

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating Application Under the Australian Human Rights Commission Act 1986 - Form 116 - Rule 34.163(1)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	VID404/2025
File Title:	ALON CASSUTO v MARY KOSTAKIDIS
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



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.



**Amended Originating application under the Australian Human Rights
Commission Act 1986**

No. VID 404 of 2025

Federal Court of Australia

District Registry: General

Division: Victoria

ALON CASSUTO

Applicant

MARY KOSTAKIDIS

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Filed on behalf of (name & role of party)	The Applicant
Prepared by (name of person/lawyer)	Leon Zwier and Raphael Leibler
Law firm (if applicable)	Arnold Bloch Leibler
Tel	+61 3 9229 9693
Fax	
Email	lzwier@abl.com.au and rleibler@abl.com.au
Address for service (include state and postcode)	Level 21, 333 Collins Street, Melbourne, VIC, 3000



Time and date for hearing: [Registry will insert time and date]

Place: Owen Dixon Commonwealth Law Building

305 William Street

MELBOURNE VIC 3000

Date:

Signed by an officer acting with the authority
of the District Registrar



Details of claim under the Australian Human Rights Commission Act 1986

The Applicant claims that:

1. The Applicant is Jewish and a dual Australian-Israeli citizen.
2. The Respondent is a former newsreader for SBS World News and operates a public account on X (formerly Twitter under the handle @MaryKostakidis).
3. On 4 January 2024, the Respondent posted (**4 January Post**) a post on her public X account which included:

- a. her own statement which contained the following words:

The Israeli govt getting some of its own medicine.

Israel has started something it can't finish with this genocide.

#Gaza

- b. reposted a post from an X Account, @CensoredMen, which contained:

- i. the following words:

The leader of Hezbollah, Hassan Nasrallah, tells the Israelis they will never be welcome in the region.

"Here you don't have a future' from the river to the sea the land of Palestine is for the Palestinian people, and the Palestinian people only."...

- ii. and a link to a video of a speech by the leader of Hezbollah (a terrorist organisation listed under the *Criminal Code Act 1995* (Cth)), Hassan Nasrallah (**Nasrallah Video**), which is translated into English, where Mr Nasrallah states:

The number of military vehicles and the number of tanks that are being destroyed every day, the psychological situation, Yediot Ahronot said that one of the results of the Al-Aqsa Flood Battle is that 300,000 new people have sought therapy – have sought psychological therapy. So, you want to stay here, that's very difficult. Here, it's going to be very difficult for you. If you want to be secure, if you want to feel secure, you have an American passport, go back to the United States. You have a British passport go back to the UK. Here, you don't have future, and from the river to the sea, the land of Palestine is for the Palestinian people and for the Palestinian people only – the resilient Palestinian people, the mujahideen.



4. On 13 January 2024, the Respondent reposted (**13 January Post**) a post on her public X Account from an X Account, @~~Censored~~Menrichimedhurst, which included:
 - a. a statement which contained the following words:

Nasrallah's message to Israelis:

"If you want to be secure and sage, you have a US passport, go back to the US. You have a British passport, go back to the UK.

Here you don't have a future. From the river to the sea, the land of Palestine is for the Palestinian people only."
 - b. and a link to the Nasrallah Video.
5. The publication of the 4 January Post and/or the 13 January Post constituted unlawful conduct under section 18C of the *Racial Discrimination Act 1975* (Cth), in that:
 - a. the act was done in public;
 - b. the act was reasonably likely in all the circumstances to offend, insult, humiliate and/or intimidate Australian Jews and/or Israelis in Australia; and
 - c. the act was done because of the race or national or ethnic origin of Israelis and/or Jews.
6. On 14 July 2024, the Applicant made a complaint to the Australian Human Rights Commission (**AHRC**).
7. On 29 January 2025, pursuant to s 46PH(1B)(b) of the *Australian Human Rights Commission Act 1998* (Cth), a delegate of the President of the AHRC terminated the complaint on the basis that there was no reasonable prospect of the matter being settled by conciliation.

Legislation

The Applicant claims that the conduct complained of is unlawful under s 18C of the *Racial Discrimination Act 1975* (Cth).

Remedy sought

The Applicant asks the Court for orders:

- (a) a declaration that the making of the 4 January Post and/or the 13 January Post breached s 18C of the *Racial Discrimination Act 1975* (Cth);
- (b) an apology;
- (c) an order requiring the Respondent to remove the 4 January Post and the 13 January Post;
- (d) costs; and



(e) any other order this Honourable Court might think fit.

Accompanying documents

This application is accompanied by:

1. A copy of the Applicant's original complaint to the AHRC, dated 14 July 2024.
2. The notice of termination of complaint given by a delegate of the President of the AHRC, dated 29 January 2025.
3. An amended statement of claim dated ~~31 March~~ 8 May 2025.

Applicant's details

The Applicant's relationship to the Respondent is: other (no personal relationship).

The Applicant is over 18 years.

Applicant's address

The Applicant's address for service is:

Place: Level 21, 333 Collins Street, Melbourne, 3000

Email: lzwier@abl.com.au and rleibler@abl.com.au

The Applicant's address is c/o Arnold Bloch Leibler, Level 21, 333 Collins Street, Melbourne VIC 3000.

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: ~~31 March~~ 8 May 2025



A handwritten signature in black ink, appearing to read "L. Zwier".

Signed by Leon Zwier

Lawyer for the Applicant

A handwritten signature in black ink, appearing to read "Raphael Leibler".

Signed by Raphael Leibler

Lawyer for the Applicant