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LIBERATION THROUGH INFORMATION

SUBMISSION TO ATTORNEY-GENERAL

The Hon Senator George Brandis, CANBERRA
S18Cconsultation@ag.gov.au

On the proposed Amendment of RDA Section 18C

By Peter Hartung
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28 April 2014

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IT IS A CRIMINAL FACT THAT

COMPULSORY "HOLOCAUST EDUCATION"

- the continuation of World War Two against Germany -

IS PROTECTED BY SECTION 18C

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Adelaide
28 April 2014

Dear Attorney-General Senator Brandis

For some time now we have observed with some concern that as part of their history studies, most Australian secondary students are forced to participate in so-called "Holocaust Studies". Our concern is based on the following:

1. In 1994 the Section 18C legislation was developed by Jewish interests so as to give legal protection to the "Jewish Holocaust" narrative, which the Australian Parliament then passed into law.

2. This action was prepared under the Keating Government set to dismember Australia's cultural heritage. The Labor Party was ably assisted by the defeated "cultural Jewish-atheist-Marxists" who since the 1989 Soviet Union demise had already gained a stronghold in western democracies by promoting multiculturalism. The fact that under Tony Abbott the royal titles have been re-introduced, and that Victoria has reverted to designating its Senior Legal Counsels as QCs is a positive step towards a re-awakening of basic English Common Law principles. [Remember that many pushing for a Republic are Masonic-inspired who seek to re-build King Solomon's temple in Jerusalem but wish to deprive us of our monarchy.] The attempt to introduce the "hate speech" concept is an attempt to split free expression into free speech and hate speech, the latter of which then becomes a watered down defamation law where truth is no defence, and where hurt feelings – without a doctor's certificate – wins the argument. Section 18C is designed specifically to enable the concept hate speech-hate crime to gain legal traction.

3. The below article by Jonathan Swan in the *Sydney Morning Herald* on 24 April 2014: ***Rebel MPs defy Tony Abbott and George Brandis on race hate laws – Exhibit A***, spells out the true purpose why Jewish groups seek to retain Section 18C: >>***Another flashpoint is that the proposed changes appear to give free rein to Holocaust denial and other forms of anti-Semitism*.<<** These are matters for historians to question without fear of legal persecution, and they have nothing to do with this catch-all concept of racism=antisemitism – as yet we are not in a re-invigorated Soviet Union where in 1917 its first criminalised concept was "anti-Semitism".

4. The article following, by Ross Fitzgerald in *The Australian* on 25 April 2014: **Protecting people from speech that hurts feelings not a government role** – **Exhibit B**, clearly states the basic principle that underpins the legal justification for eliminating Section 18C: >>**Rather than being pilloried, federal Attorney-General George Brandis deserves praise for attempting to protect and enhance free speech and freedom of public discussion, including the expression of unpopular and unpalatable ideas.<<**

5. The current legal defamation action against Shane Dowling, ***Kangaroo Court of Australia*** – **Exhibit C**, illustrates how Section 18C is not needed but that our defamation law will handle cases where individuals are exposed to material that ***>>is calculated to expose any of them to hatred, ridicule and contempt.<<*** This has been the underlying reason why Section 18C was specifically designed for Jewish purposes only – to enshrine in law the official Holocaust narrative, and that is not beneficial to our Australian social fabric especially because it incites racial hatred against Germans and Australians of German descent, et al.

6. We have been informed that lecturers who teach matters Holocaust will not entertain the thought that there are disputable, questionable matters arising out of their official Holocaust narrative. We have heard of students being severely reprimanded for daring to raise Revisionist viewpoints in their studies. Students have been sent to psychiatrists for councelling because of their disagreement with what their teachers tell them are the facts of the Holocaust narrative. This is reminiscent of former Prime Minister Julia Gillard making the absurd and totally misleading statement about **Climate Change**: *The science is settled!* We need not state the obvious that nothing is ever settled in scientific enquiry – our knowledge about matters Holocaust is not settled either. How can any

historical enquiry be settled when national archives are still locked up. **Exhibit D**: Student video deemed offensive and historically inaccurate: https://www.youtube.com/watch?v=zdlUHr80TKo

7. Of related interest is an article in *The Australian* of 25 April 2014 by Ean Higgins – **Exhibit E**, concerning the use of legal sanction to force academics to desist from boycotting Israel: ***Sydney University Professor Jake Lynch gets legal boost in BDS case***. The use of denial of service is a common practice in life – and a freedom that needs to be protected and should not be legally constrained. It is worse in this case because the argument is that this BDS movement is a racial issue, which it is not because the Jew is NOT a race but a religion. The RDA, especially Section 18C, comes in as a handy tool to stop individuals who wish nothing to do with Israel and its people. Allegations of **ANTISEMITE** is the usual charge, which would grip under this section because there is no defining of terms, etc. under the RDA. Any decision made rests on poor precedent cases where defendants remained legally unrepresented.

8. Finally, to show how the so-called Australian history wars were resolved without taking historical records to court and having them turned into dogmas, as is the attempt with matters Holocaust, the article by Rosemary Neill in *The Australian* on 26 April 2014 ***Beyond black and white*- Exhibit F**, shows we are evolving into a mature society where different viewpoints are openly and vigorously discussed. If anyone defames another, then defamation laws are there for recourse, and if anyone threatens violence, then we have numerous laws that will effecively restrain such actions.

9. Playing the **RACE-ANTISEMITE-HOLOCAUST-HITLER** card, is a sign of lack of moral and intellectual rigour and shows the user has a total disrespect for the truth of a matter. This mainly Jewish tactic is also playing itself out globally at the United Nations where moves are afoot to enshrine into various conventions the teaching of Holocaust, **Exhibit G**, just as is also happening in Palestine-Israel politics, **Exhibit H**.

Submitted for your consideration.

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EXHIBIT A:
Rebel MPs defy Tony Abbott and George Brandis on race hate laws

Jonathan Swan, National political reporter, April 24, 2014

Hate laws: Attorney-General George Brandis. *Photo: Andrew Meares*

EXCLUSIVE

Coalition MPs are secretly defying Prime Minister Tony Abbott and Attorney-General George Brandis by drafting an alternative proposal for changes to the race hate laws.

NSW backbencher David Coleman, who has a law degree, is understood to be drafting the alternative proposal. Supporting him is a rebel group of backbenchers intent on overturning the controversial law changes proposed by Mr Abbott and Senator Brandis. The draft policy – as it currently stands – weakens protections against racial vilification and would allow virtually any racist speech if it is in the course of a "public discussion".

Mr Coleman's view is understood to be supported by Coalition backbenchers including NSW MPs **John Alexander**, **Nickolas Varvaris** and **Craig Kelly**, Victorian MPs **Sarah Henderson** and **Sharman Stone**, and Queensland MP **Teresa Gambaro**.

Mr **Alexander**, who has not publicly declared his opposition to Senator Brandis, would not deny that he was working with Mr Coleman to draft an

alternative proposal. Mr Coleman also declined to comment and would not deny that he was the lead author.

Ms Gambaro, the member for Brisbane, who has also not publicly declared her opposition to Senator Brandis, has met with Mr Coleman and the rebel group but says she has not been involved in drafting alternative policy.

"Until you've experienced racism, you can't imagine what it's like," said Ms Gambaro when asked about her opposition to the government's changes.

Illustration: Matt Golding.

"Growing up, I received racist taunts . . . when you're Italian, they call you a wog. I remember when I was made school prefect, people were saying it's not fair a wog being made prefect.

"We've come a long way since then but we need to have protections against race hate speech. There needs to be a balance."

The other MPs named did not return calls or messages.

Senator Brandis also faces powerful opposition from his cabinet colleagues. In a fierce argument in cabinet, Senator Brandis' position on the race hate laws was strongly opposed by Treasurer **Joe Hockey** and Communications Minister **Malcolm Turnbull**. Other Coalition MPs opposed to the government's proposal include NSW MP **Craig Laundy** and Victorian **Jason Wood**. But both said they had not worked on alternative legislation.

The backbenchers, many of whom represent highly multicultural electorates, are keenly aware that the proposed law changes are opposed by a powerful coalition of ethnic and religious groups. The issue has united leaders from Australia's indigenous, Chinese, Jewish, Armenian, Arab, Korean, Greek, Vietnamese and Sikh communities, all of them calling for the Abbott government's exposure draft to be scrapped. **Another flashpoint is that the proposed changes appear to give free rein to Holocaust denial and other forms of anti-Semitism.**

Some of the rebel backbenchers met during the most recent parliamentary sitting week in March to discuss their strategy for defeating Senator Brandis' proposed changes, which he released as an "exposure draft" for a month of community consultation.

Rebel with a cause: NSW backbencher David Coleman. *Photo: Jane Dyson*

Senator Brandis' proposal to loosen the race hate laws – which was inspired by a legal case against the conservative commentator Andrew Bolt – involves repealing section 18C of the Racial Discrimination Act. The current act, which Bolt breached with an article he wrote about fair-skinned Aborigines, makes it unlawful for someone to ''offend, insult, humiliate or intimidate'' another person or group on account of their race or ethnicity.

The Attorney-General wants to insert a new section into the act that removes the words ''offend, insult and humiliate'' and narrows the definition of ''intimidate'' to mean only fear of physical harm. It would also add the word ''vilify'' but define it to mean the incitement of third parties to hatred.

Mr Abbott argued the changes were designed to give the ''red light'' to bigotry and strengthen free speech protections in Australia but some Liberal MPs, human rights lawyers and ethnic groups were concerned about the narrowing of the protections and the broadening of the exemptions.

Ethnic and religious groups are completing their submissions to the government before the April 30 deadline.

http://www.smh.com.au/federalpolitics/political-news/rebel-mps-defy-tony-abbottandgeorge-brandis-on-race-hate-laws20140426zqysw.html

EXHIBIT B:
Protecting people from speech that hurts feelings not a government role

ROSS FITZGERALD, THE AUSTRALIAN,

APRIL 25, 2014 12:00AM

Attorney-General Senator George Brandis. "Those three words — offend, insult, humiliate — describe what has sometimes been called hurt feelings." ***Source:*** **News Corp Australia**

Rather than being pilloried, federal Attorney-General George Brandis deserves praise for - attempting to protect and enhance free speech and freedom of public discussion, including the expression of unpopular and unpalatable ideas.

Releasing his draft proposals, Brandis said that the current section 18C of the Racial Discrimination Act had the effect of stifling public discussion: "Those three words — offend, insult, humiliate — describe what has sometimes been called hurt feelings."

Brandis is surely right in arguing that it is not the role of government to ban speech merely because it might hurt the feelings of others.

He is also correct in saying that in the interest of open democracy, people ought to have the right to be bigots.

This especially applies given the political-cultural situation when censorship, via political correctness and censoriousness in general, is coming back with a vengeance.

The sad fact is that these days in Australia, there is such a small constituency among intellectuals (and especially the vast majority of the Left) who are actually in favour of free speech and the free exchange of ideas. Yet surely the intelligentsia should realise that when it comes to the suppression of unpopular and unsavoury ideas, anything that is hunted down, thrives.

Brandis's free speech arguments attempt to level the playing field by allowing a person's feelings to be hurt without the need for criminal or other sanctions to be involved. It's a "sticks and stones" philosophy that asks us to harden up a bit when someone lampoons and criticises us, rather than running off to the nearest politically correct apparatchik or symbolic police-person and demand apologies, withdrawal, and compensation.

Free speech is under the hammer from other quarters as well. In opening up free speech by ditching some aspects of anti-discrimination legislation, defamation laws that are simply based on the truth alone become much more important.

When politicians use parliamentary privilege to make defamatory remarks about people, the public often reacts badly and support for free speech dives. A section of Australia's citizenry seems to like Clive Palmer for his "fearless" ability to say what he is thinking. Arguably Palmer says what he likes because he is so wealthy that the laws of defamation do not seem to influence his behaviour at all. Suing Palmer for a million dollars is like suing you or me for a hundred dollars. For him, it's not a deterrent.

According to purist civil libertarians, including Fiona Patten from the Australian Sex Party and Robbie Swan of the Eros Foundation, some of the worst infringements against free speech are in an area that is just as sensitive as race, creed and colour. They argue that reform of the censorship laws dealing with sex and sexuality needs to be urgently addressed and for the same reasons as Brandis is attempting to overhaul Section 18C of the Racial Discrimination Act.

The main censors of sexual free speech are religions and religious politicians. Muslims will say they are offended if someone writes negative statements about the Koran or publishes cartoons lampooning Islam and the prophet Mohammed.

Aboriginal groups claim offence when "secret women's business" is talked about, while fundamentalist Christians claim to be offended when they are confronted with sexualised images or when they see other people "enjoying" themselves.

In fact the phrase "offensive to the reasonable adult" is repeated over and over again in the Classification Act, the Classification Code and in Australia's Classification Guidelines. According to Patten and Swan, it's time we got rid of the words "offence", "offensive" and "causing offence to" from our statute books.

Anti-censorship civil libertarians maintain that allowing "offence" to be part of the framework of legal sanction gives religious extremists and the politically correct movement a platform to pursue the most fanciful beliefs at the expense of free speech and rational thinking. They argue that if we can support a situation where people can be allowed to broadcast unpopular and offensive statements, then why shouldn't others be allowed to broadcast sexual views that may cause offence or hurt feelings?

When the federal Labor administration in 2010 asked the Australian Law Reform Commission to report on classification and censorship in Australia, they saw that the internet had allowed a diverse range of sexual lifestyles, acts and opinions into the lounge rooms of ordinary Australians, and that the old system of classifying and applying criminal sanctions to otherwise legal sex acts was utterly useless. All it did was limit freedom of expression in the older media.

The ALRC understood this and recommended sweeping reforms — the major one being that what was legal online should be legal offline. This meant allowing people to publish and discuss explicitly sexual material without fear of criminal sanction. Fearing a religious backlash at the last election, federal Labor backed down, accepting a range of smaller reforms.

To his credit, Brandis has so far not squibbed on the important task of opening up freedom of speech around race, religion and gender issues.
Let's hope that in the coming weeks he is not caught in a pincer between censoriousness and political correctness on one hand and strident civil libertarianism on the other.
The deadline for submissions and responses to the proposed changes to the Racial Discrimination Act is next Wednesday.
Ross Fitzgerald is the author of 36 books, including his memoir *My Name is Ross: An Alcoholic's Journey*.
http://www.theaustralian.com.au/opinion/columnists/protecting-people-from-speech-that-hurts-feelings-not-a-government-role/story-e6frg7eo-1226896295526

EXHIBIT C:

Kangaroo Courtof Australia

Channel7's Kerry Stokes loses Gag Order Protection In Defamation & Criminal Proceedings Against Blogger

We had a win against Seven West Media Chairman Kerry Stokes in the NSW Supreme Court on Thursday.
But things have certainly heated up as I am now also facing criminal charges instituted by Kerry Stokes for contempt of court. Justice Harrison handed down his judgement on Thursday and there is no longer a suppression order on the defamation and criminal proceedings. Nor should there have ever been a suppression order on the matters as there was never any evidence to justify it.
What started as a defamation proceeding by Kerry Stokes against me is now also a criminal proceeding. Mr Stokes wants the court to find me in contempt of court for breaching the suppression order. Yes, the short-term suppression order that Kerry Stokes managed to get by deliberately misleading the court.
This is one of the most important stories on this site because it is old media (Stokes, Channel 7 and his WA Paper) versus new media (Me and this Website (Blog)) and it is important not only to the future of this site but other sites as well. Stokes is trying a new tactic to close down a critic which others will follow if it succeeds.

Background

The proceedings against me relate to a post that I published in February this year. But 3 previous posts in relation to Kerry Stokes, 2 in 2012 and 1 in 2013 need to be mentioned as they put numerous issues into context.
In 2011 Kerry Stokes threatened me with defamation via his lawyer Justine Munsie for a post I published on the 23 May 2011 titled "Kerry Stokes, Seven Group Chairman and Australia's number one perjurer, has been charged with contempt of court". (Click here to read the post)
The threatening letter from Munsie came on the 26th May 2011 and I published a post the same day titled *"Kerry Stokes threatens legal action against blogger"* (Click her to read the post)
On the 17th March 2013 I published a post titled "Kerry Stokes, Australia's number one perjurer, also becomes the number one bribe taker if new media laws passed" (Click here to read the post) and I never heard anything from Stokes or his lawyers.
This year on the 23rd of February 2014 I wrote a post titled "Kerry Stokes, Channel 7 and lawyer Justine Munsie caught lying in the Schapelle Corby matter" (Click here to read the post)
Unknown to me on Monday the 14th April Kerry Stokes's lawyer were in the Supreme Court of NSW arguing they needed a suppression order on defamation proceedings they were about to institute against me. Justice Harrison who was the Duty judge issued the suppression order even though there was no evidence to justify it.
Just before 5pm on Tuesday the 15th April I received a call from Richard Keegan (Addison Lawyers) who said that defamation proceedings had been instituted against me (Stokes and his lawyer Munsie), he had emailed me the documents, that a suppression order had been put on the matter and I had to be in court on Thursday (17th April) to argue the suppression order issue.
I had in effect been told by Richard Keegan that the reason the suppression order had been issued was because I had disobeyed an instruction by Kerry Stokes in 2011 not to publish his lawyer's letter. There was no judgement by Justice Harrison to say different. So I published another post titled *"Kerry Stokes has suppression order put on defamation proceedings against KCA publisher"* (**Click here to read the post**)

In court on Thursday the 17th April

Justice Harrison had put a short-term suppression order on the matter on Monday (14th) which expired at 4pm Thursday (17th) until full arguments could be heard. I asked Justice Harrison why he put the suppression order on the matter and he clearly implied that he had been mislead by Stokes lawyers. Justice Harrison said he did not know there was history between us in relation to the 2011 threat by Stokes and Munsie and that he was the duty judge and didn't have time to get a full understanding of the matter. Justice Harrison said he was protecting me and my reputation, which I replied I did not need. His reasoning for the suppression order sounded plausible when I was in court, but on further reflection and

reading his judgement it is not plausible. He clearly should never have put the suppression order on it the first place.

We were meant to be arguing the Notice of Motion (the suppression order) that Stokes and his lawyer Munsie had asked for on the Monday and filed on Tuesday.

At the hearing Stokes's barrister, Sandy Dawson, suggested that I should be charged for contempt of court for the post that I had published the day before. Justice Harrison did not seem interested and Mr Dawson spoke about documents they had prepared for instituting contempt proceedings themselves. We had a break for lunch and when we came back Mr Dawson handed up completed forms and wanted me charged for contempt and have it set down for hearing ASAP and by the Duty Judge if possible as that would be the quickest way.

I objected to the lot and said they should go and file it the normal way. Justice Harrison set the contempt proceedings down for directions before the Duty judge on the 16th May. They also wanted suppression orders on the application for contempt which were more far-reaching than the original suppression orders as they now wanted protection for their lawyers and barrister Sandy Dawson. So Kerry Stokes wanted to charge me with a criminal offence but wanted it hidden from the world.

Then we were back to the argument about the suppression order which I thought was their original application. The judgement handed down on Thursday makes only mention of the suppression orders in the application for contempt so somehow the original application for suppression orders disappeared. The key suppression orders they were seeking were:

4. Subject to order 7, the defendant be restrained, until further order, from publishing

d. any matter concerning these proceedings;

e. any matter of and concerning the plaintiffs, or their legal representatives (being the firm Addisons, Martin O'Connor, Richard Keegan and Sandy Dawson) which is calculated to expose any of them to hatred, ridicule and contempt.

5. Subject to order 7, a suppression order pursuant to s 7 of the *Court Suppression and Non-publication Orders Act 2010* (NSW), on the ground set out in s 8(1)(a), prohibiting the disclosure, by publication or otherwise, of:

a. the existence of these proceedings;

They actually named the lawyers they wanted protected. What did they want protection from? So I did not write about them and their dodgy conduct and breaches of their ethics codes, that being the Solicitors Rules and Barrister Rules. If they break those rules they can be disbarred as a lawyer and barrister.

Justice Harrison reserved his judgement until Thursday the 24th when he said he would hand down his judgement. I had to give an undertaking to the court that I would not publish anything about the matter until Justice Harrison handed down his judgement.

Kerry Stokes arguments as to why they should be allowed the suppression order – Justice Harrison sets it out in basic terms in section 33 of his judgement:

"It is the plaintiffs' contention in the present case that Mr Dowling has threatened to publish and to continue to publish material that is allegedly defamatory of them with the intended or calculated purpose, or in a way likely to have the result, that they will be so intimidated by such threats that they will discontinue these proceedings or otherwise be forced unfairly to reconsider their original decision to commence them in the first place."

There are two key pieces of evidence that Stokes needed to prove that. One is the threat to *"publish and to continue to publish material that is allegedly defamatory of them".*

That is a lie by them and they failed to produce evidence to support it.

The second piece of evidence they could have supplied if they wanted to but deliberately did not. That is evidence of the harm that would be done if I had published the material they claimed I had threatened to. All they had to do was to get Kerry Stokes and Justine Munsie to write an affidavit saying that if I continued to publish defamatory material about them they would withdraw the proceedings. But Stokes and Munsie refused to do that. Why? Because it is not believable at all.

As it says in the judgement:

35 Although Ms Munsie swore an affidavit in support of the original application for interlocutory relief, she did not do so in support of the current application. Mr Stokes has not provided an affidavit in either case.

36 Doing the best I can, there does not appear to me to be any flavour of a threat or intimidation in the material to which Mr Keegan has deposed. Whereas the question of the existence or identification of conduct that is capable of amounting to a threatened interference with the administration of justice must be answered by reference to objective factors, I note in passing that Mr Keegan does not purport to identify such a threat or refer to any such fear or perception on the part of the plaintiffs or either of them.

37 Nor am I able to identify any such threat in the terms of Mr Dowling's recent website article. …..

47 ……On the evidence before me, I reject entirely any suggestion or submission that Mr Stokes has been, or that a reasonable person in his position would be, intimidated by Mr Dowling.

All Stokes did was have the barrister Sandy Dawson dribbling on from the bar table with no evidence to support his garbage. This is in clear breach of the Solicitor and Barrister rules and highly defamatory of me.

Contempt of Court documents filed in court on Thursday 17th April

Affidavit – Richard Keegan (Addison Lawyers) (**Click here to read**) Apparently Stokes is so rich he doesn't have to bother with writing his own affidavits, he gets his lawyers to do it.

Statement of Charge – (**Click here to read**)

Notice of Motion - (**Click here to read**) As they were filed in court there are no court stamps on the documents.

The initial court documents for the defamation proceedings: Affidavit of Justine Munsie (**Click here**

to read) Notice of Motion (**Click here to read**) Statement of Claim (**Click here to read**) Exhibits (**Click here to read**) And the initial suppression order by Justice Harrison - Court Orders: (**Click here to read**)

I filed and served an affidavit on Wednesday the 23rd of May in reply to the Application for Contempt which addresses in more detail the above and puts it into context. (**Click here to read the affidavit**)

Judgement Thursday the 24th April

Judgement was handed down at 10am and Kerry Stokes lawyer Richard Keegan showed up on Mr Stokes behalf. The judgement finds in my favour by not allowing them the suppression orders they were seeking. I am not happy with everything in the judgement but I will dissect it further in a later post when I have read it a few times.

You can read Justice Harrison's decision on the Supreme Court of NSW website (**Click here to read**) or I have uploaded a copy (**Click here to read**) and make up your own mind.

There is a lot more to the story and other issues that I can and will raise in posts in the near future. This battle against Kerry Stokes is important on many fronts and will be fought as it needs to be. **We're back in court on the 16th of May for a directions hearing**.

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http://kangaroocourtofaustralia.com/2014/04/26/channel-7s-kerry-stokes-loses-gag-order-protection-in-defamation-criminal-proceedings-against-blogger/

EXHIBIT E:
Sydney University Professor Jake Lynch gets legal boost in BDS case

EAN HIGGINS, THE AUSTRALIAN, APRIL 25, 2014 12:00AM

SYDNEY University professor Jake Lynch has claimed significant early victories in the landmark court case brought against him by Israeli legal group Shurat HaDin for his academic boycott of Israeli universities.

In the Federal Court in Sydney yesterday, judge Alan Robertson rejected allegations Professor Lynch was a leader of the global boycott, divestment and sanctions campaign in Australia. Justice Robertson also struck out Shurat HaDin's allegation that Professor Lynch called for a boycott of Israeli academic Dan Avnon.

Shurat HaDin launched the action when Professor Lynch, who heads the Centre for Peace and Conflict Studies, turned down a request from Professor Avnon to support his application for a fellowship at Sydney University. The group claimed his action was racially discriminatory against Jewish Israelis.

Justice Robertson also struck out a paragraph claiming "a purpose of BDS movement campaigns is to inflict harm on Israeli persons or organisations". He gave Shurat HaDin 28 days to re-plead the paragraphs he struck out, and also ordered that it pay Professor Lynch's costs.

The judge also said he would order Shurat HaDin to put up a bond to cover Professor Lynch's legal costs should it lose the case, unless its lawyer, Andrew Hamilton, agreed to provide advance notice if he intended to sell or encumber his house and other assets.

He set a maximum amount of legal costs to whichever side loses the case, but at $300,000, three times what Mr Hamilton had sought.

While Shurat HaDin has the opportunity to recast the allegations and proceed with the case, Professor Lynch's lawyers believe it will have to do considerably more to back them up.

Dr Jake Lynch is the subject of a landmark court case over his academic boycott of Israeli universities.*Source:* News Limited

"Judge Alan Robertson has struck out those parts of the claim that seek to underpin the factual basis of the allegations that Professor Jake Lynch has breached the Racial Discrimination Act," a spokeswoman for his team said.

"Today's judgments support what I've said all along — that I have done nothing wrong," Professor Lynch said from England last night.

"I should be able to exercise my conscience in setting my own course of action with regard to the fellowship schemes linking the University of Sydney with the two Israeli universities, without that leading to my being taken to court."

Mr Hamilton rejected Professor Lynch's suggestion that he had achieved significant wins.

"Only a small portion of our statement of claim was struck out (10 paragraphs out of 171) and the judge gave us a great deal of assistance in how to re-plead them to make the facts clearer," Mr Hamilton said.

http://www.theaustralian.com.au/highereducation/sydney-university-professor-jakelynchgets-legalboostinbdscase/storye6frgcjx1226895356160

EXHIBIT F:
Beyond black and white

ROSEMARY NEILL, THE AUSTRALIAN, APRIL 26, 2014 12:00AM

HADSPEN is a dormitory suburb of Launceston, a mix of modest, modern homes and notable convict-era buildings on the South Esk River. But in the early 1800s it was on the exposed frontier of white settlement, and it came under sustained attack from Aborigines incensed at European incursions on their land, women and hunting grounds.

Around 1827 (the exact date is unknown) indigenous warriors besieged the Hadspen home of ex-convict and farmer Thomas Beams. The Aborigines killed two of Beams's servants, both convicts. According to an account written by a Beams descendant in 1947, the farmer and his neighbours quickly formed an armed "war party''. They stormed a blacks' camp in a deep gully late at night; one of the Europeans took off his boots and wore several pairs of borrowed socks so he could move silently through the bush. When dawn broke, 11 Aborigines lay dead.

Nicholas Clements in Launceston's Cataract Gorge. Picture: Chris Crerar *Source:* Supplied

This was one of many cold-blooded murders that were committed by both sides in the most intense frontier conflict in Australia's history — Tasmania's Black War, which raged in the state's east from 1824 until 1831.

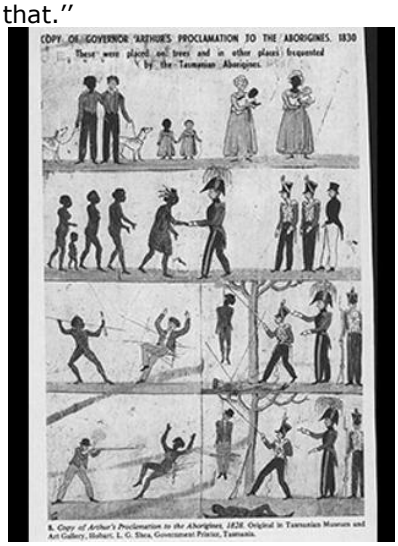
For 31-year-old historian Nicholas Clements, that mass killing near Hadspen is intensely personal: Beams, the man who led the war party, was his great-great-great-great-great-grandfather. Clements includes this story — handed down through several generations of his family — in his groundbreaking book, The Black War: Fear, Sex and Resistance in Tasmania, which is released this week. Asked about the role his distant forebear played in the conflict, he says cautiously: "My whole philosophy is not to judge historical figures, I think that's a pointless endeavour. I want to try to understand how and why they did what they did.''

The Black War purports to be the first social history of a conflict that has been condemned by some historians and indigenous activists as an act of genocide against the Tasmanian Aborigines. Clements strongly disagrees with that claim (more of which later). Nonetheless, he has crafted a narrative that is determinedly nonpartisan: each chapter is told from alternating black and white perspectives.

In fact, this book by a virtually unknown author has already been hailed by respected frontier historian Henry Reynolds as a work that will end the history wars. (This ideological skirmish erupted during the Howard era, when so-called "black armband'' historians faced off against proponents of the "white blindfold'' school; the embers of this incendiary debate still smoulder today.)

Reynolds writes in a foreword to The Black War : "Clements has written a book that, while reflecting upon the history wars, has transcended their angry contention and has, consequently, brought them to an end. In itself that is a remarkable achievement.'' Reynolds maintains that the younger historian is "remarkably even-handed, avoiding the partisanship that has characterised and diminished much of previous scholarship''.

Clements lives in Launceston, just a few kilometres from the sites of the Hadspen killings. In a phone interview with Review, he reflects: "Obviously I'm not proud of what my ancestors did, but I've gone to a great deal of trouble to try and understand why they did it. I think my book does a pretty good job of explaining that.''



Arthur's Proclamation to the Aborigines, 1830. Picture: Tasmanian Museum and Art Gallery, Hobart *Source:* News Corp Australia

Frontier historian Henry Reynolds says Clements's book ends the history wars. *Source:* News Limited

Thomas Beams and his brother, Robert Beams, were transported to Australia from England for stealing drapery, and both ended up as emancipated convicts in Tasmania. In 1804, Robert joined the expedition

that established British settlement in the state's north.

Having survived the brutalities of a penal colony, both brothers found themselves living through or taking part in a vicious, seven-year frontier conflict. According to Clements, this war "claimed the lives of well over 200 colonists and all but annihilated the island's remaining Aborigines … Nowhere else in Australia did so much frontier violence occur in such a small area over such a short period.''

He estimates about 600 Aborigines died in eastern Tasmania from 1824 to 1831. Only about 260 of these deaths are documented. "Most of the ambushes on Aborigines were undocumented. It's the exceptions that we hear about,'' he says, adding that the killings Thomas Beams was involved in do not appear in official records. "It was a family story, I suppose, but it has great verisimilitude.'' (There are details in the 1947 account that only a historian would know, he maintains.)

For all its neutrality, Clements predicts his book may "shock some and infuriate or upset others''. He avoids using the word "massacre", even in instances where large groups of innocent people (usually Aborigines) were killed. "It's too emotive, it's been in the genre too long and it connotes too many things that I want to dispense with,'' he insists.

He rejects the claim of Robert Hughes, author of the bestselling The Fatal Shore, that the treatment of Tasmanian Aborigines was "the only true genocide in English colonial history''. Other historians have made similar claims, but Clements argues (as did Reynolds) that "genocide'' is an inappropriate term to apply to the Tasmanian conflict, because colonial authorities did not have a deliberate policy aimed at destroying the Aboriginal population.

He also argues that "if you call it genocide, you really neglect the agency and resistance of the Aboriginal people. Aborigines in Tasmania had the simplest technology of any known modern humans. And yet they put up a stronger resistance than any indigenous peoples in 140 years of conflict on this continent. That in itself is a remarkable feat.''

He draws on letters, journals and colonial press reports to get inside the heads of those on both sides of the war. "I haven't fluffed around at the top looking at the larger legal and moral debates, I've got straight down, I've looked at what happened on the ground,'' he says in his direct way. He paints a vivid picture of the terror that stalked Europeans and indigenous people alike. As they went about their chores, settler women locked themselves inside their huts, while settler men and assigned convicts rarely ventured outside without a weapon. Indigenous people, meanwhile, felt unsafe lighting large camp fires at night. As the war intensified, there was speculation some Aborigines resorted to infanticide so the cries of their infants would not give them away.

Reynolds's declaration about Clements's book ending the history wars is a big call. "I was quite knocked back by that,'' says the first-time author. The depth of research that informs the narrative is one reason Reynolds backed it so strongly. The Black War is based on a PhD thesis the older historian encouraged Clements to write. Clements says his thesis includes a table of every violent incident that took place on Tasmania's eastern and northwestern frontiers from 1804 until 1842. "It's difficult to argue with that level of research,'' he adds. (While the war on Tasmania's eastern frontier ended in 1831, frontier skirmishes continued in the state's northwest until 1842.)

So what is this novice historian's take on the history wars? It is, like his book, carefully measured. He writes that the historical literature on the Black War "had almost always been sympathetic to the Aborigines and disparaging of the colonists — at least that was [the case] until 2002, when Keith Windschuttle published The Fabrication of Aboriginal History: Volume One, Van Diemen's Land 1803-1847.''

Windschuttle claimed that more settlers than Aborigines were killed in early colonial Tasmania. He accused left-wing historians of making exaggerated claims about white atrocities and of fabricating evidence. He also argued that the notion of "frontier warfare'' was fictional.

His book ignited a firestorm of criticism and debate, but Clements is blunt about Windschuttle's there-was-no-war argument. "I've completely disproven that,'' he says.

However, he concedes there was a "hint of truth'' in the conservative historian's view that some 20th-century historians embellished their evidence to portray Europeans in the worst possible light. "Ironically,'' he says, "I have quite a lot of respect for Keith. I think the philosophy he espouses — not what he practises, but the philosophy he espouses — is quite admirable. Too many people have taken too much licence in their interpretations and have been really, really sloppy with their use of evidence.''

Clements speaks to Review in a week when he leads two multi-day treks to Tasmania's Cradle Mountain and Lake St Clair. He is an avid trekker and rock climber and he loves the craggy glories of the Tasmanian landscape. "It's kind of my obsession,'' he says, chuckling. "It's probably limited my career a bit because I love Tasmania so much. There is so much beautiful wilderness and untouched rock climbing. You could spend 15 lifetimes here and never get close to completing it all. Tasmania's in my blood.''

An eighth-generation Tasmanian, he has trekked through many of the death-haunted locations he writes about, to get a better feel for the events he seeks to recapture. "I think it's really important to know the country,'' he says. "To walk it. I've done my share of trespassing and trekking and trying to soak in the sights and sounds and feel of the places where the war took place.''

He has taught and studied history at the University of Tasmania, but is training to be a high-school teacher, partly because of a lack of openings at Tasmania's universities and partly because he wants to remain in the state in which he was born, raised and recently married. He has a distinctive take on the causes of the Black War. He emphasises how, in a colony with a "staggering'' shortage of European women, the main, immediate catalyst was whites' sexual exploitation of Aboriginal women. He documents how shepherds and

convicts in remote areas took part in "gin raids" — kidnapping, raping and sometimes killing Aboriginal women. (He also acknowledges that some tribes prostituted their women to whites in exchange for food or other favours. But this sex trade soon turned into widespread abduction and rape by Europeans.)
He argues that sealers in the island's northwest ran a slave trade, kidnapping indigenous women and prepubescent girls to be their unpaid labourers and sex slaves. The great warrior Mannalargenna was devastated when he lost a sister and three daughters to sealers.
Clements feels other historians have "neglected" the degree to which this sexual abuse triggered the war. "I don't know if I've ever read from a historian about the importance of the gender imbalance and the racist sexual desires of these convicts out on the frontier. To me it's the elephant in the room. One of the reasons (for the neglect) is that no one wants to detract from the role of invasion."
As the frontier of white settlement pushed out inexorably, Aborigines also committed some horrific crimes. In October 1828, Oatlands farmer Patrick Gough had been trying to fend off an attack on a neighbour's property when Aborigines invaded his family's hut.
The warriors killed Gough's wife, his four-year-old daughter and a female neighbour, and injured his 13-month-old baby and seven-year-old daughter. The farmer and his surviving daughters continued living on their lonely frontier, but 11 months after the triple murder, Aborigines burned down their home. Such crimes sent waves of panic through the colony; some whites feared it was so unsafe, it would have to be abandoned.
In writing from an Aboriginal perspective, Clements grappled with the dearth of first-person accounts by indigenous people caught up in the war, as theirs was an oral culture. "You're always coming up against that cultural chasm", he reflects. So he drew heavily on the writings of George Augustus Robinson, a controversial figure who helped end the Black War by rounding up Aborigines on his "friendly mission". The indigenous Tasmanians who surrendered were resettled on Flinders Island, where many died from ill health and homesickness. Nevertheless, Robinson's observations were "incredibly detailed, so without them I don't think such a project would be possible".
Although Clements documents atrocities committed by settlers, convicts and sealers, he is adamant that "judgment contributes nothing to our understanding of the conflict. They did some absolutely terrible things. I just don't get anything out of cursing them. You put people in that environment, with no European women, with no command structure — total sex deprivation and total licence, a brutal lifestyle. It's not just Tasmania where you get this. This sort of scenario is replicated in similar scenarios around the world and throughout history."
The Black War: Fear, Sex and Resistance in Tasmania, by Nicholas Clements, University of Queensland Press, $34.95, is released next week.
http://www.theaustralian.com.au/arts/review/beyond-black-and-white/story-fn9n8gph-1226895004177

Exhibit G:
Artists to encourage Holocaust education at UN

Group of accomplished artists in fields of dance, literature, film and music will discuss creative ways of conveying universal lessons of Holocaust through powerful medium of arts. Ynetnews, Published: 04.25.14

A group of diverse artists will discuss creative ways of conveying the universal lessons of the Holocaust through the powerful medium of the arts on April 28 at the United Nations Headquarters in New York.
The event is organized by the United Nations Department of Public Information's Holocaust and the United Nations Outreach Program in partnership with the Permanent Mission of Israel to the United Nations and the World Jewish Congress.
The dynamic multimedia program will be presented by accomplished artists in the fields of dance, literature, film and music. Panelists will include choreographer Steven Mills of Ballet Austin, author Nava Semel, Professor Olga Gershenson of the University of Massachusetts at Amherst and Dr. Shirli Gilbert of World ORT.
Each of the presenters has gained critical acclaim in his or her field. In 2005, Steven Mills, artistic director of Ballet Austin, led 13 organizations through a community-wide human rights collaboration that culminated in "Light/The Holocaust & Humanity Project." This ballet, which premiered in Austin in 2005, was inspired by the life of Holocaust survivor Naomi Warren, who will also take part in the panel discussion. Participants will learn why this inspiring project earned Mills the Audrey & Raymond Maislin Humanitarian Award by the Anti-Defamation League in 2006.
Nava Semel is a renowned Israeli author who has published books, plays, poetry and screenplays. The daughter of two Holocaust survivors, Semel will discuss her work as an author writing from the perspective of a second-generation Holocaust survivor. She is the recipient of numerous awards, including the 2007 Tel Aviv Award for Woman of the Year in Literature.
An expert in Holocaust cinema, Prof. Gershenson will provide an overview of the genre and discuss her recently published book titled "The Phantom Holocaust: Soviet Cinema and Jewish Catastrophe" (2013). **This study focuses on unknown, forgotten or banned Holocaust films in the Soviet Union, which reflect how Russian artists tried to expose Hitler's insidious plot against the Jews during the World War II.**
Dr. Shirli Gilbert will present an overview of the WORLD ORT "Music during the Holocaust Project," a diverse collection of sound recordings and in-depth articles on composers and musicians who created music during the Holocaust-era. An interactive map facilitates the exploration of musical life in ghettos and camps across Europe.
The event will open with remarks by United Nations Under-Secretary-General for Communications and Public Information Peter Launsky-Tieffenthal, Israeli

Ambassador to the UN Ron Prosor and World Jewish Congress President Ronald Lauder.
http://www.ynetnews.com/articles/0,7340,L-4512339,00.html

Exhibit H:
Mahmoud Abbas Shifts on Holocaust

By JODI RUDORENAPRIL 26, 2014

JERUSALEM — President Mahmoud Abbas of the Palestinian Authority planned to issue a formal statement on Sunday calling the Holocaust "the most heinous crime to have occurred against humanity in the modern era" and expressing sympathy with victims' families.

The statement, which grew out of a meeting a week ago between Mr. Abbas and an American rabbi who promotes understanding between Muslims and Jews, is the first such offering of condolences by the Palestinian leader.

Mr. Abbas has been vilified as a Holocaust denier because in his doctoral dissertation, published as a book in 1983, he challenged the number of Jewish victims and argued that Zionists had collaborated with Nazis to propel more people to what would become Israel. A senior Israeli minister, incensed at quotations from Hitler highlighted on Facebook pages affiliated with the Palestinian Authority, denounced Mr. Abbas earlier this year as "the most anti-Semitic leader in the world" at a conference in Tel Aviv.

Mr. Abbas had already backtracked from the book, saying in a 2011 interview that he did "not deny the Holocaust" and that he had "heard from the Israelis that there were six million" victims, adding, "I can accept that."

But the statement slated for publication Sunday morning by Wafa, the official Palestinian news agency, goes further, describing the Holocaust as "a reflection of the concept of ethnic discrimination and racism, which the Palestinians strongly reject and act against. The Palestinian people, who suffer from injustice, oppression and denied freedom and peace, are the first to demand to lift the injustice and racism that befell other peoples subjected to such crimes," Mr. Abbas said, according to a draft provided by his office through an Israeli public-relations firm working with the American rabbi. "We call on the Israeli government to seize the current opportunity to conclude a just and comprehensive peace in the region, based on the two states vision."

The Israeli prime minister's office refused to respond to the statement before its publication. So did officials at Yad Vashem, the center for Holocaust research in Jerusalem, who questioned whether it would also be published in Arabic (yes, said Mr. Abbas's aides) and whether there would be any discrepancies in the two statements (no, according to the drafts they provided).

The timing — on the eve of Holocaust Remembrance Day and two days before the scheduled expiration of deadlocked Israeli-Palestinian peace talks — turned out to be terrible.

Last week, the Palestine Liberation Organization, of which Mr. Abbas is chairman, moved to repair its seven-year rift with the militant Islamist faction Hamas, prompting Israel to halt the talks that Secretary of State John Kerry started last summer. A senior Israeli official, speaking on the condition of anonymity because the statement had not yet been published, described Hamas's charter as "an anti-Semitic document par excellence" and said many Hamas leaders were Holocaust deniers.

"For Abu Mazen to put out a statement when he's embraced Hamas, that's a serious problem," the official said, using Mr. Abbas's nickname.

Further, he said, Mr. Abbas should have condemned Haj Amin al-Husseini, the Palestinian who as Grand Mufti of Jerusalem supported the Nazi campaign to exterminate Jews.

"Abbas's message would ring truer if Palestinians would look at their own past and their own attitude at the time to the genocide of the Jews."

In a speech Saturday to the P.L.O.'s central council, Mr. Abbas said that the new government he would form under the reconciliation agreement with Hamas would adhere to prior P.L.O. agreements, recognize Israel and renounce violence. He said he remained willing to extend the negotiations with Israel if it released a promised group of long-serving Palestinian prisoners and if the next three months were devoted to drawing borders.

And he repeated his vow: "I'll never recognize Israel as a Jewish state."

The rabbi who prompted the Holocaust statement, Marc Schneier, is the founder of both the celebrity-studded modern Orthodox Hampton Synagogue and the New York-based Foundation for Ethnic Understanding, a 25-year-old group that fosters relations between Jews and Muslims, blacks and Latinos. Rabbi Schneier said he met with Mr. Abbas at his West Bank headquarters for about 40 minutes last Sunday to enlist his support against European crackdowns on ritual animal slaughter and human circumcision, and for a program that would establish partnerships between Palestinian mosques and Israeli synagogues.

When he suggested that it would be "very significant, very meaningful" for Mr. Abbas to make a statement for Holocaust Remembrance Day, Rabbi Schneier recalled in an interview, the president agreed "before I could finish my statement. It was very heartfelt, very genuine," Rabbi Schneier said.

"Of course he expressed his frustration on the negotiations, on the peace process — I'll leave that up to the political leaders," he added. "I'm a great believer that Muslim-Jewish reconciliation worldwide transcends the Israeli-Palestinian process. We're working on the spiritual peace process."

http://www.nytimes.com/2014/04/27/world/middleeast/palestinianleadershiftsonholocaust.html?partner=rss&emc=rss&smid=tw-nytimes&_r=2
