 2025

21. On 6 March 2025, I watched a montage of Speeches as stated above at paragraph 19. There were also some news articles I was asked to read.
22. After I had watched the Speeches, I was shaking my head, laughing, as I was that anxious. I was struggling to comprehend or accept what I was witnessing and what it represented. Since viewing the Speeches, my mind has been awash with thoughts and emotions. I could write a novel of reactions and thoughts. I cannot help but feel genuine fear for what can be in this country, and whether we could have a major terror attack here like 9/11, or a London 7/7.
23. I felt intimidated and frightened after watching the Speeches, as it was happening in Sydney, the country that I lived in and was triggering for me as it reminded me of what my grandfather had warned me about as the need for always being prepared. For me, when I reflect on Mr Haddad's Speeches, they remind me that the Holocaust did not start with gas chambers, it ended with gas chambers, and it made me think of how the Nazis were able to radicalise Germans, through propaganda and false teachings about Jews. It also made me think about how the Germans did not believe that my maternal grandmother was Jewish because she was a blonde and blue-eyed woman. The insults and attacks on Jews throughout history has happened in my view because of

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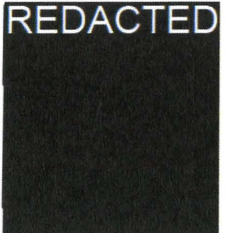
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brainwashing, controlling the youth and by creating someone to hate in society. In my view, this is what I understand that Mr Haddad is doing through his Speeches.

24. Mr Haddad's Speeches use and emphasise almost every antisemitic trope that the Jews have been targeted with throughout history. Some tropes that stood out to me include that Jews have been causing mischief since the time of the Prophet, Jews are shifty, Jews and Zionists are one and the same thing, Jews are obsessed with money and power, Jews are treacherous and vile, the descendants of pigs and apes, and that we are like rats. I understand that every one of these tropes has defined antisemitism through the ages. I cannot help but think of Goebbels and the Nazi propaganda machine and how these tropes were able to influence so many to believe that the Jews were the root of all problems and responsible for evil. This same message is that of Haddad, that the Jews are responsible for everything bad that happens in their world, that finding a Jew behind the tree, hiding behind the stones, and killing him will please Allah. This is justified because Jews are disrespectful, vile, controlling, shifty descendants of pigs and apes, and are in essence all unclean animals. I found these tropes to be offensive and I understood that Mr Haddad's Speeches was Jew hate, pure and simple.
25. After watching the Speeches, I felt unsafe in Australia, and fearful about where it could lead. This was not only just because of Mr Haddad's words but it was everything that was happening around in the community. It was a challenging period following 7 October 2023, and I found it offensive and upsetting to see Mr Haddad teaching Muslims to be wary of Jews and that we do not respect their prophet. I was scared about what could happen, and I found it damaging and dangerous for my safety and the safety of my community.
26. In my view, if you teach impressionable young people to hate, if you give them a target, a cause for their feelings of alienation or suffering, if it comes from a person they are taught to respect, a figure of authority, the influence and impact can be enormous. I cannot help thinking that the explosion of hate directed towards the Jewish community, towards Israel, whether disguised as anti-Zionism or not, is influenced by religious leaders and teachings like this. Since 7 October 2023, I would not feel safe visiting suburbs of Sydney that are populated by our Muslim community without hiding my Jewishness. I feel validated in these fears after watching the Speeches.



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Concerns over my identity

27. I am aware of the targeted antisemitic attacks on properties, businesses and homes here in Sydney. I have a home in Sydney, and I have a young adult son living at home. █

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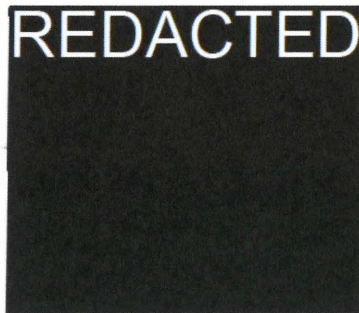
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28. For this reason, I do not want my identity and address to be disclosed to Mr Haddad or the public. If my identity or address were disclosed, I would still, however, be willing to provide evidence despite my fears and concerns.

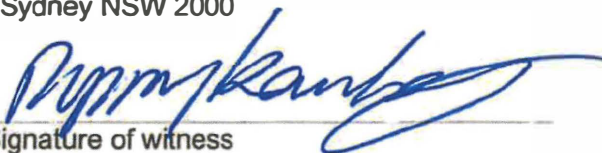
Sworn by the deponent
at Sydney
in New South Wales
on 25 March 2025
Before me:

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REDACTED



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


Signature of witness

NOTICE OF FILING

Details of Filing

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

Registrar

Important Information

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

The date of the filing of the document is determined pursuant to the Court's Rules.