



Opposition Leader Peter Dutton Faces Group Legal action Over Gaza Remarks and Incitement of Hate

25 November 2024

A representative legal action has been lodged against Opposition Leader Peter Dutton under Australia's Racial Discrimination Act, accusing him of discrimination and inciting racial hatred through his remarks and social media commentary on Gaza and Palestinians.

The action, filed with the Australian Human Rights Commission by Birchgrove Legal, represents Jewish, Palestinian, and Muslim communities in Australia.

Led by Professor Peter Slezak, an Australian Jewish academic and Palestinian advocate Nasser Mashni, the action accuses Dutton of dehumanising Palestinians, Muslims, and Jews, while stigmatising Australians who support Palestinian rights.

The legal action states that Mr Dutton's comments contradict Australia's obligations under the Genocide Convention and the Rome Statute, particularly in relation to preventing genocide and protecting refugees.

Additionally, the legal action states that Mr Dutton's public comments have led to increased vilification of Palestinians, including targeted harassment and hate crimes against peaceful protesters intimidating Jewish and other Australians supporting the Palestinian rights movement.

Principal Solicitor at Birchgrove Legal, Moustafa Kheir, said Mr Dutton's words had normalised anti-Palestinian hate and dehumanising rhetoric.

"Mr Dutton's pattern of spreading disinformation to justify the demonisation and oppression of a people facing plausible genocide is not only in poor taste, but a violation of human rights," Mr Kheir said.

"This legal action seeks to ensure that political leaders are held accountable for their words and actions, and that we are all prescribed to the same judicial system despite our cultural background, privilege or faith."

Among the 22 incidents, the key allegations against Mr Dutton include:

1. **Misleading Claims About Palestinian Nakba survivors seeking refuge in Australia:** In August 2024, Dutton claimed the Australian Government was jeopardising national security by granting almost 3,000 tourist visas to people from Gaza, which he labelled a "terrorist-controlled" zone. He also shared a misleading graph that sparked anti-Palestinian sentiment. Dutton's insinuations that the

Albanese Government's actions were politically motivated to appease Muslim voters were reflected in hostile public responses.

2. **False Claims and Propaganda:** Dutton is accused of amplifying discredited far-right claims, including false Israeli propaganda about beheaded babies, and repeating debunked stories about Australian protesters allegedly shouting, "gas the Jews." NSW Police had dismissed the latter claims, but Dutton failed to retract or apologise for spreading them.
3. **Encouraging Violence and Deportation:** The legal action highlights Dutton's calls for "no restraint" in Israel's military actions against civilians in Gaza and deporting pro-Palestinian protesters from Australia.
4. **Disparaging Muslim Candidates:** Dutton's comments about Muslim candidates in federal parliament being a "disaster."
5. **Atrocity Denial:** Dutton is accused of engaging in 'atrocity denial' by failing to acknowledge Israel's disproportionate killing of civilians and unlawful occupation of Palestinian territory.

Professor Slezak said it was abhorrent for a national leader to engage in such divisive public commentary fully understating the racial tensions it could breed.

"Mr Dutton is using the same 'security threat' language against Palestinians that was once used to demonise Jewish people before the Holocaust—and worse, he claims to do this in our name," Mr Slezak said.

"Like many Jewish Australians, I grieve the atrocities Israel is committing against Palestinians and we will not be intimidated into silence.

"Statements that dehumanise any group of people, including Palestinians, must be challenged. All parties responsible must be held accountable for statements that dehumanise certain groups and fuel division, including Palestinians, whose suffering deserves recognition."

Mr Mashni also condemned the harm caused by Mr Dutton's comments citing the gross dehumanisation of Palestinians and Palestinian Australians undermined international law.

"On one side, we have a government refusing to impose sanctions, and on the other, an opposition leader encouraging Australia to flout international law and withhold empathy to the human suffering occurring," Mr Mashni said.

"Our community urgently needs Australia to take a firm stand against Israel's ongoing genocide, which will only end with sustained international pressure."

The legal action requests a public apology from Mr Dutton and rectifications and compensation for affected communities.

If the Commission does not resolve the matter, applicants may pursue a Federal Court action on the same grounds. Law suits cannot be brought directly to Court under the Racial Discrimination Act and must start in the Australian Human Rights Commission.

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