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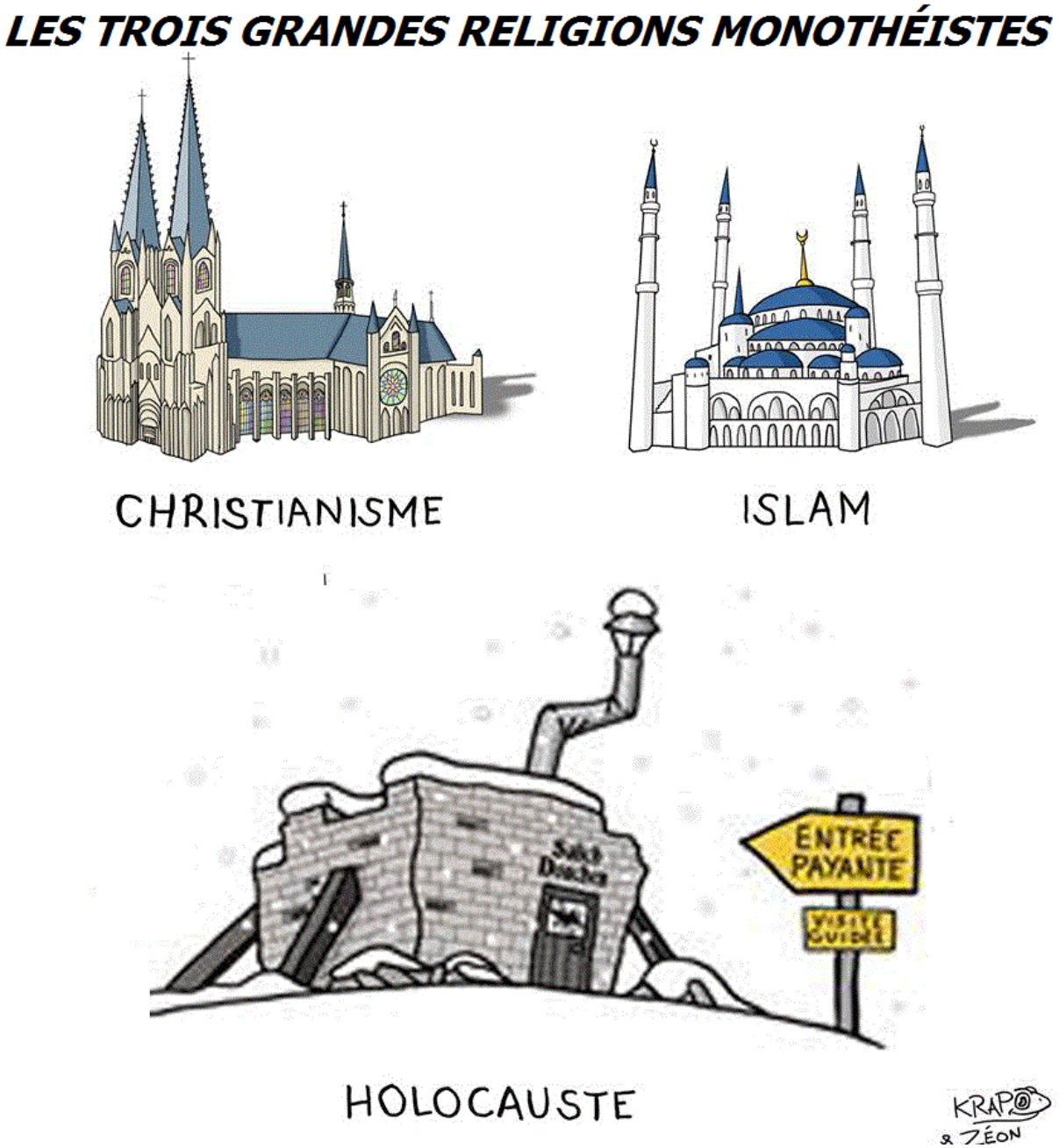
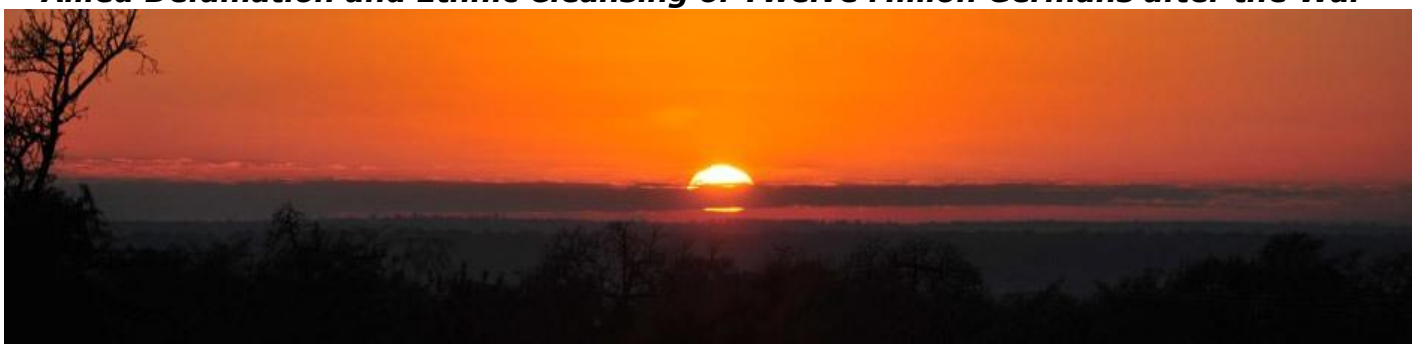


Hello,
What this shows is that Islamic people and Christian people build more attractive buildings to worship in. Let's face it, gas chambers could never be made to look attractive, could they?
However, it does not demonstrate that there is any more truth behind either of those *other* great religions than there is behind the holocaust story, does it?
Anthony Lawson - lawson911@gmail.com Sun 2/02/2014 12:51 AM

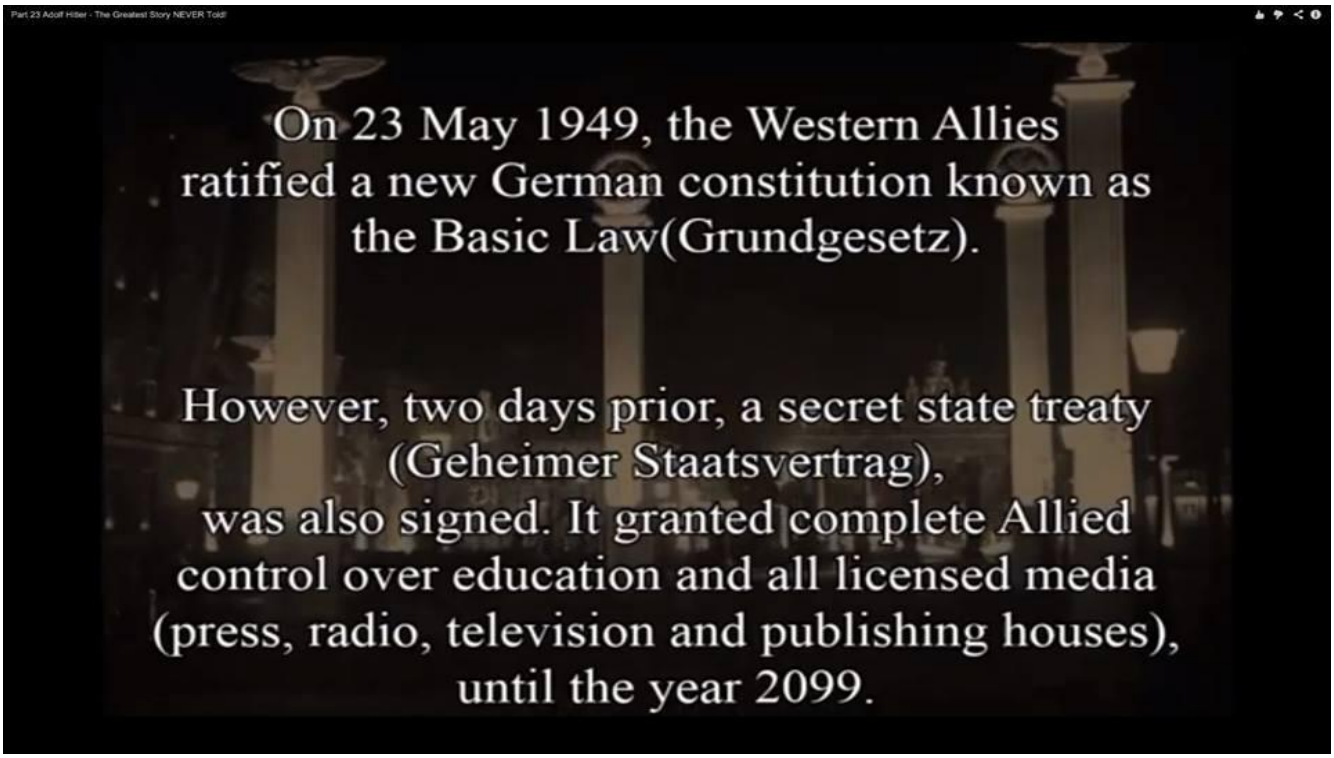
German Victims

Allied Defamation and Ethnic Cleansing of Twelve Million Germans after the War



Please note! **Aktuell-News** **Jewish Hate Speech** **Judengift** **National Socialists (NS)** **Allied Crimes-Verbrechen** **Witnesses-Zeitzeugen** **Kriegserlebnisse** **"Liberation"** **Deutsche!** **Deutsche Seiten** **Hitler** **Goebbels** **Nationalsozialisten** **"Befreiung"** **BRD – Germany** **Grosse Germanen** **Aryan-Kings*Arier Gott** **Pictures Deutschland 1900** **Defamation-Verfemung** **What a Racket!** **Who Started War** **WAR! KRIEG!** **Allies** **Real Holocausts** **Voices-Stimmen** **Communism Marxism** **War Experiences** **Freimaurer-Freemasonry** **U.S.A.** **Must Know-Unbedingt** **Liberalism** **Revolutions** **World-Welt** **End Game** **Books** **Videos** **Buecher-Videos** **Contact-Kontakt** **Quotes-Zitate**

Home Page-Haupt - **http://www.germanvictims.com/**



WILL ISRAEL SUCCEED IN ETHNICALLY CLEANSE PALESTINE AS THE GERMANS WERE ETHNICALLY CLEANSED OUT OF PRUSSIA WHERE GERMANS HAD LIVED FOR OVER 700 YEARS?

REMEMBER
*** 30 January 1933 Adolf Hitler's Machtergreifung**
*** 30 January 1945 sinking of Wilhelm Gustloff -**
http://www.wilhelmgustloff.com/

HOLOCAUST REVISIONISTS TAKE ON THEIR DEFAMERS

In 2013 both Robert Faurisson and Fredrick Töben initiated legal action against individuals who had defamed them. Both Faurisson and Töben lost the first round of their respective legal action – and both are now appealing. In the following articles some basic facts are canvassed and revealed, for example, Toben's views are ''repugnant'' and ''fantasyland rubbish''! Judge for yourself ...

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barnold law

This blog

This blog covers legal or other issues that have caught my attention, expressions of opinion, works that I'm reading and miscellaneous "stuff".

Hatefulness and the ACL

In *Toben v Mathieson; Toben v Nationwide News Pty Ltd* [2013] NSWSC 1530 the Supreme Court of New South Wales has made a determination on claims by the controversial Fredrick Toben that Greens Senator Christine Milne engaged in misleading and deceptive conduct in remarks to a journalist that were published in *The Australian*.

Unsurprisingly the Court held that Senator's remarks were not undertaken in the course of any business, trade or profession and were thus incapable of being misleading and deceptive conduct in terms of the Australian Consumer Law (ACL).

Toben had unsuccessfully relied on the ACL last year in *Toben v Jones* [2012] FCA 1193.

In *Jones v Toben* [2009] FCA 354 the Court commented that

The Courts have held, but his conduct shows he does not accept, that the freedom of speech citizens of this country enjoy does not include the freedom to publish material calculated to offend, insult or humiliate or intimidate people because of their race, colour or national or ethnic origin. His conduct has been proved to be wilful and contumacious because he has steadfastly refused to comply with a law of the Commonwealth Parliament and refused to recognise the authority of this Court.

The litigation followed the 5 October 2000 finding by the Human Rights & Equal Opportunity Commission that Toben , representing "the Adelaide Institute", had engaged in conduct rendered unlawful by s 18C of the *Racial Discrimination Act 1975* (Cth) by publishing on the internet certain material that the HREOC found to be "racially vilificatory". The Commission's finding was reflected in *Jones v Toben* [2002] FCA 1150. Dowsett J in *Toben v Jones* [2002] FCAFC 158 commented that

The allegations made by the [Toben] against Branson J were completely without demonstrated substance and based entirely upon his own unreasonable misinterpretations of quite innocent statements by her Honour. The measured tones in which he made his attack did nothing to conceal its complete lack of substance. It was, in my view, outrageous in its condescension. Such an attack upon the intellectual capacity and integrity of a judge of a superior court is, in my experience, virtually unprecedented.

In the current litigation Toben is taking defamation action against Clive Mathieson (editor of *The Australian*), Christian Kerr (the journalist under whose by-line the articles were published) and Senator Christine Milne, the leader of the Australian Greens Party, to whom several direct quotes are attributed in the article.

McCallum J comments that

The explanation for the duplication of proceedings appears to be the existence of a statutory cap on the amount of damages for non-economic loss that may be awarded in defamation proceedings: see s 35(1) of the Defamation Act 2005. That provision has been interpreted as imposing a single cap in any single set of proceedings even where there is more than one matter complained of in those proceedings: Davis v Nationwide News Pty Limited [2008] NSWSC 693 per McClellan CJ at CL at [8] to [9]. The appropriateness of commencing multiple proceedings where virtually identical matter is published in different versions of the same newspaper remains to be tested in this list: see Dank v Whittaker (No 2) [2013] NSWSC 1064 at [4].

Whilst the two sets of proceedings are travelling together, the present application concerns only the proceedings in which Senator Milne is a defendant (proceedings 200128 of 2013). In those proceedings, Senator Milne filed a notice of motion on 22 August 2013 moving the court for an order that the proceedings as against her be stayed or the statement of claim struck out. At that stage, the action against Senator Milne was based on the contention that she was jointly liable as a publisher of the whole of the article. The basis for the application to have the statement of claim struck out was the principle stated in my decision in Dank v Whittaker (No 1)[2013] NSWSC 1062. In that case I held that, where a person contributes to an article but is not alleged to have had any control over the publishing process, that person is not liable as a publisher of the whole of the article unless he or she has assented in some way to its final form (at [26]).

The plaintiff responded to the notice of motion by serving a proposed amended statement of claim. The amended pleading cures the defect in the manner in which the element of publication is pleaded in that Senator Milne is now sued only for publication of the words attributed to her in the article and the republication of those words by the newspaper. She is no longer sued on the article as a whole.

Separately, however, the proposed amended statement of claim seeks to add a cause of action against Senator Milne alleging that she engaged in misleading or deceptive conduct contrary to s 18(1) of the Australian Consumer Law. Dr Toben requires leave to amend the statement of claim at this stage of the proceedings, the original statement of claim having been filed on 1 July 2013, more than 28 days ago: see r 19.1 of the Uniform Civil Procedure Rules 2005. Accordingly, the issue ultimately brought forward by Senator Milne's notice of motion was whether the plaintiff should have leave to file the proposed amended statement of claim. This judgment determines that issue.

The judgment continues

Dr Toben's proposed claim for misleading or deceptive conduct is pleaded in the following terms:

2D Further and in addition on or about 20 June 2013 the third defendant in trade or commerce (to wit in her profession as a politician) engaged in conduct which was misleading or deceptive or which was likely to mislead or deceive contrary to the provisions of Section 18(1) of Schedule 2 of the Australian Competition and Consumer Legislation.

Particulars

(A) The third defendant represented to the second defendant and/or other journalists of and concerning the plaintiff:

(a) The plaintiff engaged in the fabrication of history.
(b) The Plaintiff spread and engaged in anti-Semitism.
(c) The plaintiff's conduct in denying the holocaust is abhorrent and should be condemned universally.
(d) The plaintiff is a holocaust denier.
(e) Holocaust denials have no place in Australian Society.
(f) The plaintiff is an anti-Semite.

(B) When the third defendant made the representations above referred to she knew they would be or would likely to be republished in "The Australian" and subsequently the said representations were republished in an article in "The Australian" of 21 June 2013.

(C) The said representations were misleading and deceptive or capable of being misleading or deceptive because:

(a) The plaintiff did not engage in fabrication of history.
(b) The plaintiff did not spread and engage in anti-Semitism.
(c) The plaintiff is not an anti-Semite.
(d) The Plaintiff is not a holocaust denier.

Posted by Bruce Baer Arnold at 11:27 AM

Labels: Censorship and Expression, Defamation, Hatespeech, Trade Practices and Consumer Protection

http://barnoldlaw.blogspot.com.au/2013/11/denial.html

Statement by Maria Poumier – Comment by Robert Faurisson
Friday, December 20, 2013

[On November 28, 2013, in the 17th chamber of the Paris penal court, Robert Faurisson appeared for his suit against the newspaper *Le Monde* (Louis Dreyfus) and a journalist (Ariane Chemin) for public insults ("professional liar", "forger", "falsifier of history"). Judgment is expected on January 16, 2014. Not one example of lying or falsification had been provided in the journalist's long article of August 21, 2012 (p. 12-13). As for barrister Catherine Cohen-Richelet, she claimed three times to cite a lie, and one only, of Faurisson: according to her, he had not been a "[university] Professor" but only a "lecturer"; however, Faurisson was indeed accorded the status of "university professor" as of August 9, 1979 by ordinance of the ministry of universities (no. 00526, January 3, 1980).]

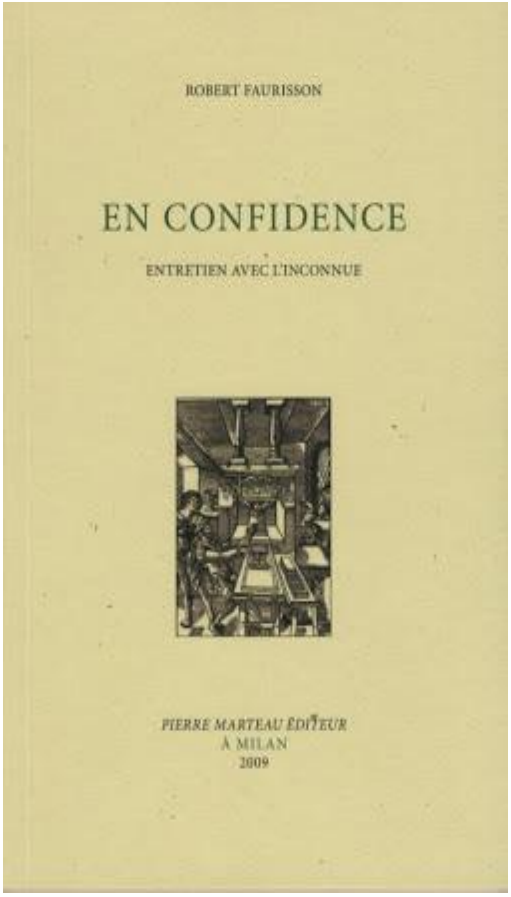
Statement by Maria Poumier

I am happy to greet Robert Faurisson at the close of this hearing, because it is always enjoyable to see a just cause triumph, and there is no doubt at all that we have won, we who are convinced that the truth makes people free. What he has fought to establish for fifty years is now irrefutable. The official version of the history of the Second World War, in particular its chapter on the persecution of the Jews, is tainted with monstrous voluntary lies (and not only with exaggeration on the number of victims), intended to spread terror amongst Jews and non-Jews, over several generations, and to prompt erratic reflexes in the face of any novel situation even remotely involving Jews.

It was a question of perverting forever the meaning of true and false, of right and wrong in favour of a single

human group, whose leaders are trying to see themselves accorded hereditary privileges, and thus to reconstitute a noble caste above the law. One may discuss at length the merits of Robert Faurisson's strategic and tactical choices for the waging of his struggle. Still, his unshakeable constancy and total commitment centred exclusively on the results of his research are an outstanding example. It was astonishment and admiration that impelled me to write a book with him, published with the title **En Confidence***. I was interested in understanding how he had gone from a vocation of letters to the sacrifice of all literary activity in favour of historical research on a single subject, in all respects arduous, accompanied by the struggle to defend the vital importance, for everyone, of this question on a scale that goes beyond geographical frontiers or the horizon of his contemporaries.

I have come to the conclusion that he chose to become superhuman in the manner of the literary heroes he admires. He himself invokes Don Quixote; but Don Quixote is a madman and a comical character. All told, I would rather compare him to Prometheus of Greek tragedy, but with a revamping of the myth; in effect, Prometheus is a thief who goes against the gods; Faurisson is a human being attacking thieves who would like to be taken for gods: a bit different. The two come together in that they discover the fire that the mighty were denying them, and make a gift of it to humanity. The fact that he has had the strength to embody such a powerful and incendiary myth sets off a chain reaction: he helps each of us regain courage, on the personal level, and self-confidence facing the world. This strength of character makes him appear much bigger than the other intellectuals of his generation, who appear all the smaller. I have written that he sets himself amidst them like a block of marble. I uphold it! In fact, he never left the domain of poetry, that perpetual workshop of indispensable fairness and justice. His vital commitment goes well beyond science and history. He claims to defend only scientific exactitude but, whether he acknowledges it or not, the fecundity of his sense of poetry as vital commitment is there to be noted. It is thanks to Robert Faurisson, ultimately, that the juice of the pineapple, as extracted by the inimitable skill of Dieudonné, is now a special elixir, dreaded like an explosive by the warders who claim to keep us in line, promoted as a vaccine for the mind for those with the sense of humour of Mallarmé, one of a cool, invigorating and inebriating fragrance, against the nauseating odours of the sordid gas chamber sect's adherents! Yes, poetry, provided it is served with full faith in the truth and in poetry's capacity to produce the truth, is infinitely catching; subversive and generous, it distils and diffuses mental and moral health, ad infinitum! Thank you, Robert Faurisson, for having remained so perfectly faithful to it.



Comment by Robert Faurisson

What Maria Poumier said on November 28, 2013 at the Palais de Justice in Paris had already struck me quite soundly. In front of a video camera, she made a public statement that exposed her to the greatest risks: those provided against revisionists by the Fabius/Gayssot Act

of July 13, 1990. She openly expressed her thoughts and even let her heart speak. She repeats her offence in the text above, dated December 20. She denounces a historical argument protected by a whole set of official authorities: the law, the judges, police, gendarmes, prison guards, media, academic bodies, political leaders, the European Union, UNESCO, the UN and the States of the Western world in general, along with a considerable number of wealthy and powerful organisations or institutions which, whether in France or abroad, decide on Good and Evil, including in the field of history. This argument, which still has force of law, was fixed by the International Military Tribunal at Nuremberg which, in total cynicism, had as its principle not to care the least about the quality of evidence ("The Tribunal shall not be bound by technical rules of evidence [...]. The Tribunal shall not require proof of facts of common knowledge but shall take judicial notice thereof [...]": articles 19 and 21 of its "Charter"). This argument based on shoddy evidence is that of the genocide of the Jews, the Nazi gas chambers and the six million Jewish victims. No doubt, like me, Maria Poumier is aware that the propagators of this argument are not all liars; most of them can even be in good faith. *Sancta simplicitas!* (Blessed naivety!). So true is it that the best weapon of "the Holocaust" or "Shoah" religion is precisely this general credulity. Moreover, more than censorship, it is self-censorship that, up to the present, has allowed the advocates of a single Truth in history to suppress a right that had nonetheless been solemnly reaffirmed by the French justice system on April 26, 1983. On that day, having heard the case of both parties, it stated that in my own argumentation on "the problem of the gas chambers" it had detected no trace of *levity*, *negligence*, *deliberate ignorance*, or ***lying***. Altogether logically it then concluded: "**The worth of the findings defended by Mr Faurisson is therefore a matter solely for the appraisal of experts, historians and the public**" (holding of François Grégoire, 1st chamber, section A, of the Paris court of appeal). That "**therefore**" would weigh heavily and that conclusion was to cause alarm amongst the Socialist friends of Laurent Fabius and in the ranks of Jean-Claude Gayssot's Communist Party. Seven years later those people would finally get a very special law passed, one designed, above all, to keep the judges in check and compel their strict obedience, for they would henceforth be forbidden to allow the experts, the historians and the public to express themselves freely concerning one point, and one point alone, in the whole history of mankind. But even before the 1990 law everyone, in practice, already abided by the edict of those 34 French historians who, on February 21, 1979, had declared in the columns of ***Le Monde***, on the subject of the problem of the Nazi gas chambers: "One must not ask oneself how, *technically*, such a mass-murder was possible. It was technically possible, since it happened". Such was their response to a challenge that amounted to saying: "Your magical gas chambers are inconceivable for physical, chemical and technical reasons, and also taking into account documents that you kept hidden in the Auschwitz archives but that I have discovered and published; if you judge otherwise, explain to me how, for you, such a mass-murder was possible".

But, since about 1995 and, in particular, thanks to the development of the Internet, even in poor subjected countries, history has really begun to reassert its rights. Today, although the revisionists still seem weak, revisionism itself has made leaps and bounds. Its victories are important and sometimes even resounding (see **"The Victories of Revisionism"** and **"The Victories of Revisionism (continued)").** They trigger a feeling of panic in an opponent who thought he could forever lay down his law to the entire world.

Maria Poumier has first struggled against the "unjust power of the law". Then she has come to the defence of fundamental freedoms, including the right of judges to rule according to their conscience. Finally, she has contributed to the triumph of science and history over belief, superstition, hatred and intolerance.

December 20, 2013

* ***En Confidence / Entretien avec l'Inconnue*** is dated December 2007. Published in April 2009 as a 78-page booklet, it is **available from Editions Akribeia,** 45/3 Route de Vourles, F-69230 Saint Genis Laval for €15 + €5 postage. On September 9, 2009 the Inconnue ("unknown one"), that is, the academic Maria Poumier, revealed both her identity and her unbelief regarding "the Holocaust" or "the Shoah"; she did so in an **open letter** to Michèle Alliot-Marie, Minister of Justice, and Frédéric Mitterrand, Minister of Culture. On December 2, 2010, during Vincent Reynouard's imprisonment, she re-offended in a new open letter to Michel Mercier, Minister of Justice, Brice Hortefeux, Minister of the Interior and, once again, Frédéric Mitterrand. In that **second letter** she stated her readiness to share the lot of the revisionists Faurisson and Reynouard, both prosecuted under the Fabius-Gayssot Act of July 13, 1990. So far those ministers and their successors have bravely held their tongues. Stay tuned.

Posted by N

http://robertfaurisson.blogspot.it/2013/12/statement-by-maria-poumier-comment-by.html

Holocaust denialists back calls for reform of Australia's race hate laws

Noel Towell: *Reporter for The Canberra Times, SMH,* December 21, 2013

Human Rights Commissioner Tim Wilson. *Photo: Wayne Taylor*

Australia's leading Holocaust denial group has backed the Abbott government's intention to water down the nation's race-hate laws.

The Adelaide Institute, founded by convicted Holocaust denier Fredrick Toben, says section 18C of the Racial Discrimination Act and other laws on racial vilification stifle ''legitimate'' historical debate.

Attorney-General George Brandis and newly appointed Human Rights Commissioner Tim Wilson have both publicly called for the abolition of laws, last used against News Corp columnist Andrew Bolt over articles about light-skinned Aborigines.

Mr Wilson described the views of Dr Toben and his institute as ''repugnant'' and ''fantasyland rubbish'' but said he believed the courts were not the way to confront them.

Adelaide Institute director Peter Hartung said he did not have a view on Mr Wilson's appointment to the commission but that the denialist group supported the repeal of section 18C. "These laws stop discussion of things that can be proved with facts and figures so it cannot be debated,'' he said. ''These laws were brought in to shut people up when they have no rational argument against what they're saying.''

Critics have branded 18C the ''Bolt laws'' after the News Corp columnist's prosecution in 2011 for his ''inaccurate and offensive'' attack on a group of Aborigines. However, Section 18C has mostly been used by Australian Jewish groups against Holocaust deniers and Nazi sympathisers. Mr Hartung said the Adelaide Institute was sympathetic to Mr Bolt's cause. ''What Andrew Bolt said was basically true and factual.''

Mr Wilson said that free and untrammelled public debate was a better way to confront Holocaust denial than anti-hate speech laws.

''Rather than hide in their caverns of hate, these people should be exposed for the stupidity and absurdity of their commentary in public debate so their names can be dragged through the dirt for all time,'' the newly appointed commissioner said. ''I disagree with people having recourse to the law to shut down public debate because there is a big difference between recourse to the law to protect yourself from physical violence, and protecting yourself from stupid and childish ideas.''

Dr Toben went to jail in 2009 for defying Federal Court orders to remove material from his website that claimed there were no gas chambers at Auschwitz, and describing the murder of millions of European Jews during World War II as the ''Holocaust myth''. He was convicted and jailed in 1999 in Germany for the specific crime of Holocaust denial.

Australia/Israel and Jewish Affairs Council spokesman Jeremy Jones, who has prosecuted Dr Toben using 18C , said he was ''not surprised'' the denialists wanted the laws scrapped. ''The minimum you would expect in a country like Australia is that people who are vilified by this material have some recourse to the law,'' Mr Jones said. ''The recourse that we're talking about is asking people to stop what they're doing; nobody was suggesting that people have any sort of onerous penalties.

''Under 18C you do not have an untrammelled right to destroy the quality of life of any other Australian with your words.''

A spokesman for Senator Brandis said he wanted to stop section 18C being used to stifle ''freedoms of speech''. ''The government wants to ensure that laws which are designed to prohibit racial vilification are not used as a vehicle to attack legitimate freedoms of speech,'' the spokesman said.

''The two values - protecting people against racial vilification and defending freedoms of speech - are not inconsistent.''

http://www.canberratimes.com.au/national/holocaust-denialists-back-calls-for-reform-of-australias-race-hate-laws-20131220-2zr0u.html

http://www.smh.com.au/national/holocaust-denialists-back-calls-for-reform-of-australias-race-hate laws-20131220-2zr0u.html

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From: Fredrick Toben toben@toben.biz
Sent: Saturday, 21 December 2013 11:44 AM
To: 'Noel Towell'
Subject: Your article -

Mr Towell – I just rang you to inform you that you got it wrong about my being a "convicted Holocaust denier" - the 1999 matter went to an appeal, which has not happened, and the 2008 attempted extradition from London to Mannheim was designed to effect this re-trial, but it failed. Subsequently the matter of the re-trial has been stayed, so according to Judge Dr Meinertzhagen.

You can contact him at Mannheim Court, Germany.
Section 18C gave Jones the right legally to destroy anyone who disagrees with his world view. He twists the matter thus: ''Under 18C you do not have an untrammelled right to destroy the quality of life of any other Australian with your words.'' As ever, he plays the victim.
Have a view –
http://www.adelaideinstitute.org/newsletters/n423.htm

****

From: Fredrick Toben toben@toben.biz
Sent: Saturday, 21 December 2013 8:00 PM
To: 'Noel Towell'
Subject: Free expression
Did you see this item from 3 years ago?

Aussie Trades Unionist Exposes 9/11 Cover-up

 **Anthony Lawson**
http://www.youtube.com/watch?v=tE3pMPObcGU

****

From: Noel Towell
noel.towell@fairfaxmedia.com.au
Sent: Saturday, 21 December 2013 8:00 PM
To: toben@toben.biz
Subject: Out of Office Re: Free expression
I am not out of town until Monday, January, 2014.
For urgent matters please contact the Chief of Staff on 026280 2204.
I will be checking emails intermittently.
Happy Christmas

Comments without Comment


BrainiacFingers
8 months ago
in reply to Ja Twarek
The trend these days is to deliberately turn Wagner opera's into farces. The simple minded equation that has lead to this sorry state of affairs goes something like this: Wagner = anti-Semite therefore Wagner = Nazi therefore Wagner operas = Nazi operas therefore all Wagner operas must be turned into pantomimes because Robert Gutman told us that Wagner was responsible for the holocaust. The above equation is every bit as erroneous and simple-minded as the productions it spawns.
http://www.youtube.com/watch?v=bTaQu7ivsRM
Published on Jan 31, 2013
All copyrights belong to their respective owners.
no copyright infringement intended
Richard Wagner (1813 - 1883)
Cast: Windgassen, Modl, Weber
Orchestra - Bayreuth Festival Orchestra conducted by H. Knappertsbusch, 1951
0:00 Act I
1:57:15 Act II
3:09:48 3. Act III

****

From: Fredrick Toben toben@toben.biz
Sent: Wednesday, 13 November 2013 9:04 PM
To: Tony.Abbott.MP@aph.gov.au
Cc: senator.brandis@aph.gov.au
Subject: Think on these things - from Australia
1. Now Section 18C of the RDA is forgotten as the Holocaust Law that was used to imprison and bankrupt those who uncritically refuse to believe in matters Holocaust.
2. I have never advocated violence, nor am I in favour of the BDS campaign against Israel, which I have stated publicly, because it offends against basic free expression.
3. Remember, it was international Jewish interests that began a boycott against Germany in 1933 - and we now know that Hitler made over 40 peace offers, all of which were rejected.
4. Anyone who takes on international predatory capitalism faces the wrath of those who control our money supply. Note that Iran, Syria, North Korea - and formerly Iraq and Libya - are still autonomous/autark in that they create their own money supply.
5. Remember that the Commonwealth Bank financed the East-West railway line at about 1 per cent interest, and when the Darwin-Alice Springs line was built it was financed at around 9 per cent from overseas borrowing.
Fredrick Toben
13 November 2013

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A RIGHT-OF-REPLY – but who is listening!

From: Fredrick Toben toben@toben.biz
Sent: Tuesday, 24 December 2013 9:45 PM
To: editor-in-chief@y-i.co.il; ajn@jewishnews.net.au
Cc: 'Noel Towell'; media.release@canberratimes.com.au; letters.editor@canberratimes.com.au; 'Adelaide Institute'
Subject: Re the below articles' factual errors.

Dears

Please note that there are some factual errors within the articles published by both *The Canberra Times*/*SMH* and *Ynet* on 21 December 2012. I would be pleased if you could correct same.

1. I did not serve >>two jail sentences for Holocaust denial and anti-Semitism<<; The German jail sentence was for "defaming the memory of the dead" and the Australian jail sentence was for "contempt of court", which is not a criminal matter!
2. I have never stated or written that >>the Auschwitz concentration camps was "too small" to have been the site of mass murder.<<
3. I have never stated that >>only 2,007 Jews were killed at Auschwitz;<<
4. Contrary to what the Canberra Times' writer Noel Towell stated, I am not >>a convicted Holocaust denier<<. The 1999 matter went to an appeal and the 2008 extradition from the UK to Germany, which failed, would have activated the appeal process. Judge Dr Meinerzhagen wrote me a letter to state that this process has been stayed for the time being. This means that I am still an unconvicted so called >>Holocaust denier<<. Please contact Dr Meinerzhagen at Mannheim District Court, Germany, for confirmation.
5. In 2009 Mr Peter Hartung became the director of Adelaide Institute.

Kindest regards.
Fredrick Toben

Shoah deniers support Australian call to weaken anti-racism laws

Adelaide Institute, a Holocaust denial group, agree with attorney general, human rights commissioner's proposal to weaken, limit laws defining hate crime

Ynet, Published: 12.21.13, 13:24 / Israel News

Australia's largest Holocaust denial group expressed support in Tony Abbott's initiative to reduce and weaken the laws defining hate crimes, according to a Saturday report in the Australian daily the Sydney Morning Herald.

The report claimed that the Adelaide Institute, founded by Gerald Fredrick Töben – who served two jail sentences for Holocaust denial and anti-Semitism – announced that section C18 of the Racial Discrimination Act and other anti-racism laws have prevented "legitimate" historical discussions.

Auschwitz at WWII's end (Photo: EPA)

Australia's Attorney General George Brandis and Human Rights Commissioner Tim Wilson called for the legislative changes.

Wilson denounced Töben, saying his positions and the positions of the institute he formerly chaired are "repugnant" and "fantasyland rubbish," but added that the judicial system is not the arena for dealing with these broad issues.

According to Wilson, unhindered public debate is the proper way to deal with Holocaust deniers: "Rather than hide in their caverns of hate, these people should be exposed for the stupidity and absurdity of their commentary in public debate so their names can be dragged through the dirt for all time."

The current director of the Adelaide Institute, Peter Hartung, refused to respond to Wilson's comments, saying instead that "these laws stop discussion of things that can be proved with facts and figures so it cannot be debated. These laws were brought in to shut people up when they have no rational argument against what they're saying."

Jewish prisoners at Auschwitz (Photo: EPA)

The anti-racism laws have been in the news since they were used in 2011 against a News Corp journalist for his "inaccurate and offensive" attacks on light-skinned Aborigines.

There was wide-spread criticism of the laws at the time, though the Sydney Morning Herald report says the legislation has mostly been used by Australian Jewish groups against Holocaust deniers and neo-Nazis.

Töben's second jail sentence, three months in 2009, was for breaking a court order to stop publishing anti-Semitic material on his website.
He was handed his first jail sentence in 1999, serving seven months in a German prison for denying the Holocaust. At Mahmoud Ahmadinejad's 2006 Holocaust denial conference, Töben claimed that the Auschwitz concentration camps was "too small" to have been the site of mass murder.
He claimed only 2,007 Jews were killed at Auschwitz; most researchers place the figure between 1.1 million to 1.5 million people murdered at the notorious camp, most of them Jews.
Australia has witnessed several anti-Semitic incidents in the past decade, including a string of cases in 2006 thought to be the result of the summer conflict between Israel and Hezbollah. Less than two months ago, in October, six Sydney Jews were brutally assaulted.
http://www.ynetnews.com/articles/0,7340,L4467899,00.html

See above for the Noel Towell article:
Holocaust denialists back calls for reform of Australia's race hate laws
Noel Towell *Reporter for The Canberra Times*, December 21, 2013
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From: Attorney Correspondence
attorney@ag.gov.au
Sent: Friday, 10 January 2014 11:54 AM
To: toben@toben.biz
Subject: Meeting with the Attorney-General and Minister for the Arts [SEC=UNCLASSIFIED]
UNCLASSIFIED
Dear Dr Toben,
Thank you for your recent email requesting a meeting with the Attorney-General and Minister for the Arts.
I apologise that the Attorney-General and Minister for the Arts is unable to meet with you.
As Attorney-General and Minister for the Arts, Senator Brandis attempts to facilitate as many meetings with stakeholders and constituents as possible. On many occasions, he is also required to represent the Prime Minister and the Government in his capacity as Deputy Leader of the Government in the Senate.
If you have any pressing concerns, Senator Brandis would be happy to respond to you in writing and our office can be reached via email at attorney@ag.gov.au or at the mailing address below:
Office of the Attorney-General and Minister for the Arts
Ministerial Wing
Parliament House
CANBERRA ACT 2600
Thank you again for taking the time to contact the Attorney-General and Minister for the Arts.
Yours faithfully,
Kathryn
Office of the Attorney-General and Minister for the Arts
Deputy Leader of the Government in the Senate
t: +61 (2) 6277 7300 | attorney@ag.gov.au
****

From: Fredrick Toben [mailto:toben@toben.biz]
Sent: Friday, 10 January 2014 12:24 PM
To: 'Attorney Correspondence'
Subject: RE: Meeting with the Attorney-General and Minister for the Arts [SEC=UNCLASSIFIED]
Dear Kathryn
Thank you for this information.
I would appreciate you advising Senator Brandis, as he well knows, that I am a stakeholder when it comes to any matter concerning the elimination of Section 18C of the RDA.
This Section bankrupted me!
I therefore request that it be made possible for my meeting Senator Brandis because that written avenue you suggest as a way out is not appropriate anymore because that road I travelled along some time last year. His Liberal predecessor, Philip Ruddock, while in office certainly stated that I was not a security risk to Australia, which an ASIO member confirmed to me, and it is such matters flowing therefrom that I need to discuss with Senator Brandis.
It is thus a personal meeting that is important when it comes to the RDA matter so that I may be given the opportunity to respond even to what new Commissioner Tim Wilson's attitude is towards the subject matter, which under the RDA led to my bankruptcy. I am certain that a brief meeting in his Canberra office could still be arranged. It was quite inappropriate for my detailing anything about this matter at the Wagner Ring Cycle gala dinner that we both attended on 17 November 2013.
Kind regards.
Fredrick Töben

Senator Brandis meets ethnic community leaders

January 16, 2014 by J-Wire Staff

With the review of Section 18C of the Racial Discrimination Act a contentious issue leading into the next session of Parliament, Attorney-General Senator George Brandis has met this week with leaders of various ethnic communities.

L-r Les Malezer, George Vardas, Peter Wertheim, George Vellis, Kirstie Parker. Patrick Voon, Soteris Tsouris

The following community representatives met yesterday in Sydney with Senator George Brandis, his Senior Advisor, James Lambie, and his Deputy Chief of Staff, Josh Faulks.

Ms Kirstie Parker, Co-chair, National Congress of Australia's First Peoples

Mr Les Malezer, Co-chair, National Congress of Australia's First Peoples

Mr Michael Charlton, Policy Advisor, National Congress of Australia's First Peoples

Mr George Vellis, Co-ordinator, Australian Hellenic Council

Mr Peter Wertheim, Executive Director, Executive Council of Australian Jewry

Mr George Vardas, Secretary & Legal Consultant, Australian Hellenic Council

Mr Patrick Voon, President, Chinese Australian Forum

Soteris Tsouris, President, Cyprus Community of NSW

Apologies were received from Ms Randa Kattan, CEO, Arab Council Australia, and Mr Tony Pang, Secretary, Chinese Australian Services Society, both of whom attended the first consultation with the Attorney General in Canberra on 9 December 2013.

The community representatives present issued the following statement:

"We commend the Attorney General for honouring his commitment to consult with our communities before introducing any draft legislation to alter the provisions of Part IIA of the Racial Discrimination Act. Whereas our first meeting with the Attorney General focused on the relevant principles and policies, today's discussion was mainly about the detailed legislative provisions."

"We told the Attorney General that the case has not been made for the words in section 18C of the Racial Discrimination Act to be changed. The concerns that have been expressed about the impact of section 18C on freedom of expression are based on misapprehensions about the way the law has been interpreted and applied by the courts. We believe that these concerns can be allayed by codifying certain matters that are dealt with in the case law."

"In particular, whilst it is clearly incorrect as a matter of law to assert, as some have, that section 18C requires the application of a "subjective test based on hurt feelings", the role of community standards in applying the objective test in section 18C could be clarified, as was apparently intended when Part IIA was introduced in 1995. The codification could also make clear that section 18C is contravened only if the offence, insult, humiliation or intimidation on the ground of race is serious and substantial, and not merely light or trivial."

"We also told the Attorney General that we support the current system for resolving racial vilification complaints initially through compulsory conciliation. In the vast majority of cases, such complaints have been successfully conciliated or resolved by direct negotiations between the parties. Frivolous or vexatious complaints are quickly dismissed. Only a small number of cases have gone to court. This framework has proven to be an inexpensive, just and efficient way of resolving complaints."

"It is entirely appropriate that the laws applying in Australia be kept under public scrutiny and publicly debated. We ask only that the debate be informed and that the current law not be misrepresented. The evidence-based policy reasons that led to the introduction of Part IIA by the Australian Parliament are as compelling as ever."

"To be vilified because of one's ethnicity or national origin which, unlike beliefs or ideas, are factors which one cannot change, is to be made a social pariah. This can impact negatively on one's relationships with neighbours, work-mates, friends, acquaintances and others with whom one needs to interact."

"Belonging to a group which is racially vilified in public can undermine and ultimately destroy the sense of safety and security with which members of the group go about their daily lives."

"Those who advocate an absolutist position on free speech paradoxically overlook the fact that racial vilification can have an intimidating silencing effect on those who are vilified. It deprives its targets of equal treatment and a fair go. It also disempowers those vilified and has the effect of excluding them from society, either wholly or in part."

"The need to balance freedom of expression with freedom from racial vilification is no mere matter of theory in contemporary Australia. In the answers given to the question on Ancestry in the 2011 Census, more than 300 ancestry groups were separately identified. The Census also showed that more than 40% of Australians were born overseas or had at least one parent who was born overseas."

"The cultural diversity of Australia's people is a great source of our nation's strength. It also imposes an obligation on government to protect and encourage social cohesion. Failure to do so would have very serious if not catastrophic consequences for our society, the economy, law and order and security."

http://www.jwire.com.au/news/senatorbrandismeetsethniccommunityleader/39846#more-39846

Bolt law repeal is good policy

***Daniel Ward*, *The Australian*, November 13, 2013 12:00AM**

ON Sunday, Greens leader Christine Milne declared her party's opposition to the Coalition's proposed repeal of the notorious "Andrew Bolt law", section 18C of the Commonwealth Racial Discrimination Act 1975.

The provision makes it unlawful to perform any act on the basis of someone's race, ethnicity, nationality and the like, if that act is reasonably likely to offend the person or group of people in question.

Milne's declaration belongs in the same theatre of the absurd as the launch of the Greens' emerging artist policy at the last election by a half-naked man with the slogan "GO ART" emblazoned on his torso.

For if there is one political party whose members should welcome the freer debate that will come from repeal of section 18C, it is the Australian Greens.

Consider the boycott, divestment and sanctions campaign against Israel. The Greens boast more prominent defenders of BDS than perhaps any other mainstream (or quasi-mainstream) Australian political party, among them Lee Rhiannon and David Shoebridge.

The BDS campaign targets Israeli goods, services, academics, cultural activities - anything, it seems, with the faintest soupcon of an Israeli connection - on the basis that they are, well, Israeli.

The list of BDS supporters' grievances with Israel is long: occupied territories, apartheid, undeclared nuclear weaponry, war crimes, violations of human rights. All serious charges that are the stuff of public debate.

But the criterion upon which BDS supporters select their targets is not necessarily involvement in any of this alleged bastardry. Instead, to use the terms of section 18C, people are singled out because of their "national origin". Their Israeli-ness.

As University of Sydney academic and BDS partisan Jake Lynch wrote in an email rebuffing a request for support from the Hebrew University's Dan Avnon, "Your research sounds interesting and worthwhile. However, we are supporters of the campaign of boycott, divestment and sanctions, and that includes the call for an academic boycott of Israeli universities."

Doesn't matter which university. Doesn't matter which academic. As long as you're Israeli. Even, as in Avnon's case, an Israeli working to bring Arabs and Jews together through education.

Whatever the wisdom of boycotting an entire nation's academics, it's a fair bet that some will find the public pronouncements and actions of BDS campaigners such as Lynch offensive. And that makes these campaigners, including prominent Greens, vulnerable to precisely the type of lawsuit that silenced Bolt on the issue of fair-skinned Aborigines.

As it happens, the BDS campaign has already landed Lynch with a racial discrimination suit filed in the Federal Court of Australia by Shurat HaDin, an Israeli civil rights organisation. The group systematically wages "lawfare" on its enemies, using court systems worldwide to defend Jewish causes.

Shurat HaDin is relying on section 9 of the Racial Discrimination Act, which outlaws impairment of someone's enjoyment of human rights or freedoms on the basis of race, nationality and the like. That is a different provision to section 18C, which had been deployed against Bolt.

It would be a bad look for a civil rights organisation to go after Lynch under a provision that itself so clearly impinges upon the important civil right to free speech.

But while Shurat HaDin has made this tactical choice, others may reach for section 18C instead. The BDS campaign threatens Israelis with boycotts, divestments and sanctions on the basis of their nationality.

It would be reasonable to be offended by that, especially where the implication is that you're somehow complicit in war crimes and nuclear proliferation merely

by virtue of your national origin. Section 18C looms large.

Now consider the Jewish community more broadly. Israel's treatment of Palestinians motivates BDS campaigners to boycott the Jewish state, but there is no proposal to boycott Russia for its conduct toward Chechens. Supporters of BDS aim to divest Israeli companies because of Israel's nukes, but apparently they have no plans to divest anything associated with nuclear-aspirant Iran.

They advocate sanctioning the Jewish state on the basis of human rights violations, but they do not argue for sanctions on Israel's neighbours, whose breaches of human rights, like those of many other states, make Israel's actions look like Swedish welfare policy.

This is all disconcerting, to say the least. Australian Jews are not uniformly Zionist. They do not all support Israeli governmental policies. But it is "reasonably likely" (the term used in section 18C) that some will be offended by a campaign that singles out the Jewish state for opprobrium out of all proportion to its sins.

Again, this raises the spectre of the "Bolt law". The fact is that those supporting the BDS campaign, Greens prominent among them, are potential targets for anyone wishing to avail themselves of section 18C and capitalise on the "politics of indignation".

That should alarm anyone who thinks there ought to be vigorous public debate about Israel and its policies. It should alarm Greens MPs. Rhiannon, Shoebridge, Lynch and the rest of the BDS set should be free to voice their views on Israel (and Jews, for that matter). For one thing, it exposes them to public condemnation. And, as cartoonish as these people's views may be, public discourse is enriched by their contributions.

As head of the Executive Council of Australian Jewry Peter Wertheim observed, the way to combat phenomena such as BDS is not to litigate but instead to expose their "deceptive and sometimes racist rhetoric, methods and aims to public scrutiny". And if there is to be proper public scrutiny - whether of Israel, Australia's relationship with it or the BDS campaign itself - the debate needs to be unshackled from the politically correct strictures of the Racial Discrimination Act. That is what Attorney-General George Brandis proposes to do.

It should be good news for a party in which BDS supporters have found an ideological home. That is why Brandis's reform should be cheered by Greens MPs and anyone else who might one day wish to voice an opinion that some find offensive.

Daniel Ward is a Sydney lawyer and associate to a judge of the Federal Court of Australia.

http://www.theaustralian.com.au/national-affairs/opinion/bolt-law-repeal-is-good-policy/story-e6frgd0x-1226758515275#sthash.GlJLVfG7.dpuf

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A November 2013 letter to the new Attorney-General

- **Note the use of the concept "justice" by those keen to silence anyone questioning the "Holocaust" – wonder why?**

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From: Fredrick Toben toben@toben.biz
Sent: Wednesday, 13 November 2013 8:09 PM
To: Tony.Abbott.MP@aph.gov.au
Cc: senator.brandis@aph.gov.au
Subject: 27 August 2009 - four years ago - Will Australia's Prime Minister bend to Jewish pressure? - just asking!

27 August 2009 - four years ago –
Will Australia's newly elected Prime Minister bend to Jewish pressure?
- just asking!
Fredrick Toben

ECAJ asks Attorney-General to streamline racial vilification law
August 27, 2009 by Henry Benjamin

A delegation from the Executive Council of Australian Jewry has met with Attorney-General Robert McLelland in a bid to review the effectiveness of the Racial Discrimination Act.

Quoting the difficulties experienced in bringing Holocaust-denier Dr Fredrick Toben to justice, Peter Wertheim, the newly-appointed Executive Director of the ECAJ and Robin Margo SC the organisation's vice-president told the A-G that it had taken 13 years to finalise this particular case.

The delegation suggested to the Attorney-General that well-founded complaints of racial vilification should be dealt with more effectively. Toben's material had been published on his Adelaide Institute web site. Consequently, the ECAJ has asked the Government to consult with ISP providers in Australia, suggesting to them that they should impose a voluntary code of conduct banning sites found to be promoting racial hatred.

The Attorney-General suggested that once the Australian Human Rights Commission publishes an opinion upholding a racial vilification complaint, such a ban could come into effect pending any final determination by a court.

Wertheim and Margo also suggested that the current legislation be amended to allow for the total removal of a website should there be repeated offences. They also

submitted that the law be amended to deal with whichever persons were involved in the contravention.

Attorney-General McLelland was asked to consider how to deal with **international hate sites**. It was proposed that any new convention should obligate the individual States to enact legislation to require ISP operators within their borders to ban hate-sites.

ACAJ president Robert Goot told J-Wire: "The Attorney-General acknowledged that the current law does not always provide a quick and effective remedy. He has welcomed the ECAJ proposals and they will be the subject of a review."

http://www.jwire.com.au/news/ecaj-asks-attorney-general-to-streamline-racial-vilification-law/4143

The octogenarian no-win, no-fee lawyer draining media coffers

MATTHEW KNOTT
CRIKEY MEDIA EDITOR

@knottmatthew, NOV 12, 2013 12:43PM

Defamation lawyer Clive Evatt has media editors trembling in their boots, and he's not afraid to embark on multi-year cases that end up in the High Court. But is he a friend to the battler, or just a provocateur?

Clive Evatt is a taxi driver: flag him down, and he'll take you where you want to go. This 82-year-old defamation lawyer has become legendary for representing the clients other lawyers won't go near — and squeezing millions of dollars out of the media on their behalf.

Past clients include a serial tax dodger, a disgraced bookmaker, a former terrorism suspect, an accused war criminal and Gypsy Fire, a dancer wrongly portrayed as Bob Dylan's sex slave. He took on shopping giant Westfield after security guards harassed a shopper over the length of her miniskirt. When a *Gold Coast Bulletin* crossword clue described nightclub owner Abe Saffron as a "Sydney underworld figure, nicknamed Mr Sin", Evatt took the paper to court and won.

"His impact is unbelievable — he has kept the defamation industry alive in New South Wales," legal affairs commentator Richard Ackland said. "He's never to be underestimated. Even defendant lawyers would say they love Clive because he keeps them in business."

Evatt is currently leading a $10 million defamation action on behalf of Stephan Dank, the controversial sports scientist at the centre of the Essendon Bombers and Cronulla Sharks peptides scandals. He's also representing twice-jailed Holocaust revisionist Fredrick Toben against both *The Australian* and Greens leader Christine Milne over an article accusing him of encouraging anti-Semitism and fabricating history.

The Toben case was troubling Evatt the day *Crikey* visited him in his Sydney CBD chambers. The previous weekend, four Jewish men and a woman had been hospitalised with concussion, fractured cheekbones and bruises after being allegedly attacked and verbally abused while walking home from a Bondi synagogue.

"I'd hate to think appearing for him could in any way lead to physical violence," Evatt said. Yet he is forging ahead with the case. It's a question of freedom of speech — and anyway, he estimates Toben has a 75% chance of victory. That's what matters, not whether he shares Toben's views on the Holocaust.

"I don't know whether a lawyer believes in anything," he said.

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Evatt's office is a glorious tip, a living canvas and an OH&S nightmare. If Margaret Olley had taken up law rather than painting, this is what her chambers would have looked like. There are six fixed-line phones within arm's reach, only one of which appears operational. A portrait of Lenin hangs on the back of the door; a set of *Little Britain* dolls leers on a table behind his desk. You can barely move between the walking canes and plastic tubs stuffed with legal texts. In the middle of the jumble is Evatt himself: bald, frail and stylish in a yellow shirt and orange tie.

Photo by Sophie Roberts

And is that really a photo of a naked woman, her breasts obscured by a bag of golf clubs? Closer inspection reveals it is a charity calendar:"Top Shots: Women of Professional Golf". It's a memento from a 2008 case Evatt fought for golfer Nikki Garrett, who posed for the calendar with a carefully arranged lavender sweater covering her breasts. *Zoo Weekly* republished the photo with a caption describing her as "arguably the hottest hole on any green she

plays". The men's magazine ended up forking out $150,000 after Evatt argued, among other imputations, that the magazine had suggested Garrett was "so lustful she likes having sex on a golf course. She is a really nice woman, and it's not even a terribly sexy pose," Evatt said, flicking through the calendar. "Certainly not as bad as the others."

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If anyone was destined to be a lawyer, it was Evatt. His sister Elizabeth was the first chief judge of the Family Court; his father, Clive senior, was a barrister and NSW Labor politician; his uncle HV "Doc" Evatt was NSW chief justice and federal ALP leader. Clive's first legal love was not defamation but breach of promise (also known as heart balm). This common law tort allowed a person, almost always a woman, to recover damages for a broken marriage offer. "They were the great cases," he sighed. "The plaintiff never lost; you won every case."

But in 1967 disaster hit. After 11 years at the bar, Evatt was suspended for professional misconduct. A year later, the High Court struck him off the NSW roll of barristers for assisting solicitors to charge excessive fees.

Evatt's years in the legal wilderness weren't wasted. He helped form a spectacularly successful professional punting syndicate called the Legal Eagles, and studied fine art at university. When he had a big win at the track, he would fly to London that day to buy Surrealist paintings. In 1972 he opened the legendary Hogarth Gallery in Paddington, which displayed and sold traditional Aboriginal art long before it became fashionable. (Disillusioned by the rise of conceptual art, Evatt has vacated the art game and now focuses on the toy and railway museum he runs in the Blue Mountains.)

Evatt was readmitted to the bar in 1981, 15 years after being struck off. To his dismay, breach of promise had been abolished, so he took up defamation (the law that allows people to sue for false statements that harm their reputations). Evatt says it was a way to avenge his relatives, who were smeared by the press as Communist sympathisers. "My father and my uncle really copped it from the media," he says. "They were pretty cruel about them, and I welcome the chance to kick back at them."

To many journalists, editors and media proprietors, Evatt is a pest who specialises in winning payouts for shonks and scoundrels. He will represent clients on a no-win, no-fee basis and appeal adverse verdicts all the way to the High Court. Tangling with him can mean years of expensive legal action; even if a media outlet wins a court case, it could still lose millions of dollars if his client is too poor to cover costs. It's often cheaper to give in and settle, even if the outlet stands by its story as fair and accurate.

Evatt tells a different story. He paints himself as the battler's best friend, the Robin Hood of reputation. Taking on the media over cruel and inaccurate stories, he argues, is to fight for social justice. He points to a current case in which he is representing a Sydney fish-and-chip shop owner slammed by 2GB's Ray Hadley as "vile" and a "grub" for standing by a husband convicted of aggravated indecent assault. Evatt has nicknamed Hadley "Judge Dredd" after the comic strip character who convicts, sentences and executes offenders on the spot.

"I like to act for the poor person who otherwise would never be able to sue," he said. "I see defamation as a brake on the media. They have no authority to defame or denigrate innocent people."

Richard Ackland isn't sold. "Lawyers always love giving justifications of noble causes," he says. "Clive is a mischief maker. I think Clive loves the hunt, and it's been very rewarding for him. He's a charming rogue."

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Defamation cases are unique in Australia because, unlike other civil trials, they are still heard before a jury. This delights Evatt, who is regarded as one of the best jury advocates in the country. Like Billy Flynn, the slick lawyer in the musical *Chicago*, he knows the law is a form of show business. To win a jury over, you've got to razzle dazzle 'em.

"The court is like Clive's living room," said a media lawyer who has gone up against Evatt in many cases. "He presents himself as this confused battler siding with the little guy." The lawyer recalls Evatt deliberately mispronouncing degustation — "What does it mean? Disgusting?" — to win favour with working-class jurors; he also remembers him coughing and tearing paper to distract the jury when an opponent lawyer was speaking.

Another top barrister said: "His general style is organised chaos. He gives the impression he's fumbling and bumbling around when up against QCs and big legal teams to win sympathy with the jury. Clive gives very candid assessments of his clients, sotto voce — 'how will I go representing this maniac?' It's all about disarming you. Clive likes people to underestimate him, and many do. "He has a very sharp turn of phrase and can get the most damaging answer from a witness in two questions when other barristers would take 22."

While Evatt relishes seeing media outlets make massive payouts, he insists he doesn't hate the press. In fact, he's that rarest of breeds: a defender of phone hacking. "I've got absolutely no axe to grind against Murdoch. Just to show you how sick I am, I don't believe the journalists at the *News of the World* were doing anything wrong. They were hacking into the messages of celebrities, and I can't see what's wrong with that."

It's unclear to what extent Evatt, who loves playing the provocateur, genuinely believes this. He continues: "What's wrong with a bit of bias in a newspaper? I

admire Rupert Murdoch for what he's done; he's built up great newspapers. My favourite paper is *The Australian* — I think it's a great paper. And in its way *The Daily Telegraph* is a good paper, although it's a bit dumbed down. It has great book reviews that actually tell you whether a book is worth reading."

But he's no fan of today's restaurant reviews: "They are pathetic — there's no bite." Evatt admits he may be partly to blame for this. He went up against the *SMH* over a 2003 review describing restaurant Coco Roco as "a bleak spot on the culinary landscape" with flavours that "jangled like a car crash". After nine years of legal battles — including several trips to the High Court — the restaurateurs won.

That was one of Evatt's biggest wins — as was securing $90,000 in damages for former *Daily Telegraph* sports journalist Ray Chesterton when John Laws called him "ankles" on air. Evatt argued, see following article, that "ankles" was a colloquial term for a despicable person ("lower than a c — t").

But there have been losses. Big ones. After a six-year legal battle that morphed into a quasi war crimes tribunal, *The Australian* won a High Court case against Evatt's client Dragan Vasiljkovic, a Serbian military commander accused of overseeing torture and rape in the Balkan conflict in the 1990s. And in August Fairfax triumphed over bookmaker Tom Waterhouse, represented by Evatt, in a case concerning a critical Peter FitzSimons opinion piece.

But the losses leave him undeterred. At an age when most people are well into retirement, he continues to take on 20 to 30 cases at once and works from 7.30am to 6.30pm.

"I don't want to play bowls all day," he said. "I've got arthritis, my mind went long ago, but I'll keep plodding on. I don't have the upper echelons. I am down with the plebs, and I enjoy winning for them, even if it's hard."

http://www.crikey.com.au/2013/11/12/the-octogenarian-no-win-no-fee-lawyer-draining-media-coffers/

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Chesterton wins legal case against Laws

Margaret Scheikowski, AAP, September 1, 2010

Journalist Ray Chesterton has been awarded $90,000 in damages over a "nasty" and abusive radio attack on him by broadcaster John Laws.

In the NSW Supreme Court, Justice Lucy McCallum rejected a defamation defence that the broadcast was a "reply to an attack" on Mr Laws, whom the journalist had described as a "70-year-old disc jockey".

But she also rejected Mr Chesterton's evidence that he was unaware of having the "unpleasant" and crude nickname of "Ankles" before Mr Laws mentioned it in the broadcast.

The now retired News Limited journalist, 64, sued Radio 2UE over the August 2005 broadcast, in which Mr Laws said Mr Chesterton was called "Ankles" for a very good reason.

A NSW Supreme Court jury found the broadcast conveyed eight defamatory meanings, including that he was a creep, a bombastic beer-bellied buffoon and a liar. The jury trial was run on the basis that "Ankles" was a colloquial term meaning a despicable person (lower than a c***).

The radio station ran a defence of "qualified privilege", arguing the defamatory remarks were in reply to an attack made on Mr Laws in Mr Chesterton's newspaper column. But on Wednesday, Justice McCallum rejected 2UE's contention that the 70-year-old disc jockey description was an ageist remark that was "diminishing and belittling". She concluded the words were nothing more than "an oblique way" of referring to a well-known person other than by name. "Mr Laws had in fact turned 70 that day," she said.

She also rejected the claim that describing Mr Laws, who is now also retired, as a "disc jockey" was calculated to belittle "one of Australia's greatest broadcasters". Rather, she said, the remark could be characterised "as a quip, a taunt or a gibe, but hardly an attack upon the reputation of Mr Laws".

Justice McCallum said the eight defamatory meanings found by the jury were "serious imputations on Mr Chesterton's reputation. Although short and pithy, the broadcast mounted a comprehensive assault on Mr Chesterton's reputation," she said.

She noted he had identified the "Ankles" aspect as the cause "of hurt to feelings and harm to reputation" and had denied he had ever been called the term before the broadcast.

However, Justice McCallum accepted evidence from former Parramatta rugby league club chief executive Denis Fitzgerald and sports commentator Ray Warren, who contradicted the denial.

She was satisfied he had acquired the nickname well before the broadcast but she said it did not necessarily follow that his feelings were not hurt by what Mr Laws said. "It is one thing to have been called a derogatory nickname at the football," she said. "It is another to hear it embraced epithetically on talkback radio."

In ordering 2UE to pay $90,000 damages, she described the broadcast as a "nasty, vituperative attack, the terms of which were calculated to humiliate".

 http://news.smh.com.au/breaking-news-national/chesterton-wins-legal-case-against-laws-20100901-14n8r.html