

## **NOTICE OF FILING**

### **Details of Filing**

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### **Important Information**

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

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: **Daniel Jacob Levy**  
Address: [REDACTED]  
Occupation: Student  
Date: 3 October 2023

### Contents

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1	Affidavit of Daniel Jacob Levy in support of Originating Application dated 3 May 2023 affirmed on 3 October 2023.	[1] – [25]	1 - 6
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I, Daniel Jacob Levy, student of [REDACTED] affirm:

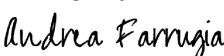
- I am not a party to this proceeding.
- I am a witness on behalf of the Applicant, Senator Mehreen Faruqi, in these proceedings.
- Unless otherwise indicated, I make this affidavit on my own knowledge, information and belief. Where I depose to matters on information and belief, I believe those matters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

### Personal background

Filed on behalf of (name & role of party) Mehreen Faruqi, Applicant  
Prepared by (name of person/lawyer) Michael Bradley  
Law firm (if applicable) Marque Lawyers  
Tel (02) 8216 3000 Fax (02) 8216 3001  
Email michaelb@marquelawyers.com.au; laureng@marquelawyers.com.au  
**Address for service** Level 4, 343 George Street  
(include state and postcode) Sydney NSW 200

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4. On 27 September 1989, I was born in Australia and am an Australian citizen. As at the date of affirming this affidavit, I am 34 years old.
5. I have lived in Australia since I was born.
6. I identify as being culturally Jewish, although I do not practise the Jewish faith.
7. I also identify as a person with migrant heritage because my maternal grandfather was born in Lithuania and my maternal grandmother (my Nana) was born in Poland. My paternal grandfather was born in Germany and my paternal grandmother (my Oma) was born in Latvia. My grandparents migrated to Australia between the 1930s to the 1950s.
8. My maternal grandparents are survivors of the Holocaust, and my paternal grandparents fled Nazi persecution just prior to the Holocaust. My Nana's family was massacred in the Holocaust, including her brother who had polio, her sister, and so many of her other family members. Of her close family, only my Nana and her mother survived, and they were liberated from the Bergen-Belsen concentration camp. My paternal grandfather fled Nazi Germany after his law licence was torn up due to his being Jewish in the early 1930s, and my Oma fled Latvia in 1939 shortly before the outbreak of World War II. I know these things because of interviews I did with my maternal grandmother and my paternal grandmother in about 2002 for a school project, and due to official documents I possess or have seen first-hand which attest to their experiences.

#### Court proceedings

9. On 9 September 2022, I saw that Senator Pauline Hanson published a tweet 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*".
10. 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 following.
  - (a) I often see tweets which mention Senator Faruqi or respond to the posts Senator Faruqi publishes to Twitter.
  - (b) I recall seeing a significant number of tweets from other users on Twitter on 9 September 2022 which mentioned Senator Hanson's tweet and that she had told Senator Faruqi to "*piss off back to Pakistan.*"
11. At paragraphs 17 to 18 of this affidavit, I have outlined my reaction and experiences after reading Senator Hanson's tweet.
12. I became aware that Senator Faruqi had commenced these court proceedings against Senator Hanson through media reporting either online or on television, although I cannot recall the exact source or the exact date when I learned that Senator Faruqi had commenced proceedings.
13. On 20 June 2023, I saw that Senator Faruqi had published two tweets to her Twitter account which referred to these court proceedings, and which invited people to complete an online survey about their experiences following Senator Hanson's tweet. The link to the online survey was also contained in this tweet by Senator Faruqi. I shared these tweets by Senator Faruqi to my personal Twitter account.

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Daniel Levy

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Andrea Farrugia

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14. I completed the online survey on 20 June 2023. A copy of my response to the online survey is annexed to this affidavit at **pages 7 to 8 and marked "DJL-1"**.
15. I completed the online survey because I had been personally impacted by Senator Hanson's tweet and I wanted to share my feelings and experiences. When I say that I was personally impacted I mean that after seeing Senator Hanson's tweet to Senator Faruqi I felt threatened because:
- (a) I believe, because of my own experiences (outlined at paragraphs 20 to 23 below) and the experiences of my family (outlined at paragraphs 8 above), that the views and sentiments shared by Senator Hanson in her tweet have previously been used against Jewish people throughout history; and
  - (b) I believe that these types of views and sentiments do not exist in a vacuum, but rather are part of a broader ecosystem that has been used to denigrate people from migrant backgrounds, people of colour and people of particular faiths (such as Jewish people and Muslim people) for significant periods of time.
16. I have elaborated on my responses to the questions contained in the online survey at paragraph 18 below.

#### **Impact of Senator Hanson's tweet**

17. When I read Senator Hanson's tweet, I understood it to mean that Senator Hanson was telling Senator Faruqi to go back to where she came from (i.e. Pakistan, which is where Senator Faruqi was born). In my view Senator Hanson's tweet conveyed the notion that if someone from a migrant background does not like living in Australia (because for example they have criticised certain aspects of Australian life, its politics or its history), then they should leave Australia. I believe when Senator Hanson tweeted the phrase "*piss off back to Pakistan*", this conveyed the same messaging as the common racist phrase "*fuck off, we're full*".
18. In my response to the online survey, 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) I felt offended because I believe the words used by Senator Hanson were xenophobic, and I am deeply offended by xenophobia (whether it is directed to me or not). I also believe that xenophobia makes society dangerous, and I was offended that Senator Hanson would platform these attitudes by publishing this tweet.
  - (b) I felt insulted because, as explained at paragraph 15 above, I believe that the sentiments conveyed by Senator Hanson in her tweet, are the same sentiments that have previously been used against Jewish people. Because of this, and even though Senator Hanson's tweet was not directed at me, I felt personally insulted by it because I am Jewish.
  - (c) The reason I felt humiliated is because, as explained at paragraphs 20 and 23 below, I have been the victim of racism. Senator Hanson's tweet reminded me of those experiences and brought up the feelings of humiliation that I felt as a result of them.
  - (d) My strongest reaction to Senator Hanson's tweet was that I felt intimidated. The reason I felt intimidated is because of the following.
    - (i) Reading Senator Hanson's tweet evoked a deep sense of intergenerational trauma that I believe that I suffer from as a result of being a descendant of Holocaust survivors. These feelings of trauma were particularly heightened by Senator Hanson's

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tweet because of the fact that Senator Hanson is a political leader and Senator Faruqi is part of a racial minority in Australia.

- (ii) I found it intimidating that someone as powerful as Senator Hanson (in her capacity as an elected politician) would feel comfortable to use her power and influence in a way that would encourage anti-migrant sentiment.
- (iii) I was also intimidated because I am aware that the kind of sentiment conveyed in Senator Hanson's tweet is the same kind of sentiment that has been regularly said by right-wing extremists online about Jewish people, and that this sentiment has historically (and in my view could continue to) lead to violent attacks against people of colour, people from migrant backgrounds and Jewish people. When I think of the damage that this kind of sentiment has caused in the world previously, it makes me feel intimidated and traumatised and reminds me of the way in which it affected my family. I recognise that although these feelings are not linear (in the sense that I have not experienced the same suffering as my grandparents, and that the comments have not been directed towards me), I still feel scared and intimidated by this kind of sentiment because it is possible that the past will repeat itself.
- (iv) I am frightened by this sentiment and I recall thinking that, on reading Senator Hanson's tweet, I felt physically unsafe.

#### Personal experiences

- 19. I have outlined some of my personal experiences with racism at paragraphs 20 to 23 below.
- 20. One of the most humiliating experiences of racism that I can recall occurred when I was about 8 years old while I was playing community sport with my Jewish football club. On this occasion, I recall that my team was winning and at half time, some of the players on the other team walked past my team and said words to the effect of "*bloody Jews*" to us. The reason I found this humiliating is because it made me feel like I did not have the right to be in Australia or playing community sport.
- 21. I have had conversations with, and about, my grandparents' experiences at the hands of the Nazis. Even though these experiences did not happen to me directly, the effect of these experiences on my grandparents has rippled through time in my family, creating a permanent unease that we are unsafe, and that at any time we could be targeted again. I am constantly anxious about fascism taking root again, and what it will mean for me and everyone I care about. This is especially aggravated for me when political leaders campaign on xenophobia and bigotry in general, hallmarks of fascism.
- 22. On or about 27 October 2018 I became aware of the Tree of Life Synagogue shooting in Pittsburgh, in the United States of America, killing 11 Jews inside the synagogue. I was very upset to learn that it later emerged that the shooter carried out the attack because he had been brainwashed by extreme right-wing politicians to believe that the Jews were bringing migrants to America to "invade" America and "dilute" whiteness. This is known as "white genocide" or "great replacement theory". I feel very intimidated and anxious that this rhetoric will cause more incidents, and it could be me or people in my community next.
- 23. More recently, on 27 November 2022, I was the subject of antisemitic comments by a prominent individual (who I do not wish to name) on Twitter who referred to me as "you people", and then called me an "entitled, arrogant rich white kid". I have outlined the complete exchange below.

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*Andrea Farrugia*

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Individual (who I do not wish to name): *FFS that's entitlement even for you people. Stay in your lane Daniel [emoji]*

Me *Could you please clarify what you mean by "you people"?*

Individual (who I do not wish to name): *Entitled, arrogant white rich kids. Of course. Who else would I mean?*

Me: *I'm Ashkenazi Jewish, and 3<sup>rd</sup> generation descendent of Holocaust survivors. 95% of my family was wiped out. Please do not use antisemitic tropes of "you people" when referring to me, and certainly do not condescend to me about being white and rich.*

Individual (who I do not wish to name): *I didn't know that. Apologies. Very disappointed in the way you carry on given your background. You should know better.*

Individual (who I do not wish to name): *And seriously Daniel why do you involve yourself in the tactics of these people? Happy to give you a big talk about class, race and oppression solidarity. These are not our people. Their carry on is not that of our people.*

Me: *I'll pass*

Individual (who I do not wish to name): *Happy to do anytime.*

24. During this Twitter exchange, when I clarified that I was a descendent of Holocaust survivors, this person scolded me that because of my background I should behave a certain way. There are antisemitic tropes wrapped up in this exchange for example, the dehumanising othering of the phrase "you people" as well as the trope that all Jewish people are "rich".

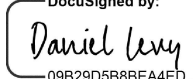
### **Impact of my personal experiences**

25. I suffer from generalized anxiety disorder and have sought medical assistance from a psychiatrist. I believe that the experiences I have outlined in paragraphs 20 to 23 have exacerbated my anxiety disorder by causing me to be preoccupied with nervous thoughts and finding it difficult to concentrate or function. I feel overwhelmed and sometimes feel the need to dispel these emotions by spending time reading the latest work of anti-fascist researchers to reassure myself that vigilance is being maintained and I can be safe to go about my life. And during this time I feel anxious and scared at what people who hate me and Jews in general might be radicalised to do next. This can result in many wasted hours and days that I will not get back. This disorder has generally stunted the completion of my studies and makes me feel that it is just a matter of time before I become the subject of a violent or dangerous incident because I am Jewish. These feelings are omnipresent and something that I feel at least once a day.

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*Andra Farrugia*  
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Affirmed by the deponent )  
at Glen Iris )  
in Victoria )  
on 3 October 2023 )  
Before me: )

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Signature of deponent

DocuSigned by:  
  
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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**

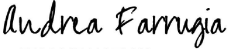
Applicant

**PAULINE HANSON**

Respondent

**ANNEXURE DJL-1**

This is the annexure marked "DJL-1" referred to in the affidavit of Daniel Jacob Levy 3 October 2023 before me:

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Andrea-Marie Farrugia  
Solicitor



Response ID: 16

Please provide your first name: Daniel

Which of the following do you identify with? ["Person with migrant heritage, born in Australia"]

If you would like to, please describe how you identify: I am a Jewish grandchild of Holocaust survivors

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

Please describe the impact of the tweet on you: It triggered personal humiliating memories for me from childhood, where I would hear similar xenophobic sentiments about my Jewish heritage while playing junior sport. More than that, it evoked the deep intergenerational trauma which many descendants of Holocaust survivors feel when a racial minority is ostracised by political leaders. I felt intimidated that someone wielding such influence over so many people would want to stoke such hatred in the country my community and family calls home. It feels intimidating to me, knowing that these sentiments are regularly said by right-wing extremists online about Jews already, and that sentiments like these were considered to be significant causes of recent terrorist attacks on Jews such as the Pittsburgh synagogue shooting in America. I am frightened by rhetoric like this making me physically unsafe.

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: I felt alienated from community participation in sport

In your reading of the tweet, what is the meaning of the phrase 'pack your bags and piss off back to Pakistan'? That migrants aren't welcome in Australia

Please provide further detail if you would like to: "Never Again" means "Never Again for everyone"

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:

Email: [REDACTED]

Postcode: [REDACTED]

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"]