

From: s. 22(1)(a)(ii)
To: CVU; Middle East and Northern Africa
Cc: s. 22(1)(a)(ii) (DFAT)
Subject: FW: Min Corro - Distressing content - DEPT. HOME AFFAIRS - DFAT - s. 47F(1) [SEC=OFFICIAL]
Date: Friday, 8 August 2025 9:23:14 AM
Attachments: [image001.jpg](#)
[MC25-003980.docx](#)
[Tony Bourke Letter.pdf](#)
[image002.jpg](#)

OFFICIAL

Hi CVU and MENA team

Grateful if you could advise s. 22(1)(a)(ii) if you any input to the letter writers request regarding refusing entry to any visitor supporting or financing the IDF, or if there is another area in the Department who has relevant input.

Warning, the letter is very distressing.

I write to you pleading that any Australian citizen or dual Australian/Israeli citizen that has any connection to the Israeli Defence Force including serving, supporting or financing the organisation is to immediately face criminal charges for their war crimes as part of an organisation that has murdered 18,000 children or be deported on national security grounds. As is to be the same for anyone visitor wishing to enter Australia that served, supported or financed any part of the Israeli Defence Force is to be refused entry.

We cannot have these hardened killers, void of compassion or empathy, walk our streets and corrupt Australian society. The Israeli Defence Force systematically trains young citizens of Israel to be violent extremists who do not value human life that does not align with their values. These heinous acts of extremist behaviour cannot be accepted and have no place in our country. I very much look forward to hearing your response and hope that you will be able to exercise your position of power to facilitate an end to this terrible sulering at the expense of children.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Acting Director

Humanitarian Crisis Onshore support
Skilled & Temporary Visa & Capability Division | Immigration Programs Group
Department of Home Affairs
P: s. 22(1)(a)(ii) | M: s. 22(1)(a)(ii)
E: s. 22(1)(a)(ii) @homeaffairs.gov.au



OFFICIAL

From: s. 22(1)(a)(ii) @dfat.gov.au>
Sent: Thursday, 7 August 2025 2:46 PM
To: s. 22(1)(a)(ii) @homeaffairs.gov.au>
Subject: Min Corro - Distressing content - DEPT. HOME AFFAIRS - DFAT - s. 47F(1)
[SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii),

Grateful for Home Affairs Assistance with the attached Min Corro.

It was referred to DFAT by Minister Burke's office. We will look after the majority of the content but grateful for advice on a response to aspects of the letter concerning IDF member travel to Australia.

Kind regards,

s. 22(1)(a)(ii)

Israel-Gaza Taskforce
Middle East Branch | Middle East and Africa Division
Department of Foreign Affairs and Trade
P s. 22(1)(a)(ii)
dfat.gov.au | [X](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)



© Brooke Rigney-Lively (2024)

We acknowledge the Traditional Custodians of Country throughout Australia, and their continuing connection to land, waters and community. We pay our respects to all First Nations peoples, their cultures and to their Elders, past, present and emerging.



Australian Government
Department of Foreign Affairs and Trade

s. 47C(1)

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

s. 47C(1)

July 10, 2025

To Minister Tony Bourke,

My name is S. 47F(1) and I am writing this letter to voice my absolute disgust over the atrocities and genocide that have been and continue to be committed by the Israeli government and the Israeli Defence Force on the people of Palestine over the past 20 months. I acknowledge and condemn the actions taken by Hamas on October 7, 2023, and do not condone the killing of any Israeli citizens. I also acknowledge that Israeli settlements in Gaza are illegal under international law.

The sheer number of Palestinians who have lost their lives since October 7 and continue to lose their lives is simply unacceptable. The relentless industrial scale Israeli and Israeli Defence Force attacks on Palestinian civilians with no pardon for women and children is pure evil and these actions must be held to account.

As per the Australian Government website, Department of Foreign Affairs and Trade, 'International Law' section it states that 'Australia is dedicated to alleviating human suffering and protecting civilians in times of armed conflict through the application of international humanitarian law. We have been a strong supporter of the Geneva Conventions since we first signed them in 1950 and have ratified all three Additional Protocols' www.dfat.gov.au/international-relations/international-organisations/un/international-law.

I am writing this letter to seek clarity on the matter on what exactly the current Australian government and yourself, consider to be human suffering? I also ask that we justly label the Israeli Defence Force as a terrorist organisation and prosecute or deport anyone within Australia who has served, supported or financed this extremist organisation.

S. 47F(1) and I am unable to comprehend the misery that Palestinian children of a similar age are being subject to by the Israeli government and its violent extremist Israeli Defence Force. As of 27 May 2025, UNICEF wrote an article on their website titled 'Unimaginable horrors: more than 50,000 children reportedly killed or injured in the Gaza Strip' which was urging an end to the conflict and violence after more gruesome attacks on civilians including 'Early Monday, we saw images of a small child trapped in a burning school in Gaza City. That attack, in the early hours of the morning reportedly killed at least 31 people, including 18 children...'

A week earlier ex former deputy chief of staff of the Israeli army Yair Golan spoke about Israel stating that 'A sane country does not wage war against civilians, does not kill babies as a pastime, and does not engage in mass population displacement,' and comparing Israel's actions to those of apartheid in South Africa. Source: www.nbcnews.com/world/middle-east/ex-israel-general-warns-gaza-pariah-rcna207615 this was published May 21, 2025.

Not only is the Israeli government and the Israeli Defence Force killing civilians of Gaza but they refuse to allow them access to fundamentals of human life such as food, water and aid which can not be interpreted as anything other than genocide. The World Health Organisation wrote on May 12, 2025 that 'The risk of famine in Gaza is increasing with the deliberate withholding of humanitarian aid, including food, in the ongoing blockade.....The entire 2.1 million population of Gaza is facing prolonged food shortages, with nearly half a million people in catastrophic situation of hunger, acute malnutrition, starvation, illness and death. This is one of the world's worst hunger crisis, unfolding in real time.' Worse more is the luring of civilians to food distribution centres before the Israeli Defence Force opens fire on the un armed. As posted by the BBC on July 4, 2025 'A former security contractor for Gaza's controversial

new Israel- and US-backed aid distribution sites has told the BBC he witnessed colleagues opening fire with machine guns of hungry Palestinian civilians who had posed no threat..... On another occasion he said a guard opened fire from a watchtower with a machine gun because a group of women, children and elderly people was moving too slowly away from the site.'

s. 47F(1) I am finding it difficult to fall asleep at night knowing that children as innocent as any 3 year old, could be knowingly subject to such un disgraceful oppression and be blamed for the actions of an adult. I am writing to you to not only save the lives of the children in Gaza right now but also in advance for the day that s. 47F(1) did you do anything to try and stop the children of Gaza from being murdered and starved?' to which I will be able to look him in the eye and say that I did try. The photo on the right was part of an ABC article from June 15, 2025, titled 'What this Australian doctor saw in Gaza was "apocalyptic". But it will not stop him going back' about Doctor Mohammed Mustafa's experiences including 'memories of "starving children" with horrific injuries'.

s. 47F(1)



An undernourished Palestinian boy is assisted by his mother as they shelter in a tent after being displaced due to the Israeli military offensive in Gaza. (Reuters/Mahmoud Hsaq)

The Israeli government and Israeli Defence Force have had no shame or remorse in killing healthcare workers in Gaza as the Guardian reported on June 4, 2025, in an article titled 'Palestinian Red Crescent details medic's account of 15 colleagues' slaughter' to go with countless testimonies of targeted killings of healthcare workers.

Last year on April 1, 2024, Australian national Ms Zomi Frankcom was killed by the Israeli Defence Force along with other aid workers supporting a World Central Kitchen aid delivery. May 11, 2022, journalist Shireen Abu Akleh was shot in the back of the head by an Israeli soldier despite displaying that she was 'press' on her chest.

On the August 13, 2024, Al Jazeera posted a video showing some Israeli citizens, politicians and media personal protesting the right to mistreat and even rape a Palestinian prisoner.

<https://www.aljazeera.com/video/newsfeed/2024/8/13/israeli-protesters-rally-for-the-right-to-rape-prisoners>.

It is beyond the point of any doubt that Israel's government and the Israeli Defence Force are committing disgraceful war crimes against civilians, doctors and nurses, aid workers and journalist alike on an industrial scale knowingly and unreservedly.

I write to you pleading that any Australian citizen or dual Australian/Israeli citizen that has any connection to the Israeli Defence Force including serving, supporting or financing the organisation is to immediately face criminal charges for their war crimes as part of an organisation that has murdered 18,000 children or be deported on national security grounds. As is to be the same for anyone visitor wishing to enter Australia that served, supported or financed any part of the Israeli Defence Force is to be refused entry.

We cannot have these hardened killers, void of compassion or empathy, walk our streets and corrupt Australian society. The Israeli Defence Force systematically trains young citizens of Israel to be violent extremists who do not value human life that does not align with their values. These heinous acts of extremist behaviour cannot be accepted and have no place in our country.

I very much look forward to hearing your response and hope that you will be able to exercise your position of power to facilitate an end to this terrible suffering at the expense of children.

s. 47F(1)

From: s. 22(1)(a)(ii)
To: James ROBINSON
Cc: [Middle East and Northern Africa](#)
Subject: FW: Request for urgent cleared points on Australians fighting for Israeli defence[SEC=OFFICIAL:Sensitive]
Date: Wednesday, 30 July 2025 3:51:13 PM
Attachments: [image003.jpg](#)
[image004.png](#)
[image005.jpg](#)

OFFICIAL: Sensitive

FYI

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Director | Middle East and North Africa
 Global and Multilateral Branch | Strategic Policy Division | Executive Group
 Department of Home Affairs
 t: s. 22(1)(a)(ii) m: s. 22(1)(a)(ii)
 e: s. 22(1)(a)(ii)@homeaffairs.gov.au
 group e: s. 22(1)(a)(ii)@homeaffairs.gov.au

Working hours: Monday to Thursday, Friday to 2.30pm

OFFICIAL: Sensitive

From: Alexander GOLDIE s. 22(1)(a)(ii)@homeaffairs.gov.au>
Sent: Wednesday, 30 July 2025 3:24 PM
To: s. 22(1)(a)(ii)@homeaffairs.gov.au>
Subject: Fwd: Request for urgent cleared points on Australians fighting for Israeli defence[SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

FYI

Sent by Email+

OFFICIAL: Sensitive

From: "Gemma SMYTH" s. 22(1)(a)(ii)@homeaffairs.gov.au>
Date: Tuesday, 29 July 2025 at 8:09:55 pm
To: "Alexander GOLDIE" s. 22(1)(a)(ii)@homeaffairs.gov.au>
Subject: Fwd: Request for urgent cleared points on Australians fighting for Israeli

defence[SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Sent by Email+

OFFICIAL: Sensitive

From: s. 22(1)(a)(ii) @homeaffairs.gov.au
Date: Tuesday, 29 July 2025 at 6:13:59 pm
To: "DLO.Burke" s. 22(1)(a)(ii) @homeaffairs.gov.au
Cc: "Home Affairs Media" <s. 22(1)(a)(ii) @homeaffairs.gov.au>, "MO Registration" <s. 22(1)(a)(ii) @homeaffairs.gov.au>, "MCB Executive Support" s. 22(1)(a)(ii) @homeaffairs.gov.au, "Brian HICKEY" s. 22(1)(a)(ii) @homeaffairs.gov.au, "Gemma SMYTH" s. 22(1)(a)(ii) @homeaffairs.gov.au
Subject: RE: Request for urgent cleared points on Australians fighting for Israeli defence [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s. 22(1)(a)(ii)

As discussed, given this issue comes under the Criminal Code Act, it has actually been led by AGD/DFAT. Please find below TPs that were approved for inclusion in the WofG TPs we produced in response to the Hamas Israel conflict in May 2024. As these were last agreed in early 2024, I would recommend that they are checked with AGO/FMO. I have not checked them with agencies.

- The Australian Government is alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of the government of a foreign country.
- The exemption to the foreign incursions offences for serving with the armed forces of a government of a foreign country does not extend to other Commonwealth criminal offences.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal

offence.

- o Australia's consistent position in the Hamas-Israel conflict, and in all conflicts, is to call for the protection of civilian lives and the observation of international humanitarian law.

Regards,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

A/g Assistant Secretary, Media and Communication

Executive Coordination Division | Executive Group

Department of Home Affairs

P: s. 22(1)(a)(ii) | **M:** s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)

Acknowledgement of Country Signature Block Graphic 2022



OFFICIAL: Sensitive

From: DLO.Burke s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>

Sent: Tuesday, 29 July 2025 5:28 PM

To: Home Affairs Media s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>

Cc: DLO.Burke s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>

Subject: Request for urgent cleared points on Australians fighting for Israeli defence
[SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s. 22(1)(a)(ii)

Thanks for taking my call.

Senior Adviser, s. 22(1)(a)(ii) has requested urgent points on Australians fighting for Israeli defence.

I can see in SQ24-001792 in PDMS that there are two SE briefs as well as a number of finalised media enquiries.

Grateful for your urgent advice please drawing on:

- 240423 – Foreign Fighters
- 240530 – Israeli-Australians travelling overseas
- 240620 – Australians fighting with IDF
- 240613 – foreign fighters.

Kind regards,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Senior Departmental Liaison Officer

Minister for Home Affairs | Minister for Cyber Security

Minister for Immigration and Citizenship

M: s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au) | s. 22(1)(a)(ii) [@asnet.gov.au](mailto:s.22(1)(a)(ii)@asnet.gov.au)



OFFICIAL: Sensitive

From: s. 22(1)(a)(ii)
To: James ROBINSON s. 22(1)(a)(ii)
Cc: Strategic Policy Division Support; s. 22(1)(a)(ii)
Subject: RE: Urgent MO request: Israel[SEC=PROTECTED]
Date: Tuesday, 29 July 2025 7:29:04 PM
Attachments: image001.png

PROTECTED

s. 22(1)(a)(ii) response:

Thank you. I have provided the adviser with some WofG points that media had to hand - essentially points from May 2024 (very outdated) where AGD+DFAT are the lead. I'll pass on your advice as well and let you know if there is any further action required.

FYSA DFAT + AGD cleared points from 2024: Briefing points:

- The Australian Government is alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of the government of a foreign country.
- The exemption to the foreign incursions offences for serving with the armed forces of a government of a foreign country does not extend to other Commonwealth criminal offences.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.
- Australia's consistent position in the Hamas-Israel conflict, and in all conflicts, is to call for the protection of civilian lives and the observation of international humanitarian law.

s. 22(1)(a)(ii)

PROTECTED

From: James ROBINSON s. 22(1)(a)(ii) @homeaffairs.gov.au>
Sent: Tuesday, 29 July 2025 7:10 PM
To: s. 22(1)(a)(ii) @homeaffairs.gov.au>; s. 22(1)(a)(ii) s. 22(1)(a)(ii) @HOMEAFFAIRS.GOV.AU>
Cc: Strategic Policy Division Support <spd.support@homeaffairs.gov.au>; s. 22(1)(a)(ii) s. 22(1)(a)(ii) @HOMEAFFAIRS.GOV.AU>
Subject: Re: Urgent MO request: Israel[SEC=PROTECTED]

PROTECTED

Great, can someone chat to s. 22(1)(a)(ii)?

Sent by Email+

PROTECTED

From: s. 22(1)(a)(ii) @homeaffairs.gov.au>
Date: Tuesday, 29 July 2025 at 6:48:00 pm
To: s. 22(1)(a)(ii) @HOMEAFFAIRS.GOV.AU>
Cc: "James ROBINSON" s. 22(1)(a)(ii) @homeaffairs.gov.au>, "Strategic Policy Division Support" s. 22(1)(a)(ii)@homeaffairs.gov.au>, s. 22(1)(a)(ii) s. 22(1)(a)(ii) @HOMEAFFAIRS.GOV.AU>
Subject: Re: Urgent MO request: Israel[SEC=PROTECTED]

PROTECTED

Hi s. 22(1)(a)(ii) and James

s. 47E(d)

Happy to chat.

s. 22(1)(a)(ii)

Sent by Email+

PROTECTED

From: s. 22(1)(a)(ii) @homeaffairs.gov.au>
Date: Tuesday, 29 July 2025 at 6:02:42 pm
To: s. 22(1)(a)(ii) @HOMEAFFAIRS.GOV.AU>
Cc: "James ROBINSON" s. 22(1)(a)(ii) @homeaffairs.gov.au>, "Strategic Policy Division Support" s. 22(1)(a)(ii)@homeaffairs.gov.au>, s. 22(1)(a)(ii) s. 22(1)(a)(ii) @HOMEAFFAIRS.GOV.AU>
Subject: Re: Urgent MO request: Israel[SEC=PROTECTED]

PROTECTED

That's not the urgent request I was expecting!

s. 47E(d)

Will give you a call s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Sent by Email+

~~PROTECTED~~

From: s. 22(1)(a)(ii) @HOMEAFFAIRS.GOV.AU>
Date: Tuesday, 29 July 2025 at 5:01:10 pm
To: s. 22(1)(a)(ii) @homeaffairs.gov.au>
Cc: "James ROBINSON" s. 22(1)(a)(ii) @homeaffairs.gov.au>, "Strategic Policy Division Support" s. 22(1)(a)(ii) @homeaffairs.gov.au>, s. 22(1)(a)(ii) s. 22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU>
Subject: Urgent MO request: Israel [SEC=PROTECTED]

~~PROTECTED~~

Hi s. 22(1)(a)(ii)

I just received the below from the new Immi DLO in Burke's office (s. 22(1)(a)(ii)).

Hi s. 22(1)(a)(ii) I've just started as the new Immi DLO in Minister Burke's office. I have an urgent request from an adviser for some lines on Australians (potentially dual nationals) fighting for the Israeli defence force and then returning to Australia. Is that one you can help with?

Could you please urgently assist?

Thanks,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Director, Europe and Sub-Saharan Africa Section
 Global and Multilateral Branch | Strategic Policy Division
 Department of Home Affairs

E: s. 22(1)(a)(ii)@homeaffairs.gov.au P: s. 22(1)(a)(ii)

cid:image001.png@01DBBA18.E8A042C0



PROTECTED

PDR Number

MC25-017526

Minister

Tony Burke

Subject

**COMMUNITY COHESION - Alleged Recruitment of Australians
for the Israeli Military - Australian National Imams Council -
S. 47F(1) [REDACTED] President**

Initiator

S. 47F(1) [REDACTED]

Action Officer:

S. 22(1)(a)(ii) – Director, Engagement

Phone:

Clearance Officer:

Mark Groote – First Assistant Secretary

Phone:

S. 22(1)(a)(ii) [REDACTED]

Division/Branch

EG - Office of Community Cohesion

Date response provided to MO: 16/06/2025 and 20/06/2025

Copies/referral required: ☐

The Guidelines for Processing Ministerial Correspondence will assist you in preparing your response. They can be found at:

S. 22(1)(a)(ii) [REDACTED]

CASE HISTORY AND INFORMATION FOR MO

- The Australian National Imams Council (ANIC) is a central Islamic body that holds representation from Australian-based Imams, scholars and clerics.
- ANIC raised similar concerns in MC25-004065 (dated 31/01/25).
- As the originating letter covered a wide range of issues across a range of portfolio responsibilities, the Office of Community Cohesion consulted widely in preparing this draft response.
- Consulted areas within the Department of Home Affairs portfolio include:
 - Strategic Policy Division
 - Counter-Terrorism Coordination Centre
 - Citizenship and Multicultural Affairs Division
 - Australian Border Force
- Consulted federal agencies include:
 - Attorney-General's Department
 - Department of Foreign Affairs and Trade



OFFICIAL

Back Pocket Brief Number: F-1

PDR Number: SB25-000346

BACK POCKET BRIEF

Budget Estimates Hearing – March 2025

Topic: Foreign Fighters
Group: National Operations
Division: Customs Compliance, Enforcement and Targeting

Key Issues:

- ABF officers have legislative powers to question arriving and departing travellers and examine their baggage to detect breaches of the *Customs Act 1901* (Customs Act), *Migration Act 1958*, *Biosecurity Act 2015* and other Commonwealth legislation.
 - Section 186 of the Customs Act permits ABF officers to question travellers and examine baggage in order to ensure travel is legitimate and compliant with Australian law.

Travelling to/from conflict zone

• **s. 22(1)(a)(ii)**

- The ABF profiles or targets individuals departing Australia to commit offences in contravention of Australian law, such as travelling to fight with or join a terrorist organisation or travelling abroad with the intent to commit child sex offences.
- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country.
- Where the ABF suspects a Criminal Code offence, the traveller is referred to the Australian Federal Police (AFP). AFP is the lead agency for investigating foreign incursion and recruitment offences under the Criminal Code.
- The exemption to the foreign incursions offences for serving with the armed forces of a foreign country does not extend to other Commonwealth criminal offences, including sanction offences.
- The Department of Foreign Affairs and Trade (DFAT) are the lead for administering Australia's sanctions regime.

OFFICIAL



OFFICIAL

**Back Pocket Brief Number: F-1
PDR Number: SB25-000346**

- Australians who fight with or recruit for (including inducing, inciting or encouraging) a terrorist organisation, commit a criminal offence.

Israeli soldiers entering Australia

- The ABF does not hold any border alerts for persons suspected of travelling from Israel to Australia having fought with the Israeli Defence Force (IDF).
- Although it is not a criminal offence for an Australian to serve with the IDF, Australian law provides for extended geographical jurisdiction for offences allegedly committed by Australians in overseas conflict zones.
- The ABF is aware of media reporting of IDF personnel being investigated for war crimes outside of Israel.
- Any questions regarding investigations of Australians serving in the IDF can be referred to the AFP.
- The ABF is aware of media reporting suggesting the Israeli Government has instructed IDF members to cease uploading and to delete content of the Hamas/Lebanon/Israel conflict online.
- Any questions regarding the policies of a foreign government and the International Court of Justice ruling can be referred to DFAT.

s. 22(1)(a)(ii)

OFFICIAL



OFFICIAL

Back Pocket Brief Number: F-1

PDR Number: SB25-000346

s. 22(1)(a)(ii)

OFFICIAL



OFFICIAL

Back Pocket Brief Number: F-1

PDR Number: SB25-000346

- **Additional References:** *SB25-000346 – Foreign Fighters*

Cleared through:	Tony Smith, Assistant Commissioner, Customs, Compliance, Enforcement and Targeting – 3 March 2025
Final clearance:	Tim Fitzgerald
Position:	Deputy Commissioner, National Operations
Date:	10 March 2025

OFFICIAL

From: [Middle East and Northern Africa](#)
To: s. 22(1)(a)(ii)
Cc: [Israel-Gaza Taskforce - IGTF \(DFAT\)](#); [Middle East and Northern Africa](#); s. 22(1)(a)(ii)
Subject: RE: Senate Estimates briefing: Israel & OPTs - Australian citizens serving in the IDF and s. 22(1)(a)(ii) [SEC=OFFICIAL:Sensitive]
Date: Friday, 7 February 2025 2:30:21 PM
Attachments: [image001.jpg](#)

OFFICIAL: Sensitive

Good afternoon s. 22(1)(a)(ii),

Apologies for the delay in responding to your original request. I can confirm that we are comfortable with the first point below as it is factual. However, without the context of the brief as a whole, we are unable to comment on the highlighted point. To be able to provide comment, we would need to understand what is meant by an s. 22(1)(a)(ii).

We recommend removing the highlighted point entirely. Alternatively, if there is still sufficient time before your internal Senate Estimates deadline, we can ask our Immigration Compliance colleagues to review the point, with additional context from you (either the brief or further explanation via email).

s. 22(1)(a)(ii)

Please let us know if you would like to take the second approach and we will work to facilitate Immigration Compliance's review.

Kind regards,

s. 22(1)(a)(ii)

Senior Policy Officer | Middle East and North Africa
 Asia Branch | Strategic Policy Division
 Executive Group
 Department of Home Affairs
 Phone: s. 22(1)(a)(ii)
 Email: s. 22(1)(a)(ii)@homeaffairs.gov.au

cid:image004.jpg@01DA9FCB.9D06FFB0



OFFICIAL: Sensitive

From: S. 22(1)(a)(ii) @dfat.gov.au>
Sent: Tuesday, 4 February 2025 4:12 PM
To: CT Legal Policy S. 22(1)(a)(ii) @homeaffairs.gov.au>; S. 22(1)(a)(ii) @ag.gov.au>;
 S. 22(1)(a)(ii) (DFAT) S. 22(1)(a)(ii) @dfat.gov.au>; S. 22(1)(a)(ii) (DFAT)
 S. 22(1)(a)(ii) @dfat.gov.au>; Middle East and Northern Africa
 S. 22(1)(a)(ii) @homeaffairs.gov.au>
Cc: Israel-Gaza Taskforce - IGTF (DFAT) S. 22(1)(a)(ii) @dfat.gov.au>
Subject: Senate Estimates briefing: Israel & OPTs - Australian citizens serving in the IDF and
 S. 22(1)(a)(ii) [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi AGD, DHA and DPL colleagues

Seeking your review of the points below from our Israel and OPTs Back Pocket Brief on Australian citizens serving in the IDF (or a redirect if I've not hit the right areas).

Grateful if you could come back to me with any edits by COB tomorrow/Wednesday 5 Feb.

//

Will the government sanction Australian citizens serving with the Israel Defense Forces?

- . Australia's consistent position in the Hamas-Israel conflict is to call for the protection of civilian lives and the observation of international humanitarian law.
- . The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.
- . Under the Criminal Code Act 1995, it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country
 - this legislation discourages Australians from fighting in overseas conflicts and endangering their lives and the lives of others.

[refer to Attorney-General's Department on legality of Australians serving with the IDF]

//

S. 22(1)(a)(ii)

s. 22(1)(a)(ii)

//

Many thanks

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assistant Director | Israel-Gaza Taskforce
Middle East Branch | Middle East and Africa Division

T s. 22(1)(a)(ii) | M s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii) (DFAT)
To: CT Legal Policy; s. 22(1)(a)(ii) (DFAT); s. 22(1)(a)(ii) (DFAT); Middle East and Northern Africa; s. 22(1)(a)(ii)
Cc: Israel-Gaza Taskforce - IGTF (DFAT)
Subject: RE: Senate Estimates briefing: Israel & OPTs - Australian citizens serving in the IDF and s. 22(1)(a)(ii)
Date: s. 22(1)(a)(ii) [SEC=OFFICIAL:Sensitive]
Attachments: image002.png

OFFICIAL: Sensitive

Many thanks s. 22(1)(a)(ii) !

s. 22(1)(a)(ii)

Assistant Director | Israel-Gaza Taskforce
 Middle East Branch | Middle East and Africa Division

T s. 22(1)(a)(ii) | M s. 22(1)(a)(ii)

From: zz [External] s. 22(1)(a)(ii)@homeaffairs.gov.au s. 22(1)(a)(ii)@homeaffairs.gov.au>
Sent: Wednesday, 5 February 2025 1:43 PM
To: s. 22(1)(a)(ii)@ag.gov.au>; s. 22(1)(a)(ii)@dfat.gov.au>;
 s. 22(1)(a)(ii)@dfat.gov.au>; s. 22(1)(a)(ii)@dfat.gov.au>;
 Middle East and Northern Africa <s. 22(1)(a)(ii)@homeaffairs.gov.au>; s. 22(1)(a)(ii)@ag.gov.au>; s. 22(1)(a)(ii)@ag.gov.au>
Cc: Israel-Gaza Taskforce - IGTF <IGTF@dfat.gov.au>
Subject: RE: Senate Estimates briefing: Israel & OPTs - Australian citizens serving in the IDF and s. 22(1)(a)(ii) [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s. 22(1)(a)(ii)

Nil input from the CTCC.

Kind regards,

s. 22(1)(a)(ii) (she/her)
 Senior Policy Officer
 Counter-Terrorism Legal Policy | Counter-Terrorism Strategic Policy Branch
 Counter-Terrorism Coordination Centre | Department of Home Affairs
Phone: s. 22(1)(a)(ii) | **Email:** s. 22(1)(a)(ii)@homeaffairs.gov.au



OFFICIAL: Sensitive

From: s. 22(1)(a)(ii) <[REDACTED]@ag.gov.au>
Sent: Tuesday, 4 February 2025 4:16 PM
To: s. 22(1)(a)(ii) <[REDACTED]@dfat.gov.au>; CT Legal Policy
 s. 22(1)(a)(ii) <[REDACTED]@homeaffairs.gov.au>; s. 22(1)(a)(ii) (DFAT) s. 22(1)(a)(ii) <[REDACTED]@dfat.gov.au>;
 s. 22(1)(a)(ii) (DFAT) s. 22(1)(a)(ii) <[REDACTED]@dfat.gov.au>; Middle East and Northern Africa
 s. 22(1)(a)(ii) <[REDACTED]@homeaffairs.gov.au>; s. 22(1)(a)(ii) <[REDACTED]@ag.gov.au>;
 s. 22(1)(a)(ii) <[REDACTED]@ag.gov.au>
Cc: Israel-Gaza Taskforce - IGTF (DFAT) <[REDACTED]@dfat.gov.au>
Subject: RE: Senate Estimates briefing: Israel & OPTs - Australian citizens serving in the IDF and
 s. 22(1)(a)(ii) [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s. 22(1)(a)(ii)

Nil edits or comments from AGD.

Kind regards,
 Liam

s. 22(1)(a)(ii) (he / him)

Director

Counter-Terrorism Policy and Engagement | Security Law and Policy Branch
 Attorney-General's Department

T: s. 22(1)(a)(ii) **M:** s. 22(1)(a)(ii)

**OFFICIAL: Sensitive**

From: s. 22(1)(a)(ii) <[REDACTED]@dfat.gov.au>
Sent: Tuesday, 4 February 2025 16:12
To: zz [External] s. 22(1)(a)(ii) <[REDACTED]@homeaffairs.gov.au> s. 22(1)(a)(ii) <[REDACTED]@homeaffairs.gov.au>;
 s. 22(1)(a)(ii) <[REDACTED]@ag.gov.au>; s. 22(1)(a)(ii) <[REDACTED]@dfat.gov.au>;
 s. 22(1)(a)(ii) <[REDACTED]@dfat.gov.au>; Middle East and Northern Africa
 s. 22(1)(a)(ii) <[REDACTED]@homeaffairs.gov.au>
Cc: Israel-Gaza Taskforce - IGTF <[REDACTED]@dfat.gov.au>
Subject: Senate Estimates briefing: Israel & OPTs - Australian citizens serving in the IDF and
 s. 22(1)(a)(ii) [SEC=OFFICIAL:Sensitive]

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Hi AGD, DHA and DPL colleagues

Seeking your review of the points below from our Israel and OPTs Back Pocket Brief on Australian citizens serving in the IDF (or a redirect if I've not hit the right areas).

Grateful if you could come back to me with any edits by COB tomorrow/Wednesday 5 Feb.

//

Will the government sanction Australian citizens serving with the Israel Defense Forces?

- Australia's consistent position in the Hamas-Israel conflict is to call for the protection of civilian lives and the observation of international humanitarian law.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.
- Under the Criminal Code Act 1995, it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country
 - this legislation discourages Australians from fighting in overseas conflicts and endangering their lives and the lives of others.

[refer to Attorney-General's Department on legality of Australians serving with the IDF]

//

s. 22(1)(a)(ii)

//

Many thanks

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assistant Director | Israel-Gaza Taskforce
Middle East Branch | Middle East and Africa Division

T s. 22(1)(a)(ii) | M s. 22(1)(a)(ii)

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OFFICIAL

Back Pocket Brief Number: F-1

PDR Number: SB25-000175

BACK POCKET BRIEF

Additional Estimates Hearing – February 2025

Topic: Foreign Fighters
Group: National Operations
Division: Customs Compliance, Enforcement and Targeting

Key Issues:

- ABF officers have legislative powers to question arriving and departing travellers and examine their baggage to detect breaches of the *Customs Act 1901* (Customs Act), *Migration Act 1958*, *Biosecurity Act 2015* and other Commonwealth legislation.
 - Section 186 of the Customs Act permits ABF officers to question travellers and examine baggage in order to ensure travel is legitimate and compliant with Australian law.

Travelling to/from conflict zone

• **s. 22(1)(a)(ii)**

- The ABF profiles or targets individuals departing Australia to commit offences in contravention of Australian law, such as travelling to fight with or join a terrorist organisation or travelling abroad with the intent to commit child sex offences.
- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country.
- Where the ABF suspects a Criminal Code offence, the traveller is referred to the Australian Federal Police (AFP). AFP is the lead agency for investigating foreign incursion and recruitment offences under the Criminal Code.
- The exemption to the foreign incursions offences for serving with the armed forces of a foreign country does not extend to other Commonwealth criminal offences, including sanction offences.
- The Department of Foreign Affairs and Trade (DFAT) are the lead for administering Australia's sanctions regime.

OFFICIAL



OFFICIAL

**Back Pocket Brief Number: F-1
PDR Number: SB25-000175**

- Australians who fight with or recruit for (including inducing, inciting or encouraging) a terrorist organisation, commit a criminal offence.

Israeli soldiers entering Australia

- The ABF does not hold any border alerts for persons suspected of travelling from Israel to Australia having fought with the Israeli Defence Force (IDF).
- Although it is not a criminal offence for an Australian to serve with the IDF, Australian law provides for extended geographical jurisdiction for offences allegedly committed by Australians in overseas conflict zones.
- The ABF is aware of media reporting of IDF personnel being investigated for war crimes outside of Israel.
- Any questions regarding investigations of Australians serving in the IDF can be referred to the AFP.
- The ABF is aware of media reporting suggesting the Israeli Government has instructed IDF members to cease uploading and to delete content of the Hamas/Lebanon/Israel conflict online.
- Any questions regarding the policies of a foreign government and the International Court of Justice ruling can be referred to DFAT.

s. 22(1)(a)(ii)

OFFICIAL



OFFICIAL

Back Pocket Brief Number: F-1

PDR Number: SB25-000175

s. 22(1)(a)(ii)

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under the *Freedom of Information Act 1982*

OFFICIAL



OFFICIAL

Back Pocket Brief Number: F-1
PDR Number: SB25-000175

Consultation:

Area	Title and position
Home Affairs	Counter Terrorism Coordination Centre

Additional References:

- SB23-001255 – *Conflict in Israel and Occupied Palestinian Territories*
- SQ24-002087 – *Travel advice to individuals travelling to Israel and* s. 22(1)(a)(ii)
- SQ24-002142 – *ABF intervention - persons travelling to Israel to fight with the IDF*
- SQ24-002146 – *People of a military age arriving in Australia from Israel*
- s. 22(1)(a)(ii)

Cleared through:	Tony Smith, Assistant Commissioner, Customs Compliance, Enforcement & Targeting Division 22 January 2025
Final clearance: Position: Date:	Tim Fitzgerald Deputy Commissioner, National Operations Group 04 February 2025

OFFICIAL

Home Affairs Media

From: Media Operations
Sent: Tuesday, 25 June 2024 6:06 PM
To: S. 47F(1)
Cc: Media Operations
Subject: S. 47F(1) Inquiry [SEC=OFFICIAL]

OFFICIAL

Dear S. 47F(1),

Thanks for your email and questions, please see a response below:

RESPONSE OFFICIAL

Attributable to a Departmental spokesperson:

- The Australian Government is alert to the potential for Australians to travel to foreign conflicts, including Israel and the Occupied Palestinian Territories and Ukraine, to engage in hostilities.
- The Australian Government does not track the movement of Australians overseas.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.

On background **OFFICIAL** (for use in reporting, not for attribution):

- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country.
- The exemption to the foreign incursions offences for serving with the armed forces of a foreign country does not extend to other Commonwealth criminal offences.
- The Department (including Australian Border Force) works closely with Australian Government partners including operational and security agencies to identify individuals of national security interest that are departing Australia to participate in, or provide logistical or material support in offshore conflicts.
- The ABF does not track individuals travelling overseas intending to serve in foreign militaries.
- All movements across the border are routinely screened using a range of intelligence-informed targeting techniques.
- Interventions include the gathering and assessment of information.

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under the Freedom of Information Act 1982

- The Department of Home Affairs and the ABF are aware of four Australian citizens who have travelled outside of Australia since 7 October 2023 and who were suspected to have departed Australia to serve or attempt to serve with the IDF.
- The ABF intervened with three of the four Australian citizens suspected of departing for Israel since 7 October 2023.

///

Cheers

S. 22(1)(a)(i)

Media Operations

Department of Home Affairs

Media line: 02 6264 2244

E: media@homeaffairs.gov.au

From: S. 47F(1)

Sent: Wednesday, 19 June 2024 8:39 PM

To: Media Operations <media@homeaffairs.gov.au>

Subject: S. 47F(1) Inquiry

Dear Department of Home Affairs,

I'm contacting you on behalf of S. 47F(1) to inquire about reports that the Border Force is stopping and questioning Australians about enlisting in the IDF Post-October 7.

What is the purpose of these interventions? Are such interventions performed for other Australians seeking to join foreign militaries or conflicts? For example, is this procedure also implemented for Australians seeking to enlist with the Ukrainian military? How many Israelis were stopped?

Thank you,

S. 47F(1)

OFFICIAL

Home Affairs Media

From: Media Operations
Sent: Thursday, 30 May 2024 3:09 PM
To: s. 47F(1)
Cc: Media Operations
Subject: RE: Media enquiry [SEC=OFFICIAL]

OFFICIAL

Hi s. 47F(1),

The information you are requesting can be accessed via data.gov.au: [BP0022 Overseas Arrivals and Departures \(OAD\) pivot table 2023-24 to 29 February 2024.xlsx](#) | [Resources](#) | [data.gov.au - beta](#)

Should you have any specific questions regarding the information requested, feel free to reach out.

Thanks,

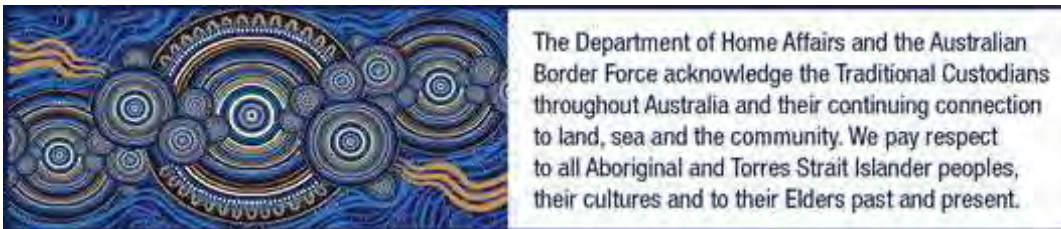
s. 22(1)(a)(ii)

Media Operations and Social Media

Department of Home Affairs

Media line: 02 6264 2244

E: media@homeaffairs.gov.au | socialmedia@homeaffairs.gov.au



OFFICIAL

From: s. 47F(1)
Sent: Thursday, 30 May 2024 11:53 AM
To: Media Operations <media@homeaffairs.gov.au>
Subject: Media enquiry

Hello,

s. 22(1)(a)(ii) from DFAT referred me to Home Affairs.

I am writing a story on Israeli-Australians travelling overseas.

1. How many dual Israeli-Australian citizens have left Australia since October 7 2023? How many have returned to Australia?
2. How many Israeli citizens have left Australia since October 7 2023?
3. How many Israeli citizens have entered Australia since October 7 2023?

My deadline is 4pm please.

Cheers,

s. 22(1)(a)(ii)

S. 47F(1) | Reporter

S. 47F(1)

Home Affairs Media

From: Media Operations
Sent: Monday, 17 June 2024 2:46 PM
To: S. 47F(1)
Cc: ABF Media; Media Operations
Subject: RESPONSE: Media enquiry for ABF/Home Affairs - S. 47F(1) - midday Friday [SEC=OFFICIAL]

OFFICIAL

Hi S. 47F(1),

Sincere apologies for the delay getting back to you.

The below response can be attributed to a Departmental spokesperson:

- The Australian Government is alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
 - The Australian Government does not track the movement of Australians overseas.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.

On background (for use in reporting, not for attribution):

- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country.
- The exemption to the foreign incursions offences for serving with the armed forces of a foreign country does not extend to other Commonwealth criminal offences.
- The Department (including Australian Border Force) works closely with Australian Government partners including operational and security agencies to identify individuals of national security interest that are departing Australia to participate in, or provide logistical or material support in offshore conflicts.
- The ABF does not track individuals travelling overseas intending to serve in foreign militaries.
- All movements across the border are screened using a range of intelligence-informed targeting techniques.
- Interventions include the gathering and assessment of information.

Kind regards,

S. 22(1)(a)(ii)

Media Operations
Department of Home Affairs
Media line: 02 6264 2244
E: media@homeaffairs.gov.au

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OFFICIAL

From: Media Operations <media@homeaffairs.gov.au>
Sent: Friday, 14 June 2024 6:20 PM
To: S. 47F(1)
Cc: ABF Media <media@abf.gov.au>; Media Operations <media@homeaffairs.gov.au>
Subject: RE: Media enquiry for ABF/Home Affairs - S. 47F(1) - midday Friday [SEC=OFFICIAL]

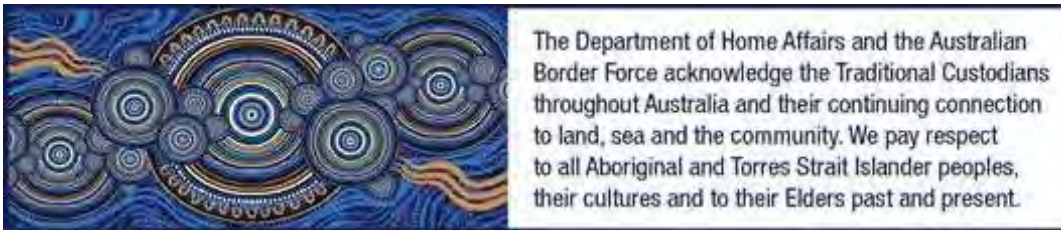
OFFICIAL

Hi S. 47F(1)

We are still working on a response, it's unlikely we will get a reply to you by end of day but will keep you in the loop.

Thanks,
S. 22(1)(a)(ii)

Media Operations and Social Media
Department of Home Affairs
Media line: 02 6264 2244
E: media@homeaffairs.gov.au | socialmedia@homeaffairs.gov.au



OFFICIAL

From: S. 47F(1)
Sent: Friday, 14 June 2024 6:18 PM
To: Media Operations <media@homeaffairs.gov.au>
Cc: ABF Media <media@abf.gov.au>
Subject: Re: Media enquiry for ABF/Home Affairs - S. 47F(1) - midday Friday [SEC=OFFICIAL]

Hi, I just wanted to check whether this is coming today so I can update my editor? Thanks

S. 47F(1) (he/him)
Foreign affairs and defence correspondent

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under the Freedom of Information Act 1982

s. 47F(1) | Australia

Landline: s. 47F(1)

Email: s. 47F(1)



s. 47F(1)

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On Thu, 13 Jun 2024 at 17:29, Media Operations <media@homeaffairs.gov.au> wrote:

OFFICIAL

Thanks s. 47F(1)

We will endeavour to get back to you as soon as possible and keep you updated on how it is tracking tomorrow afternoon.

Kind regards,

s. 22(1)(a)(ii)

Media Operations

Department of Home Affairs

Media line: 02 6264 2244

E: media@homeaffairs.gov.au

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OFFICIAL

From: s. 47F(1)
Sent: Thursday, 13 June 2024 4:29 PM
To: Media Operations <media@homeaffairs.gov.au>
Cc: ABF Media <media@abf.gov.au>
Subject: Re: Media enquiry for ABF/Home Affairs - s. 47F(1) - midday Friday [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii),

Thank you. I realise it's a sensitive topic, and you may need more time, but I'm seeking to clarify something that has already been placed in the public domain, so I'm really keen for an answer at some point tomorrow so that my story is well-informed. What time is realistic? Can it be later on Friday afternoon?

Thanks,

s. 47F(1)

 s. 47F(1) (he/him)
 Foreign affairs and defence correspondent
 s. 47F(1) Australia

Landline: s. 47F(1)
 Email: s. 47F(1)

s. 47F(1)

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On Thu, 13 Jun 2024 at 16:15, Media Operations <media@homeaffairs.gov.au> wrote:

OFFICIAL

Hi S. 47F(1),

Confirming receipt and the team are currently working on this request.

Apologies as we may not be able to meet the midday deadline – is it possible to seek an extension?

Many thanks,

S. 22(1)(a)(ii)

Media Operations

Department of Home Affairs

Media line: 02 6264 2244

E: media@homeaffairs.gov.au

OFFICIAL

From: S. 47F(1)

Sent: Thursday, 13 June 2024 4:12 PM

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under the *Freedom of Information Act 1982*

To: Media Operations <media@homeaffairs.gov.au>; ABF Media <media@abf.gov.au>
Subject: Re: Media enquiry for ABF/Home Affairs - Guardian Australia - midday Friday

Checking you received this? Thanks

 s. 47F(1) (he/him)
 Foreign affairs and defence correspondent
 s. 47F(1) | Australia

Landline: s. 47F(1)
 Email: s. 47F(1)



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On Thu, 13 Jun 2024 at 13:15, s. 47F(1) > wrote:

Good afternoon,

I have seen the following on the Home Affairs FOI disclosure log, regarding FA 23/12/01097 ("Number of Australian citizens who have travelled to Israel to join the Israeli Defence Force from 7 October 2023; Number of Australian citizens in the Israeli Defence Force as at 20 December 2023"):

<https://www.homeaffairs.gov.au/foi/files/2024/fa-231201097-document-released.PDF>

The response includes this information:

"The Department of Home Affairs and the ABF are aware of four (4) Australian citizens who have travelled outside of Australia since 7 October 2023 and who were suspected to have departed Australia to serve or attempt to serve with the IDF.

The ABF intervened with three (3) of the four (4) Australian citizens suspected of departing for Israel since 7 October 2023."

For the purposes of accuracy, I wanted to check:

1. What does "intervened" mean here? What particular action is the ABF taking - is it seeking to discourage people from travelling to serve with the IDF?

2. Do you have any updated figures on the above?

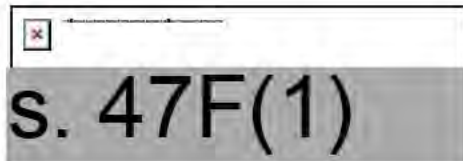
Seeking clarity/answers by midday tomorrow please.

Thanks,

s. 47F(1)

s. 47F(1) (he/him)
Foreign affairs and defence correspondent
s. 47F(1) | Australia

Landline: s. 47F(1)
Email: s. 47F(1)



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s. 47F(1)

s. 22(1)(a)(ii)

From: s. 47F(1)
Sent: Tuesday, 7 May 2024 1:27 PM
To: Media Operations
Cc: Media Operations
Subject: Re: RESPONSE: Media request [SEC=OFFICIAL]

Categories: NSCC

Hi s. 22(1)(a),

Thank you for this.
Kind regards,

s. 47F(1)

s. 47F(1)

Investigations Editor- s. 47F(1)

s. 47F(1)

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From: Media Operations <media@homeaffairs.gov.au>
Date: Tuesday, 7 May 2024 at 12:41 pm
To: S. 47F(1)
Cc: Media Operations <media@homeaffairs.gov.au>
Subject: [EXTERNAL] RESPONSE: Media request [SEC=OFFICIAL]

OFFICIAL

Good afternoon S. 47F(1)

Apologies for the delay in getting this to you. Please see below our response to your enquiry.

//

Attributable to a Departmental spokesperson:

- * The Australian Government is alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- * The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.

On background OFFICIAL (for use in reporting, not for attribution):

- * Please refer to the response<https://www.aph.gov.au/Parliamentary_Business/Senate_estimates/legcon/2023-24_Additional_estimates/Home_affairs> provided by the Department of Home Affairs to a similar FOI request in relation to Australian citizens who are suspected of travelling overseas to serve or attempt to serve with the Israeli Defence Force.
- * A breakdown of the number of Australians who have attempted to leave Australia with an intention to join Hamas, Hezbollah or Houthis is not available.
- * Under the Criminal Code Act 1995 (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country.
- * The exemption to the foreign incursions offences for serving with the armed forces of a foreign country does not extend to other Commonwealth criminal offences.
- * Australians who travel to fight with a terrorist organisation, or recruit another person to do so (including inducing, inciting or encouraging), are committing a criminal offence.
- * We have strong laws aimed at discouraging people travelling to engage in hostilities, including passport cancellations where criteria are met, and foreign incursions offences.
- * The Department (including Australian Border Force) works closely with Australian Government partners including operational and security agencies to identify individuals of national security interest that are departing Australia to participate in, or provide logistical or material support in offshore conflicts.
- * All movements across the border are screened using a range of intelligence-informed targeting techniques.

//

Kind regards,

s. 22(1)(a)

Media Operations

Department of Home Affairs

Media line: 02 6264 2244

E: media@homeaffairs.gov.au<mailto:media@homeaffairs.gov.au>

OFFICIAL

From S. 47F(1)

Sent: Tuesday, 23 April 2024 3:41 PM

To: Media Operations <media@homeaffairs.gov.au>

Cc: Media Operations <media@homeaffairs.gov.au>

Subject: Re: Media request [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for your email.

I'd love to get the information in the next week if possible?

Kind regards,

S. 47F(1)

Investigations Editor - S. 47F(1)

S. 47F(1)

,

Sydney

,

New South Wales

,

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^{S. 47F(1)} Australia.

From: Media Operations <media@homeaffairs.gov.au<mailto:media@homeaffairs.gov.au>>
Date: Tuesday, 23 April 2024 at 3:15 pm
To: ^{S. 47F(1)}
Cc: Media Operations <media@homeaffairs.gov.au<mailto:media@homeaffairs.gov.au>>
Subject: [EXTERNAL] RE: Media request [SEC=OFFICIAL]

OFFICIAL
Hi ^{s. 47F(1)}

Just confirming we've received your email. As far as I can tell this is the first time your enquiry's made its way to us, so apologies for that.

Can I get a sense of your deadline on this one?

Kind regards

^{s. 22(1)(a)(ii)}

Media Operations and Social Media
Department of Home Affairs
Media line: 02 6264 2244
E: media@homeaffairs.gov.au<mailto:media@homeaffairs.gov.au> |
socialmedia@homeaffairs.gov.au<mailto:socialmedia@homeaffairs.gov.au>

OFFICIAL

From: ^{S. 47F(1)}
Sent: Tuesday, 23 April 2024 1:17 PM
To: Media Operations <media@homeaffairs.gov.au<mailto:media@homeaffairs.gov.au>>
Subject: Media request

Hello media team,

I requested some information via FOI from your department last week. They have since advised me to seek this information as a data request, which I have done as directed via your online form. However, I haven't received any confirmation so am wondering if it has been received. Can I instead request this information as a media inquiry? Here's the information I am seeking:

Please provide a monthly breakdown of the number of Australians suspected of departing Australia with an intention to serve in the Israeli Defence Force since 7 October 2023. Please also provide a monthly breakdown of the number of Australians who have attempted to/been prevented from leaving Australia with an intention to join Hamas, Hezbollah or Houthis since 7 October 2023.

Would be great if you could let me know.
Kind regards,

s. 47F(1)

Investigations Editor - s. 47F(1)

s. 47F(1)

Investigations Editor- s. 47F(1)

s. 47F(1)

[Image removed by sender.]

[Image removed by sender.]<https://s. 47F(1)>

s. 47F(1)

[cid:image001.png@01DAA07B.5C429560]<https://s. 47F(1)>

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s. 47F(1) Australia.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

From: FOI <foi@homeaffairs.gov.au<mailto:foi@homeaffairs.gov.au>>
Date: Tuesday, 16 April 2024 at 2:08 pm
To: S. 47F(1)
Subject: [EXTERNAL] Response to FOI request from Home Affairs FA24/04/00857 SEC=OFFICIAL

OFFICIAL: Sensitive

In reply please quote:

FOI Request: 24/04/00857
File Number: FA24/04/00857
Dear S. 47F(1)

Acknowledgement of Freedom of Information Access request

This letter acknowledges we received your request on Tuesday, 16 April 2024 at 1:47:44 PM to access documents held by the Department of Home Affairs (the Department) under the Freedom of Information Act 1982 (the FOI Act). This letter also provides important information about your request.

Scope of request

You have requested access to the following:

Please provide a monthly breakdown of the number of Australians suspected of departing Australia with an intention to serve in the Israeli Defence Force since 7 October 2023 Please also provide a monthly breakdown of the number of Australians who have attempted to/been prevented from leaving Australia with an intention to join Hamas, Hezbollah or Houthis since 7 October 2023.

Your request was received by the Department on Tuesday, 16 April 2024 at 1:47:44 PM and has been allocated FOI request number: FA24/04/00857

Please include your FOI request number in all correspondence with the Freedom of Information Section.
Timeframe

The timeframe for processing a request is 30 days from the day we receive your request, as set out in the FOI Act.

Your review rights in relation to your request are available on the website of the Office of the Australian Information Commissioner here. <<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints>>

Fees and Charges

Charges do not apply to requests from individuals seeking access to documents about themselves. However, a charge may apply to all other requests for access to documents.

Charges are based on the amount of time the Department spends on your request. Charges can range from \$10 to over \$1,000 depending on the complexity and scope of your request. The Office of the Australian Information Commissioner reported that across the public service, the average charge notified was \$335.50 in 2020-21.

If a charge applies, you will be issued with a Notice of Charge that explains the charge and your options.

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under the Freedom of Information Act 1982

Detailed information about FOI charges that may apply to your FOI request is available on the Department's website.
<<https://www.homeaffairs.gov.au/access-and-accountability/freedom-of-information/access-to-information/we-consider-your-foi-request#content-index-0>>
We do not provide personal details of staff

The Department's practice is to exclude the personal details of staff not in the Senior Executive Service (SES), as well as the direct contact details of SES staff, contained in documents that fall within scope of an FOI request. If you require personal details of non-SES officers, or direct contact details of SES staff, please inform us so the decision maker may consider your request. Otherwise we will take it that you agree to that information being excluded from the scope of your request. However names of staff that have previously been released in departmental correspondence may be disclosed..
We do not provide duplicated documents

If the FOI decision-maker deems a document to be a duplicate, they will not assess those pages as part of your FOI request. This means that if there is a decision to release the document to you, you will receive only one copy, even if multiple copies of that document exists.

Released documents you request may be published to our website

Where documents are released to you in response to your request, the Department may be required to publish these documents on its website within 10 working days in accordance with section 11C of the FOI Act. Publication will not be required where the documents contain personal or business affairs information.

How to refine or withdraw your request

Refining your request can reduce the time and charges associated with processing your FOI request.

To refine or withdraw your request, contact the FOI section at foi@homeaffairs.gov.au and include your FOI request number.

OFFICIAL: Sensitive

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OFFICIAL

Back Pocket Brief Number: CTCC-04

BACK POCKET BRIEF

**Home Affairs Portfolio
Department of Home Affairs
Budget Estimates Hearing – May 2024**

BACK POCKET BRIEF

Topic: Conflict in Israel and Occupied Palestinian Territories

Group: National Security and Resilience

Division: Counter-Terrorism Coordination Centre

s. 22(1)(a)(ii)

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

OFFICIAL

Clearing Officer: Gemma Smyth | A/g First Assistant Secretary, Counter-Terrorism Coordination
Centre
SB24-000402

Page 1 of 4
As at 22 April 2024

OFFICIAL**Back Pocket Brief Number: CTCC-04****Travel to foreign conflict zones**

- Australian Government agencies are alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- There is a range of measures in place to deter foreign fighters travelling to overseas conflict zones, including ‘Do not travel’ advice, passport refusal, cancellation and suspension action, and foreign incursions and recruitment offences.
- Australians who travel to fight who are not serving in the armed forces of a foreign country may be committing a criminal offence.
- Australians who travel to fight with a terrorist organisation, or recruit another person to do so (including inducing, inciting or encouraging), are committing a criminal offence.
 - Hamas, Hizballah and Palestinian Islamic Jihad are listed terrorist organisations.
- Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis.

s. 22(1)(a)(ii)

OFFICIAL

OFFICIAL**Back Pocket Brief Number: CTCC-04****Declared areas**

- Under Division 119 of the *Criminal Code Act 1995*, an Australian citizen, resident or visa holder commits an offence if they enter or remain in an area in a foreign country declared by the Foreign Affairs Minister.
- The offence does not prevent a person from travelling to a declared area for a specified legitimate purpose.
 - Legitimate purposes include the provision of humanitarian aid, working as a journalist, or visiting a family member.
- Before declaring an area in a foreign country, the Minister for Foreign Affairs must be satisfied that a listed terrorist organisation is engaging in a hostile activity in that area of the foreign country.
- The Minister for Foreign Affairs must arrange for the Leader of the Opposition in the House of Representatives to receive a briefing on the proposed declaration.
- There are no declared areas currently in effect.

s. 22(1)(a)(ii)

Additional Information

Statistic and Financial Reporting Period:

OFFICIAL

Clearing Officer: Gemma Smyth | A/g First Assistant Secretary, Counter-Terrorism Coordination
Centre
SB24-000402

Page 3 of 4
As at 22 April 2024

OFFICIAL**Back Pocket Brief Number: CTCC-04**

Statistics Date Ranges – May 2024 Additional Estimates	
Since last hearing	1 January 2024 – 31 March 2024
Financial Year	1 July 2023 – 31 March 2024

OFFICIAL



Ref No: MC23-00000X

Details of person (Physical Address and/or Email)

This section will autofill

Dear XXXX

Thank you for your correspondence of XX XX 2024 to the Minister for Home Affairs and Minister for Cyber Security the Hon Clare O'Neil MP, concerning foreign fighters. The Minister appreciates the time you have taken to bring this matter to her attention and has asked that I reply on her behalf.

OR

Thank you for your correspondence of XX XX 2024 concerning foreign fighters. Your correspondence has been referred to the Minister for Home Affairs and Minister for Cyber Security, the Hon Clare O'Neil MP, as the matter raised falls within her portfolio responsibilities. The Minister appreciates the time you have taken to bring this matter to her attention and has asked that I reply on her behalf.

The Australian Government continues to monitor Australians and Australian visa holders who may be interested in travelling to conflict regions to engage in hostilities, including the Israel Hamas conflict. Australian law prohibits Australian citizens, residents, and holders of Australian visas, from intending to, preparing for, or engaging in hostile activities overseas, unless serving in or with the armed forces of a foreign country. Australians who travel to fight with a non-government armed group on either side of the Israel Hamas conflict – or recruit another person to do so (including inducing, inciting or encouraging) – may be committing a criminal offence.

Although it is not a criminal offence for an Australian to serve with the armed forces of a foreign country, Australian law provides for extended geographical jurisdiction for offences occurring in overseas conflict zones, including genocide, crimes against humanity and war crimes. Australians, including dual-nationals, serving in or with the armed forces of a foreign country who have returned to Australia and who are suspected of committing a criminal offence in an overseas conflict region may be investigated by law enforcement and security agencies.

Thank you for raising this matter with the Minister.

Yours sincerely

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Director
Counter-Terrorism Coordination Centre
XX XX 2024

Minister Andrew Giles

PDR Number MC24-010098

Subject Citizenship - Alison Byrnes MP OBO **S. 47F(1)**

Initiator Ms Alison Byrnes MP

Action Officer: **s. 22(1)(a)(ii)**

Phone:

Clearance Officer: Gemma Smyth

Phone: **s. 22(1)(a)(ii)**

Division/Branch NSRG - CT Coordination Centre

Date response provided to MO: Click here to enter text.

Copies/referral required: ☐

The Guidelines for Processing Ministerial Correspondence will assist you in preparing your response. They can be found at:

s. 22(1)(a)(ii)

Adviser/DLO Comments:

Return to
Dept for:

Redraft ☐

NFA ☐

From: DLO.O'Neil
 To: s. 22(1)(a)(ii) Ministerial Correspondence; SCU
 Cc: MO Registration; Elizabeth WHITE; Middle East and Northern Africa; DLO.O'Neil
 Subject: RE: STANDING COMMITTEE ON PETITIONS – EN5783 - Investigate Australian citizens in the IDF for alleged war crimes – Susan Templeman MP, Chair, Standing Committee on Petition (B/ONEIL/EG-INTELLIGENCE/GOVBUS/TST:PETITION + 20 days) [SEC=OFFICIAL]
 Date: Tuesday, 26 March 2024 8:49:16 AM
 Attachments: image001.jpg
 image002.jpg
 image003.jpg
 image004.jpg

OFFICIAL

Good morning s. 22(1)(a)

I have referred this one back to the committee to re-assign to AGD.

Many Thanks

s. 22(1)(a)(ii)

Departmental Liaison Officer
 Office of the Hon Clare O'Neil MP
 Minister for Home Affairs | Minister for Cyber Security
 Parliament House, Canberra

Mobile: s. 22(1)(a)(ii) | Phone: s. 22(1)(a)(ii)
 Email: s. 22(1)(a)(ii)@homeaffairs.gov.au

OFFICIAL

From: s. 22(1)(a)(ii) @homeaffairs.gov.au>
 Sent: Monday, 25 March 2024 11:18 AM
 To: Ministerial Correspondence s. 22(1)(a)(ii) @homeaffairs.gov.au>; SCU s. 22(1) homeaffairs.gov.au>; petitions.committee.reps@aph.gov.au
 Cc: DLO.O'Neil s. 22(1)(a)(ii)@homeaffairs.gov.au>; MO Registration s. 22(1)(a)(ii) @homeaffairs.gov.au>; Elizabeth WHITE s. 22(1)(a)(ii) @homeaffairs.gov.au>; Middle East and Northern Africa s. 22(1)(a)(ii) @homeaffairs.gov.au>
 Subject: RE: STANDING COMMITTEE ON PETITIONS – EN5783 - Investigate Australian citizens in the IDF for alleged war crimes – Susan Templeman MP, Chair, Standing Committee on Petition (B/ONEIL/EG-INTELLIGENCE/GOVBUS/TST:PETITION + 20 days) [SEC=OFFICIAL]

OFFICIAL

Dear all

AGD has just called and agreed to respond to this petition in consultation with Home Affairs CT legal policy, they have also received a similar request.

The responsible area will be s. 22(1)(a)(ii) Counter Terrorism Policy and Engagement AGD.

Min corro team are you able to re-assign to AGD - MC24-005156 (Draft) - STANDING COMMITTEE ON PETITIONS – EN5783 - Investigate Australian citizens in the IDF for alleged

Please let me know if I need to do anything else to close this off.

Kind regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Acting Director Middle East and Northern Africa | International Division
 Department of Home Affairs
 P: s. 22(1)(a)(ii) M: s. 22(1)(a)(ii)
 E: s. 22(1)(a)(ii)@homeaffairs.gov.au

cid:image001.jpg@01D848FB.622172A0

OFFICIAL

From: Ministerial Correspondence s. 22(1)(a)(ii) @homeaffairs.gov.au>

Released by Department of Home Affairs
 under the Freedom of Information Act 1982

Sent: Monday, 26 February 2024 1:51 PM
To: SCU <[s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>
Subject: STANDING COMMITTEE ON PETITIONS – EN5783 - Investigate Australian citizens in the IDF for alleged war crimes – Susan Templeman MP, Chair, Standing Committee on Petition (B/ONEIL/EG-INTELLIGENCE/GOVBUS/TST:PETITION + 20 days)

OFFICIAL

OFFICIAL

From: DLO.O'Neil [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)
Sent: Monday, 26 February 2024 1:01 PM
To: Ministerial Correspondence [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)
Cc: DLO.O'Neil [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)
Subject: FW: Petition Ministerial Referral (EN5783) [SEC=OFFICIAL]

OFFICIAL

Hi team

Corro below for registration and Minister response, response due within 90 days.

Best
[s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)

[s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)
Departmental Liaison Officer

Office of the Hon Clare O'Neil MP
Minister for Home Affairs | Minister for Cyber Security
M: [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)
E: [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)

OFFICIAL

From: petitions.committee.reps@aph.gov.au <petitions.committee.reps@aph.gov.au>
Sent: Monday, 26 February 2024 12:17 PM
To: DLO.O'Neil [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)
Subject: Petition Ministerial Referral (EN5783)



26/02/2024

Ms Clare O'Neil MP
Minister for Home Affairs
Parliament House
Canberra ACT 2600

Dear Minister,

A petition in the following terms was recently presented in the House.

Presentation date: 26/02/2024
Petition number: EN5783 (Please quote in future correspondence)

Number of signatures: 967

Terms:

- **Reason:** The United Nations and its various bodies, and international human rights organisations, have all stated that the ongoing siege of Gaza and Israel's actions in Gaza since October 7 2023, represent clear violations of international law, which could amount to war crimes; crimes against humanity; and genocide. These crimes are codified in Division 268 of the Commonwealth Criminal Code, meaning Australia has the jurisdiction to investigate and prosecute persons involved in their commission, regardless of their nationality or on the territory where the crime took place. An undisclosed number of dual citizens of Australia and Israel were part of the over 360,000 reservists summoned by the Israel Defense Force (IDF) following the October 7 Hamas attack to "join the fight". These reservists were subsequently flown, some individually and some via repatriation flights, to Israel to join the IDF's attack on Gaza and throughout the Occupied Palestinian Territory. Given the catastrophic situation and the unfolding genocide in Gaza,
- **Request:** We therefore ask the House to establish an urgent parliamentary inquiry to inquire into the involvement of Australian nationals in the IDF's operations in the OPT and an Australian Federal Police investigation of those individuals involved in the IDF's offensive. For the safety of Australia, we must ensure that we are committed to upholding our laws so that citizens alleged to be involved in the commission of grave crimes are investigated and prosecuted. Such an inquiry should request that Israel cooperate fully with the inquiry and any investigation.

As you may be aware, under Standing Order 209(a) and (b) the Petitions Committee may refer a copy of a petition to the Minister responsible for the administration of the matter raised in the petition. A written response to the referred petition is expected within 90 days of its presentation in the House.

When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and posted on the Committee's website at: <https://www.aph.gov.au/e-petitions>.

I look forward to receiving your response in due course.

Please email your response to the Petitions Committee at petitions.committee.reps@aph.gov.au

Yours sincerely

cid:signatureImage



Ms Susan Templeman MP
Chair

STANDING COMMITTEE ON PETITIONS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2152 | Email: petitions.committee.reps@aph.gov.au

From: [DLO.O'Neil](#)
To: ["petitions.committee.reps@aph.gov.au"](#)
Cc: [DLO.O'Neil](#)
Bcc: [Ministerial Correspondence](#)
Subject: RE: Petition Ministerial Referral (EN5783) [SEC=OFFICIAL]
Date: Tuesday, 26 March 2024 8:46:00 AM
Attachments: [image001.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

OFFICIAL

Good morning

The Attorney-General Department have agreed to lead this response. Grateful if you can please re-assign this one to AGD.

Many Thanks

S. 22(1)(a)(ii)
Departmental Liaison Officer
Office of the Hon Clare O'Neil MP
Minister for Home Affairs | Minister for Cyber Security
Parliament House, Canberra

Mobile: **S. 22(1)(a)(ii)** | **Phone:** **S. 22(1)(a)(ii)**
Email: **S. 22(1)(a)(ii)**@homeaffairs.gov.au

OFFICIAL

From: [petitions.committee.reps@aph.gov.au](#) <[petitions.committee.reps@aph.gov.au](#)>
Sent: Monday, 26 February 2024 12:17 PM
To: DLO.O'Neil **S. 22(1)(a)(ii)**@homeaffairs.gov.au
Subject: Petition Ministerial Referral (EN5783)



26/02/2024

Ms Clare O'Neil MP
Minister for Home Affairs
Parliament House
Canberra ACT 2600

Dear Minister,

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Presentation date: 26/02/2024
Petition number: EN5783 *(Please quote in future correspondence)*
Number of signatures: 967

- Terms:**
- Reason:** The United Nations and its various bodies, and international human rights organisations, have all stated that the ongoing siege of Gaza and Israel's actions in Gaza since October 7 2023, represent clear violations of international law, which could amount to war crimes; crimes against humanity; and genocide. These crimes are codified in Division 268 of the Commonwealth Criminal Code, meaning Australia has the jurisdiction to investigate and prosecute persons involved in their commission, regardless of their nationality or on the territory where the crime took place. An undisclosed number of dual citizens of Australia and Israel were part of the over 360,000 reservists summoned by the Israel Defense Force (IDF) following the October 7 Hamas attack to "join the fight". These reservists were subsequently flown, some individually and some via repatriation flights, to Israel to join the IDF's attack on Gaza and throughout the Occupied Palestinian Territory. Given the catastrophic situation and the unfolding genocide in Gaza,
 - Request:** We therefore ask the House to establish an urgent parliamentary inquiry to inquire into the involvement of Australian nationals in the IDF's operations in the OPT and an Australian Federal Police investigation of those individuals involved in the IDF's

offensive. For the safety of Australia, we must ensure that we are committed to upholding our laws so that citizens alleged to be involved in the commission of grave crimes are investigated and prosecuted. Such an inquiry should request that Israel cooperate fully with the inquiry and any investigation.

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When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and posted on the Committee's website at: <https://www.aph.gov.au/e-petitions>.

I look forward to receiving your response in due course.

Please email your response to the Petitions Committee at petitions.committee.reps@aph.gov.au

Yours sincerely



Ms Susan Templeman MP
Chair

STANDING COMMITTEE ON PETITIONS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2152 | Email: petitions.committee.reps@aph.gov.au

From: s. 22(1)(a)(ii)
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii); [DM Israel-Gaza-Taskforce](#); s. 22(1)(a)(ii) (DFAT); s. 22(1)(a)(ii)
s. 22(1)(a)(ii); [Middle East and Northern Africa](#)
Subject: FW: For Input and review - Due Midday Monday 22 March 2024 - MC24-00200, PRIORITY A - Petition EN5771 - Prevent Australian citizens from serving in the Israel Defence Forces (IDF) [SEC=OFFICIAL:Sensitive]
Date: Friday, 22 March 2024 4:17:33 PM
Attachments: [image001.png](#)
[Petition Ministerial Referral \(EN5771\).msg](#)
[Priority A MC24-002001 - Australian's serving with the IDF.docx](#)
[FW STANDING COMMITTEE ON PETITIONS EN5783 - Investigate Australian citizens in the IDF for alleged war crimes Susan Templeman MP Chair Standing Committee on Petition \(BONFILEG- INTELLIGENCEGOVBUSTSTPETITION + 20 days\) SECOFFICIAL.msg](#)

OFFICIAL: Sensitive

Apologies, with correct cc's

Kind regards

s. 22(1)(a)(ii)

Legal Policy Officer | Israel-Gaza Taskforce
Middle East Branch | Middle East and Africa Division
Department of Foreign Affairs and Trade
P s. 22(1)(a)(ii) | M s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, March 22, 2024 3:54 PM
To: s. 22(1)(a)(ii) @ag.gov.au>
Cc: s. 22(1)(a)(ii) @ag.gov.au>; s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @dfat.gov.au>; s. 22(1)(a)(ii) @dfat.gov.au>; s. 22(1)(a)(ii)
@dfat.gov.au>; s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au>; s. 22(1)(a)(ii) @afp.gov.au>; Middle East and
Northern Africa s. 22(1)(a)(ii) @homeaffairs.gov.au>
Subject: FW: For Input and review - Due Midday Monday 22 March 2024 - MC24-00200, PRIORITY A - Petition EN5771 - Prevent Australian citizens from serving in the Israel Defence Forces (IDF) [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s. 22(1)(a)(ii)

Thank you for your email. s. 22(1)(a)(ii) forwarded your email to us (Israel-Gaza Taskforce).

We note Home Affairs have also requested our input in another petition in relation to Australian citizens serving with the IDF (EN6783 - **attached**). I have spoken to Home Affairs (s. 22(1)(a)(ii) cc'd) and we both agree AGD would be best placed to coordinate and respond to both.

I tried to give you a call this afternoon, feel free to give me a call to discuss further to ensure we're all on the same page.

We will also provide DFAT comments/input on the **attached** early next week.

Kind regards

s. 22(1)(a)(ii)

Legal Policy Officer | Israel-Gaza Taskforce
Middle East Branch | Middle East and Africa Division
Department of Foreign Affairs and Trade
P s. 22(1)(a)(ii) | M s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii) <[redacted]@ag.gov.au>
Sent: Friday, March 22, 2024 8:53 AM
To: s. 22(1)(a)(ii) <[redacted]@dfat.gov.au>
Cc: s. 22(1)(a)(ii) <[redacted]@ag.gov.au>; s. 22(1)(a)(ii) <[redacted]@ag.gov.au>
Subject: For Input and review - Due Midday Monday 22 March 2024 - MC24-00200, PRIORITY A - Petition EN5771 - Prevent Australian citizens from serving in the Israel Defence Forces (IDF) [SEC=OFFICIAL]

OFFICIAL

Hi [redacted],

We have received a Priority A Ministerial Correspondence regarding preventing Australian citizens from serving in the Israel Defence Forces, which I have attached above for your review along with our response. If your area isn't responsible for this, we would appreciate you forwarding this on to the relevant area.

Please let us know if DFAT would have any comments or additional input into the correspondence given the nature of the issue.

If you would be able to get us input on this **before midday Monday**, that would be greatly appreciated.

Thanks,

s. 22(1)(a)(ii)

Policy Officer | Counter Terrorism Policy & Engagement
National Security and Criminal Justice Group
Attorney-General's Department
Phone s. 22(1)(a)(ii)



OFFICIAL

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PDR Number MC24-002001**Date of Letter** 28 February 2024**ATTORNEY REPLY****CORRESPONDENT**

Ms Susan Templeman MP
 Chair of Standing Committee on Petitions
 Member for Macquarie
 Senator for NEW SOUTH WALES

SUBJECT: PRIORITY A - REFERRAL IN DEFENCE - Petition EN5771 – To Prevent Australian citizens from serving in the Israel Defense Forces (IDF)

DEADLINE FOR RESPONSE: N/A

HISTORY:

Date received by MO:	28 February 2024
Date received by Dept:	28 February 2024
Date due in MO:	26 March 2024
Date sent to MO:	26 March 2024
Date returned for redraft:	[MCU - Insert date returned for redraft]
Date redrafted and returned to MO:	[MCU - Insert date returned to MO after redraft]
Reason if overdue:	N/A



Australian Government
Attorney-General's Department

MINISTERIAL CORRESPONDENCE AUTHORISATION SHEET

Ministerial Correspondence Details	
Min Rep No:	MC24-002001
Subject:	PRIORITY A - Petition EN5771 – To Prevent Australian citizens from serving in the Israel Defense Forces (IDF)
Deadline for response:	
Correspondent:	Ms Susan Templeman MP
Summary/Overview:	This petition requests that the House of Representatives enact legislation that will prevent Australian citizens from serving in the Israel Defence Forces, noting it is unacceptable that Australian citizens continue to serve in the IDF.
Special Points for Attention:	N/A
Previous Relevant Corro:	N/A
Authorised By:	Name: Luke Muffett Position: Assistant Secretary Division: Security Law and Policy Branch Phone: s. 22(1)(a)(ii)

Minister's Office Use <i>(Relevant information to be inserted by DLO/Adviser as required)</i>



Attorney-General

Reference: MC24-002001

Ms Susan Templeman MP
 Chair of Standing Committee on Petitions
 PO Box 6022
 Parliament House
 CANBERRA ACT 2600

By email:
Susan.Templeman.MP@aph.gov.au

Dear Chair

Thank you for your correspondence of 28 February 2024 to the Deputy Prime Minister, the Hon Richard Marles MP, regarding petition EN5771, *Preventing Australian citizens from serving in the Israel Defence Forces (IDF)*. Your correspondence has been referred to me as the subject matter falls within my portfolio responsibilities.

Australia recognises Israel's right to defend itself, but the way it does so matters. Israel must do everything it can to observe international humanitarian law and protect civilians when conducting military operations targeting Hamas.

The Australian Government is alert to the potential for Australians to travel to the Middle East region and engage in hostilities. The Government has robust frameworks to prohibit Australians from engaging in hostilities overseas and manage the return of foreign fighters. Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country. Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis.

The Government cautions all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence. Allegations of Commonwealth offences should be reported to the Australian Federal Police (AFP).

I trust this information is of assistance.

Yours sincerely

THE HON MARK DREYFUS KC MP

/ /2024

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 under the Freedom of Information Act 1982

From: petitions.committee.reps@aph.gov.au
To: [DLO DPM](#)
Subject: Petition Ministerial Referral (EN5771)
Date: Monday, 26 February 2024 12:10:04 PM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)
[ATT00003.tif](#)

26/02/2024

Hon Richard Marles MP
Minister for Defence
Parliament House
Canberra ACT 2600

Dear Deputy Prime Minister,

A petition in the following terms was recently presented in the House.

Presentation date: 26/02/2024
Petition number: EN5771 (*Please quote in future correspondence*)
Number of signatures: 777

Terms:

Reason: For many decades Australian citizens have served in the Israel Defense Forces (IDF). In light of both current events in Israel and the Gaza Strip and the roles and actions of the IDF over many decades, it is unacceptable that Australian citizens should continue to serve in the IDF. It is now clear that the IDF is actively engaged in roles and actions that are completely inconsistent with Australian citizenship, including:

- ethnic cleansing • collective punishment • the maintenance of an apartheid state • the use of live fire against unarmed civilians • the illegal occupation and annexation of Palestinian territory • the destruction of civilian infrastructure and residential property

Request: We therefore ask the House to enact legislation that will prevent Australian citizens from serving in the Israel Defense Forces (IDF).

As you may be aware, under Standing Order 209(a) and (b) the Petitions Committee may refer a copy of a petition to the Minister responsible for the

administration of the matter raised in the petition. A written response to the referred petition is expected within 90 days of its presentation in the House.

When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and posted on the Committee's website at: <https://www.aph.gov.au/e-petitions>.

I look forward to receiving your response in due course.

Please email your response to the Petitions Committee at
petitions.committee.reps@aph.gov.au

Yours sincerely

Ms Susan Templeman MP
Chair

STANDING COMMITTEE ON PETITIONS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2152 | Email:
petitions.committee.reps@aph.gov.au

From: s. 22(1)(a)(ii)
To: s. 22(1)(a)(ii) (DFAT)
Subject: FW: STANDING COMMITTEE ON PETITIONS – EN5783 - Investigate Australian citizens in the IDF for alleged war crimes – Susan Templeman MP, Chair, Standing Committee on Petition (B/ONEIL/EG-INTELLIGENCE/GOVBUS/TST:PETITION + 20 days) [SEC=OFFICIAL]
Date: Friday, 22 March 2024 3:36:26 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

OFFICIAL

From: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>
Sent: Monday, March 18, 2024 10:01 AM
To: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s.22(1)(a)(ii)@dfat.gov.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s.22(1)(a)(ii)@dfat.gov.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@afp.gov.au](mailto:s.22(1)(a)(ii)@afp.gov.au)>
Cc: Middle East and Northern Africa s. 22(1)(a)(ii)
Subject: FW: STANDING COMMITTEE ON PETITIONS – EN5783 - Investigate Australian citizens in the IDF for alleged war crimes – Susan Templeman MP, Chair, Standing Committee on Petition (B/ONEIL/EG-INTELLIGENCE/GOVBUS/TST:PETITION + 20 days) [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) and AFP colleagues

We've been asked to respond to a petition seeking to establish an urgent parliamentary enquiry into 'the involvement of Australian nationals in the IDF's operations in the OPT and an Australian Federal Police investigation of those individuals involved in the IDF's offensive'

I have the below from the WofG TPs:

If raised: Australian citizens serving with the IDF

- Australia's consistent position in the Hamas-Israel conflict is to call for the protection of civilian lives and the observation of international humanitarian law.
- Under the Criminal Code Act 1995 (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country
 - this discourages Australians from fighting in overseas conflicts and endangering their lives and the lives of others.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.
- Foreign fighters who have returned to Australia are considered by law enforcement and security agencies on a case-by-case basis.

s. 22(1)(a)(ii)

Grateful for any advice.

Kind regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assistant Director Middle East & Northern Africa
International Division
Department of Home Affairs
P: s. 22(1)(a)(ii) | M: s. 22(1)(a)(ii)
E: s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)



OFFICIAL

From: Ministerial Correspondence s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>

Sent: Monday, 26 February 2024 1:51 PM

To: s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>

Subject: STANDING COMMITTEE ON PETITIONS – EN5783 - Investigate Australian citizens in the IDF for alleged war crimes – Susan Templeman MP, Chair, Standing Committee on Petition (B/ONEIL/EG-INTELLIGENCE/GOVBUS/TST:PETITION + 20 days)

OFFICIAL

OFFICIAL

From: DLO.O'Neil s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>

Sent: Monday, 26 February 2024 1:01 PM

To: Ministerial Correspondence s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>

Cc: DLO.O'Neil s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>

Subject: FW: Petition Ministerial Referral (EN5783) [SEC=OFFICIAL]

OFFICIAL

Hi team

Corro below for registration and Minister response, response due within 90 days.

Best

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Departmental Liaison Officer

Office of the Hon Clare O'Neil MP

Minister for Home Affairs | Minister for Cyber Security

M: s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)

OFFICIAL

From: petitions.committee.reps@aph.gov.au <petitions.committee.reps@aph.gov.au>

Sent: Monday, 26 February 2024 12:17 PM

To: DLO.O'Neil s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)>

Subject: Petition Ministerial Referral (EN5783)

26/02/2024

Ms Clare O'Neil MP
Minister for Home Affairs
Parliament House
Canberra ACT 2600

Dear Minister,

A petition in the following terms was recently presented in the House.

Presentation date: 26/02/2024
Petition number: EN5783 (*Please quote in future correspondence*)
Number of signatures: 967

Terms:

- Reason:** The United Nations and its various bodies, and international human rights organisations, have all stated that the ongoing siege of Gaza and Israel's actions in Gaza since October 7 2023, represent clear violations of international law, which could amount to war crimes; crimes against humanity; and genocide. These crimes are codified in Division 268 of the Commonwealth Criminal Code, meaning Australia has the jurisdiction to investigate and prosecute persons involved in their commission, regardless of their nationality or on the territory where the crime took place. An undisclosed number of dual citizens of Australia and Israel were part of the over 360,000 reservists summoned by the Israel Defense Force (IDF) following the October 7 Hamas attack to "join the fight". These reservists were subsequently flown, some individually and some via repatriation flights, to Israel to join the IDF's attack on Gaza and throughout the Occupied Palestinian Territory. Given the catastrophic situation and the unfolding genocide in Gaza,
- Request:** We therefore ask the House to establish an urgent parliamentary inquiry to inquire into the involvement of Australian nationals in the IDF's operations in the OPT and an Australian Federal Police investigation of those individuals involved in the IDF's offensive. For the safety of Australia, we must ensure that we are committed to upholding our laws so that citizens alleged to be involved in the commission of grave crimes are investigated and prosecuted. Such an inquiry should request that Israel cooperate fully with the inquiry and any investigation.

As you may be aware, under Standing Order 209(a) and (b) the Petitions Committee may refer a copy of a petition to the Minister responsible for the administration of the matter raised in the petition. A written response to the referred petition is expected within 90 days of its presentation in the House.

When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and posted on the Committee's website at: <https://www.aph.gov.au/e-petitions>.

I look forward to receiving your response in due course.

Please email your response to the Petitions Committee at petitions.committee.reps@aph.gov.au

Yours sincerely



Ms Susan Templeman MP
Chair

STANDING COMMITTEE ON PETITIONS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2152 | Email:
petitions.committee.reps@aph.gov.au

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From: s. 22(1)(a)(ii)
To: s. 47F(1)
Cc: [CT Legal Policy](#)
Subject: FW: For review and Input - Due Midday Monday 22 March 2024 - MC24-00200, PRIORITY A - REFERRAL IN DEFENCE - Petition EN5771 - Prevent Australian citizens from serving in the Israel Defence Forces (IDF) [SEC=OFFICIAL]
Date: Friday, 22 March 2024 2:11:25 PM
Attachments: [image002.png](#)
[Priority A MC24-002001 - Australian's serving with the IDF.docx](#)
[Petition Ministerial Referral \(EN5771\) \(44.7 KB\).msg](#)

OFFICIAL

Hi s. 47F(1)

Nil comments from me on this one.

Kind regards,

s. 22(1)(a)(ii)

Counter-Terrorism Legal Policy
 Counter-Terrorism Strategic Policy Branch
 Counter-Terrorism Coordination Centre
 National Security and Resilience Group
 Department of Home Affairs

P: s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii)@homeaffairs.gov.au<[mailto:s. 22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s. 22(1)(a)(ii)@homeaffairs.gov.au)>

OFFICIAL

From: s. 47F(1)@ag.gov.au>

Sent: Friday, 22 March 2024 8:54 AM

To: s. 47F(1)@homeaffairs.gov.au>

Cc: s. 22(1)(a)(ii)@HOMEAFFAIRS.GOV.AU>; s. 47F(1)

s. 47F(1)@ag.gov.au>; s. 47F(1)@ag.gov.au>

Subject: For review and Input - Due Midday Monday 22 March 2024 - MC24-00200, PRIORITY A - REFERRAL IN DEFENCE - Petition EN5771 - Prevent Australian citizens from serving in the Israel Defence Forces (IDF) [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii),

We have received a Priority A Ministerial Correspondence regarding preventing Australian citizens from serving in the Israel Defence Forces, which I have attached above for your review along with our response.

Please let us know if Home Affairs would have any comments or additional input into the correspondence given the nature of the issue. If you would be able to get us input on this before midday Monday, that would be greatly appreciated.

Thanks,

s. 47F(1)

Policy Officer | Counter Terrorism Policy & Engagement
 National Security and Criminal Justice Group
 Attorney-General's Department
 Phone s. 47F(1)
 [cid:image002.png@01DA7C62.9FFCB930]

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OFFICIAL**Back Pocket Brief Number: CTCC-06****BACK POCKET BRIEF**

**Home Affairs Portfolio
Department of Home Affairs
Additional Estimates Hearing – February 2024**

BACK POCKET BRIEF**Topic: Conflict in Israel and Occupied Palestinian Territories****Group: National Security and Resilience****Division: Counter-Terrorism Coordination Centre**

- Following the 7 October 2023 attack on Israel by Hamas, the Minister for Home Affairs activated the National Coordination Mechanism (NCM) to ensure that Commonwealth agencies and state and territory governments are all working together to address the impacts of the Hamas-Israel conflict on Australians
 - the NCM is an important tool for preparing for, responding to, and recovering from any crises.
 - the NCM ensures that the full capabilities of the Australian, state and territory governments and, if required, the private sector, are brought to bear during a crisis.

Travel to foreign conflict zones

- Australian Government agencies are alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- We have strong laws aimed at discouraging such actions by people of security concern, including passport cancellations where certain criteria are met, and foreign incursions and recruitment offences
- Australians who travel to fight who are not serving in the armed forces of a foreign country may be committing a criminal offence.
- Hamas and Hizballah are listed terrorist organisations.
- Australians who travel to fight with a terrorist organisation, or recruit another person to do so (including inducing, inciting or encouraging), are committing a criminal offence.
- Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis.

OFFICIAL

Clearing Officer: Chris Field, First Assistant Secretary, Counter-Terrorism Coordination Centre

SB23-001255

Page 1 of 6

As at 6 February 2023

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under the Freedom of Information Act 1982

OFFICIAL**Back Pocket Brief Number: CTCC-06**

If asked: What measures is the Australian Government taking to combat foreign fighters travelling to conflict zones [i.e. Lebanon]?

- There is a range of measures in place to deter foreign fighters travelling, including 'Do not travel' advice, passport refusal, cancellation and suspension action, and foreign incursions and recruitment offences.

s. 22(1)(a)(ii)

Declared areas

- Under Division 119 of the *Criminal Code Act 1995*, an Australian citizen, resident or visa holder commits an offence if they enter or remain in an area in a foreign country declared by the Foreign Affairs Minister.
- The offence does not prevent a person from travelling to a declared area for a specified legitimate purpose.
 - Legitimate purposes include the provision of humanitarian aid, working as a journalist, or visiting a family member.
- Before declaring an area in a foreign country, the Minister for Foreign Affairs must be satisfied that a listed terrorist organisation is engaging in a hostile activity in that area of the foreign country.
- The Minister for Foreign Affairs must arrange for the Leader of the Opposition in the House of Representatives to receive a briefing on the proposed declaration.

OFFICIAL

Clearing Officer: Chris Field, First Assistant Secretary, Counter-Terrorism Coordination Centre

SB23-001255

Page 2 of 6

As at 6 February 2023

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Back Pocket Brief Number: CTCC-06

s. 22(1)(a)(ii)

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OFFICIAL

Clearing Officer: Chris Field, First Assistant Secretary, Counter-Terrorism Coordination Centre

SB23-001255

Page 3 of 6

As at 6 February 2023

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Back Pocket Brief Number: CTCC-06

s. 22(1)(a)(ii)

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Clearing Officer: Chris Field, First Assistant Secretary, Counter-Terrorism Coordination Centre

SB23-001255

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As at 6 February 2023

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Back Pocket Brief Number: CTCC-06

s. 22(1)(a)(ii)

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Clearing Officer: Chris Field, First Assistant Secretary, Counter-Terrorism Coordination Centre

SB23-001255

Page 5 of 6

As at 6 February 2023

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Back Pocket Brief Number: CTCC-06

s. 22(1)(a)(ii)

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Clearing Officer: Chris Field, First Assistant Secretary, Counter-Terrorism Coordination Centre

SB23-001255

Page 6 of 6

As at 6 February 2023

From: [Ministerial Correspondence](#)
To: [SCU](#)
Subject: FW: Australians in the IDF [SEC=OFFICIAL]
Date: Thursday, 21 December 2023 12:02:02 PM
Attachments: [2023-12-20 Letter to Ausgov regarding Australians in the IDF.pdf](#)
[image002.jpg](#)

OFFICIAL

OFFICIAL

From: DLO.O'Neil [s. 22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](#)>
Sent: Thursday, 21 December 2023 11:17 AM
To: Ministerial Correspondence [s. 22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](#)>
Cc: DLO.O'Neil [s. 22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](#)>
Subject: FW: Australians in the IDF [SEC=OFFICIAL]

OFFICIAL

Hi team

Corro for registration- AGD will draft a response and coordinate with HA where required.

Best

[s. 22\(1\)\(a\)\(ii\)](#)

[s. 22\(1\)\(a\)\(ii\)](#)

Departmental Liaison Officer

Office of the Hon Clare O'Neil MP
Minister for Home Affairs | Minister for Cyber Security

M: [s. 22\(1\)\(a\)\(ii\)](#)

E: [s. 22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](#)

sig_image.jpg



OFFICIAL

**AUSTRALIAN
CENTRE
FOR INTERNATIONAL
JUSTICE**

20 December 2023

The Hon Claire O'Neil MP
Minister for Home Affairs

The Hon Mark Dreyfus KC, MP
Attorney-General of Australia

Commissioner Reece Kershaw APM
Australian Federal Police

Via email

Dear Minister, Attorney-General and Commissioner,

We write to seek clarification on the position of, and urge action by, the Department of Home Affairs, the Attorney-General's Department and the Australian Federal Police (**AFP**) with respect to Australian citizens who are currently engaged in hostilities in Israel and the Occupied Palestinian Territory (**OPT**).

Australian nationals' engagement in the conflict

On 10 October 2023, following the Hamas attacks in Israel, which included unlawful direct attacks against Israeli civilians, the Israeli government issued an order to 360,000 military reservists to engage in the ongoing hostilities.¹ Numerous media publications have reported that dual Australian-Israeli citizens returned to Israel to participate in hostilities, with Israeli officials confirming that Australians are among those reservists called up to fight.² Although the Israel Defense Force (**IDF**) does not release official statistics in relation to serving foreign nationals, estimates stated there could be up to 1,000 Australians currently serving in the IDF or being an active reservist.³ Media reporting has noted that those dual Australian citizens include both reservists and active duty soldiers in the IDF and some have indicated they are involved in combat units.⁴ There is information to suggest that Australian citizens may also be volunteering for the IDF in a program for non-Israeli nationals known as Mahal.⁵

Australian nationals' engagement in the conflict is occurring in the context of decades of widespread, serious, documented violations of international law by the IDF.⁶ These international law violations⁷ since 7 October 2023

¹ Jennifer Hassan and Adam Taylor, 'Israel's massive mobilization of 360,000 reservists upends lives', *The Washington Post* (10 October 2023).

² See Jack Quail, 'Australian-Israeli military reservists arrive in Israel as Gaza ground invasion looms', *The Australian* (13 October 2023), Matthew Knott, James Massola and Lucy Cormack, 'Australians fly to Israel to join war as Palestinians urged to flee to southern Gaza', *Sydney Morning Herald* (13 October 2023).

³ Carly Douglas, 'This is a moment in history where the good of everyone ... takes precedence over any individual', *Herald Sun* (21 October 2023).

⁴ See, Stephen Rice, 'Young Australian ready to go to war for her other country', *The Australian* (9 October 2023); Danielle Gusmaroli, 'Israel war: Australian-Israelis join fight against Hamas', *The Daily Telegraph* (16 October 2023); Carly Douglas, 'This is a moment in history where the good of everyone ... takes precedence over any individual', *Herald Sun* (21 October 2023).

⁵ For more see, Angie Fox, 'The Australians who go to war for the Israeli and Greek armies', *Sydney Morning Herald* (11 September 2014)

⁶ Al-Haq, Al Mezan, PCHR, *Initial reporting on the ongoing Israeli retaliatory attacks on Gaza: (Reporting Period, 7-28 October 2023) based on preliminary documentation* (13 November 2023).

⁷ António Guterres, 'Secretary-General's remarks to the Security Council - on the Middle East' *United Nations Secretary General* (Press Release 24 October 2023).

include: widescale indiscriminate bombing targeting civilians⁸ and civilian infrastructure, including health facilities,⁹ churches,¹⁰ and bakeries;¹¹ intentional starvation of a civilian population as a weapon of war;¹² total siege and collective punishment, including through denial of access to water, medicines, aid, fuel and electricity;¹³ forced transfer of the protected civilian population;¹⁴ targeting and shooting at civilians, including journalists;¹⁵ acts of torture or cruel, inhuman or degrading treatment or punishment;¹⁶ and outrages upon human dignity;¹⁷ among other serious violations which amount to international crimes. Most concerning, on 16 November, several UN Special Procedures mandate holders warned of an imminent risk of genocide against the Palestinian population in Gaza,¹⁸ together with a significant and growing body of evidence¹⁹ that Israel either intends to commit, or is in the process of committing the crime of genocide in Gaza.

Australia's response to Australian nationals' engagement in the conflict appears to be inadequate

Despite the publicly available information about Australian nationals' participation in the Israel/OPT conflict as part of the IDF, and clear evidence of violations of international law by the IDF, it appears that the Australian government has failed to provide any public statements advising of the risks involved, particularly the legal risks, including the risk of individual criminal liability, for those Australians participating in the conflict as members of the IDF.

The only public statements from the Department of Home Affairs we have been able to locate are those referred to in the following excerpts from media reports. One such report included:

The Department of Home Affairs said anyone travelling to fight in the conflict from Australia must be part of a nation's official army, or risk breaking the law, but did not provide a number on those returning.²⁰

⁸ Amnesty International, *Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation* (5 December 2023); Amnesty International, *Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza* (20 October 2023).

⁹ Human Rights Watch, *Gaza: Unlawful Israeli Hospital Strikes Worsen Health Crisis* (14 November 2023); Médecins Sans Frontières, *MSF convoy attacked in Gaza: all elements point to Israeli army responsibility* (1 December 2023).

¹⁰ Amnesty International, *Israel/OPT: 'Nowhere safe in Gaza': Unlawful Israeli strikes illustrate callous disregard for Palestinian lives* (20 November 2023).

¹¹ Kaamil Ahmed, Elena Morresi, 'Airstrikes on Gaza bakeries add to 'catastrophic' food shortages' *The Guardian* (28 October 2023).

¹² Human Rights Watch, *Israel: Starvation Used as Weapon of War in Gaza* (18 December 2023).

¹³ ICRC, 'Evacuation order of Gaza triggers catastrophic humanitarian consequences' (13 October 2023); Amnesty International, *Israel/OPT: Israel must lift illegal and inhumane blockade on Gaza as power plant runs out of fuel* (12 October 2023)

¹⁴ Al-Haq, Al Mezan and PCHR, 'Israel's Last Evacuation Order Requires Urgent International Intervention to Protect Gaza's Civilian Population, Who Have Nowhere Left to Shelter' (29 October 2023); *Protection of civilians and upholding legal and humanitarian obligations*, GA Res 10/21, UN Doc A/ES-10/L.25 (26 October 2023); UN Special Procedures, *Israel must rescind evacuation order for northern Gaza and comply with international law: UN expert* (13 October 2023).

¹⁵ Mohamed Mandour, 'Attacks, arrests, threats, censorship: The high risks of reporting the Israel-Gaza war' *Committee to Protect Journalists* (5 December 2023).

¹⁶ Amnesty International, *Israel/OPT: Horrifying cases of torture and degrading treatment of Palestinian detainees amid spike in arbitrary arrests* (8 November 2023).

¹⁷ Hagar Shezaf, 'Hundreds of Gazans Arrested During War Held Blindfolded and Handcuffed at Israeli Base' *Haaretz* (18 December 2023).

¹⁸ UN Special Procedures, *Gaza: UN experts call on international community to prevent genocide against the Palestinian people* (16 November 2023).

¹⁹ See for example, *Defense for Children International—Palestine, et al. v Joseph Biden, et al.* (D ND Cal, 3:23-cv-05829, 13 November 2023) (Complaint); Center for Constitutional Rights, *Defense for Children International - Palestine v. Biden* (Webpage).

²⁰ Sherryn Groch, 'We are resilient': Australian reservists called up in Israel join fight', *Sydney Morning Herald* (12 October 2023).

Another report stated:

A Home Affairs Department spokesperson told SBS News the Australian Government was alert to the potential for Australians to travel to Israel and the Palestinian territories and engage in hostilities.

"Australians who travel to fight who are not serving in the armed forces of a foreign country may be committing a criminal offence," the spokesperson said.²¹

He reminded Australians that Hamas was a listed terrorist organisation and Australians who travel to fight with a terrorist organisation, or recruit another person to do so, were committing a criminal offence.

Whilst we note that there is no prohibition on Australian citizens from fighting in the armed forces of the government of a foreign country,²² the reported guidance from the Department of Home Affairs does not warn individuals that their actions could constitute criminal offences under Australian law, which could result in the initiation of criminal proceedings against them, in circumstances where: there is mounting evidence the IDF is committing grave crimes in the OPT, and; Australia has obligations under international law to prosecute the commission of such crimes.

We note the South African government publicly released such an advisory on 19 December 2023.²³

Furthermore, failure to consider this issue may raise a national security risk for Australia, in that failing to both warn against involvement in the IDF or to act against alleged perpetrators of crimes could risk "undermining social cohesion and unity by stoking fears and division [which] risks Australia's domestic security".²⁴

Australia's contravention of international legal obligations

A failure to investigate and prosecute Australian nationals for involvement in potential war crimes, crimes against humanity, genocide and torture as codified in Divisions 268 and 274 of the Commonwealth Criminal Code, would be in breach of Australia's obligations under international law to investigate and prosecute these crimes.²⁵

²¹ Aleisha Orr, 'Military conscription is mandatory for most Israelis. Here's how it works', SBS News (17 October 2023).

²² *Criminal Code Act 1995* (Cth), sch 1 ('Criminal Code'), ss 119.1(4)(a).

²³ South Africa, Department of International Relations and Cooperation, 'South African nationals to avoid joining foreign armed forces which may contribute to the violation of domestic and international law' (Media Statement, 18 December 2023).

²⁴ Commonwealth, Hansard, House of Representatives, *Motion – Israel*, 16 October 2023, 52 (Anthony Albanese, Prime Minister of Australia). See also, Natassia Chrysanthos, 'Worsening war in Gaza will heighten risk of violence in Australia: ASIO boss', *Sydney Morning Herald* (23 October 2023); Commonwealth, *Legal and Constitutional Affairs Legislation Committee, Senate Estimates*, 23 October 2023, (Mike Burgess, Director-General, Australian Security Intelligence Organisation).

²⁵ *Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, opened for signature 12 August 1949, 75 UNTS 31 (entered into force 21 October 1950) art 49; *Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea*, opened for signature 12 August 1949, 75 UNTS 85 (entered into force 21 October 1950) art 50; *Geneva Convention relative to the Treatment of Prisoners of War*, opened for signature 12 August 1949, 75 UNTS 135 (entered into force 21 October 1950) art 129; *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, opened for signature 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950) art 146; *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987) arts 2, 5, 7; *Rome Statute of the International Criminal Court*, opened for signature 17 July 1998, 2187 UNTS 90 (entered into force 1 July 2002) Preamble, art 1.

AUSTRALIAN CENTRE FOR INTERNATIONAL JUSTICE

Moreover, and specifically with respect to acts of genocide, the Australian government must uphold its obligation as a State Party to the Genocide Convention to not only punish acts of genocide, but prevent such acts.²⁶ The inadequacy of warnings issued to date by the Department of Home Affairs may constitute a failure by Australia to comply with its obligations under the Convention.

Clarification and action sought from the Australian government

Given the catastrophic situation currently unfolding in the OPT and in particular in Gaza, we seek clarification regarding the Australian government's position, and intended response, to the real risk that Australian nationals may be involved in the commission of international crimes.

We further urge the Australian government, as a matter of public interest, to assess the risks identified above and undertake to:

1. Update its advice to all persons who have travelled to Israel and the OPT to warn that they may be committing offences under Australian and international law for which they may be prosecuted, in Australia or a third state competent to do so. Such warnings should be a routine part of Australian government policy in situations where dual citizens are involved in the service of an armed force of a government of a foreign country.
2. Issue warnings that anyone who travels to Israel and the OPT and participates in hostilities will be investigated and could be prosecuted if there is evidence of their commission of, or complicity in, the commission of international crimes proscribed by the Criminal Code.
3. Coordinate with the AFP to monitor Australian citizens, including dual nationals, who travel to Israel and the OPT to fight in the IDF, and provide specific guidance to the AFP and the Commonwealth Director of Public Prosecutions to investigate these individuals and prosecute them if there is evidence that they have participated in the commission of international crimes proscribed by the Criminal Code.

We request that the Australian Federal Police:

1. Fulfils its mandate and responsibility to make enquiries and investigate allegations concerning the commission of international crimes by Australian citizens abroad, including upon the return of such persons to Australia.
2. Take steps to assist the International Criminal Court's (ICC) investigation in the Situation in Palestine, including by gathering evidence, for example, by interviewing witnesses who have recently returned from Israel and the OPT. The ICC's jurisdiction covers allegations of crimes committed by all parties to the conflict, including members of the IDF, members of the Israeli authorities, and members of Palestinian armed groups including Hamas. The UK's Metropolitan Police has commenced such an initiative.²⁷

We look forward to receiving your prompt response and clarification of steps taken by the Australian government in relation to the urgent and serious matters raised above.

²⁶ *Convention on the Prevention and Punishment of the Crime of Genocide*, opened for signature, 9 December 1948, 78 UNTS 277 (entered into force 12 January 1951), arts I, IV – VI.

²⁷ Alexander Butler, [‘Met Police investigating reports of war crimes in Gaza’](#) *The Independent* (27 November 2023).

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JUSTICE [REDACTED]

Sincerely,

s. 47F(1)

Executive Director
Australian Centre for International Justice

Cc:
Mike Burgess
Director-General of Security
Australian Security and Intelligence Organisation

OFFICIAL**Back Pocket Brief Number: SB23-001086****BACK POCKET BRIEF**

**Home Affairs Portfolio
Department of Home Affairs
Supplementary Estimates Hearing – October 2023**

BACK POCKET BRIEF**Topic: Israel and Hamas Conflict****Group: National Security and Resilience****Division: Counter-Terrorism Coordination Centre**

- On 7 October 2023, Gaza-based Palestinian militants led by Hamas launched a surprise, large-scale coordinated attack on Israel.
- In response to this event, the Minister for Home Affairs has activated the National Coordination Mechanism (NCM) to ensure that Commonwealth agencies, state and territory governments are all working together to address the effects of the war in Israel on Australians
 - the NCM is a key tool for preparing for, responding to, and recovery from any crises.
 - the NCM is a flexible tool to ensure that the full capabilities of the Australian, state and territory governments and, if required, the private sector are brought to bear during a crisis.

Travel to foreign conflict zones

- The Department is alert to the potential for Australians to travel to Israel and the Occupied Palestinian territories and engage in hostilities. The Australian Border Force and the Department are monitoring the movements of Australians who may travel to, and return from, the conflict zone.
 - Australians who travel to fight with a terrorist organisation, or recruit another person to do so (including inducing, inciting or encouraging) are committing a criminal offence.

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

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