

PDR NUMBER: MS25-001359

TO: Tony Burke

TITLE: Hamas De-listing Application

DATE PRINTED: 15 July 2025

TIMING: *For consideration **by 17 July 2025**, as agreed with s. 22(1)(a)(ii) and s. 22(1)(a)(ii), to avoid the Federal Court of Australia making a mandamus order compelling you to review the listing.*



Australian Government
Department of Home Affairs

Submission

For decision

PDMS Ref. Number: MS25-001359

Date of Clearance: 14/07/2025

To Minister for Home Affairs, Minister for Immigration and Citizenship,
Minister for Cyber Security

Subject Hamas De-listing Application

Timing For consideration **by 17 July 2025**, as agreed with **s. 22(1)(a)(ii)** and **s. 22(1)(a)(ii)**
[redacted] to avoid the Federal Court of Australia making a mandamus order
compelling you to review the listing.

Recommendations

That you:

1. note that a member of the public has made a de-listing application under subsection 102.1(16) of the *Criminal Code* in relation to Hamas being a listed terrorist organisation, and as the AFP Minister, you are required to consider that application under subsection 102.1(17) of the *Criminal Code*; noted / please discuss
 2. note that you have considered the de-listing application including relevant information provided by the Department of Home Affairs (the Department); noted / please discuss
- if you are satisfied that Hamas continues to meet the legislative threshold for listing as a terrorist organisation:
3. note the Statement of Reasons at **Attachment A**; noted / please discuss
 4. sign the Decision Record at **Attachment B**; signed / not signed
 5. note the advice from the Australian Government Solicitor at **Attachment C** and confirmed via email; noted / please discuss
 6. sign the letter to the applicant at **Attachment D**; signed / not signed

AND (Continued over)

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under the Freedom of Information Act 1982

7. note that the Department will advise Commonwealth, state and territory officials of the outcome of your consideration and

noted / please discuss

8. note that there will be no updates to the Hamas listing on the National Security website.

noted / please discuss

Minister for Home Affairs, Minister for Immigration and Citizenship, Minister for Cyber Security

Signature.....

Date:...../...../2025

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

Minister's Comments

Key Issues

1. On 12 June 2025, the Attorney-General's Department (AGD) advised the Department of Home Affairs (the Department) that it had identified correspondence from Daniel R. Taylor to the then Australian Federal Police (AFP) Minister from August 2024, making an application to de-list Hamas as a terrorist organisation under subsection 102.1(16) of the *Criminal Code*.
2. AGD have advised that this correspondence had been overlooked due to an administrative error within their Department. AGD has provided assurances that no other de-listing applications are outstanding, and the Department is not aware of any received since recent machinery of Government changes.
3. The application (August 2024 correspondence) has now been referenced in court proceedings where Daniel R. Taylor is one of the applicants. The matter is listed for a case management hearing on 28 July 2025. The Department recommends you urgently review the de-listing application prior to the applicant seeking a mandamus order.
 - If the Federal Court of Australia considers the applicant's claim and issues a mandamus order, you will be required to consider the listing, and will become a party to proceedings before the Federal Court. Mandamus orders do not require you to reach a certain outcome, only to perform a specific duty – i.e consider the de-listing.
4. The requirements to consider de-listing applications were amended through the *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Act 2023*. As that Act removed the sunset period for terrorist organisation regulations, a proportionally bolstered Ministerial obligation to de-list a terrorist organisation was determined to be required. This is the first application since the legislative amendments came into effect.
5. In accordance with subsection 102.1(17) of the *Criminal Code*, you, as the AFP Minister, are required to consider the application as soon as practicable. If you form the view that Hamas no longer meets the relevant legislative threshold, you are obligated under s 102.1(4) to make a declaration to that effect, published in the Gazette.
6. The Department has engaged with the Australian Government Solicitor (AGS) to S. 42(1)


7. AGS have S. 42(1) [REDACTED]
- S. 42(1) [REDACTED]
 - S. 42(1) [REDACTED]
8. AGS advice (dated 3 July 2025) is provided at Attachment C for your consideration.
9. If, on your review of all relevant materials, you remain satisfied that Hamas continues to meet the legislative threshold for being a listed terrorist organisation, please:
- sign and date the Decision Record (Attachment B); and
 - sign and date the drafted reply letter to the applicant (Attachment D) informing them that you have considered the de-listing application.
10. The applicant may make a request for the reasons for your decision under s 13 of the *Administrative Decisions (Judicial Review) Act 1977*. If a request is made, the Decision Record would need to be provided to the applicant.
11. If you are not satisfied that Hamas continues to meet the legislative threshold for listing based on the information provided, the Department will prepare the relevant declaration for publication.
12. As a matter of practice, the process for listings involves formal consultation with state and territory First Ministers, the Chair of the Parliamentary Joint Committee on Intelligence and Security (PJCIS), and the Leader of the Opposition as appropriate. The Department also updates the National Security website to show listed organisations and the reasons for listing them.
13. As there is no proposed change to the listing, the process of consulting Ministers, PJCIS and updating the National Security website is not required. As relevant, the Department will advise Commonwealth, state and territory officials of the outcome of your consideration.
14. While not proposing to publish information, the Department has prepared the Reply Letter, Decision Record and SoR in anticipation of them being made public by the applicant or as part of the court proceedings.
15. The Department will separately continue to work with key stakeholders to agree on standard processes for future periodic reviews of listings and de-listing applications, consistent with the *Criminal Code*.
16. Prior to AGD identifying this correspondence, the whole-of-Government Proscriptions Working Group (PWG) was separately reviewing the listing as part of periodic review processes, and determined that Hamas should continue to be listed.

The applicant's requests

17. Further information about the correspondence and court proceedings is at Attachment E.

18. The August 2024 correspondence from Daniel R. Taylor (the applicant) to the Attorney-General (then the AFP Minister) is included as an attachment to the Decision Record. This correspondence consists of emails from 18, 23 and 25 August 2024 raising a range of concerns related to the Israel-Hamas conflict.
19. AGS advised S. 42(1) [REDACTED]
20. In court proceedings, the applicant has provided an amended originating application to their Federal Court matter (Thorpe v A-G (Cth) VID499/2025), which seeks a mandamus order be made which would require the consideration of this de-listing application (**Attachment F**). While the de-listing application was made to the Attorney-General as the then AFP Minister, if the amended originating application was accepted by the Court, you as the current AFP Minister would become a party to the proceedings.
21. S. 42(1) [REDACTED]
22. S. 42(1) [REDACTED]

Proposed consideration of the key matters raised in the de-listing application

23. The Decision Record makes clear that you have considered the legislative threshold for listing Hamas as a terrorist organisation and includes the examples from the SoR of Hamas doing and advocating terrorist acts.
24. While you are required to read all the emails which form the de-listing application, the Department has identified eight thematic matters raised by the applicant in the August 2024 correspondence, which have been addressed in the Decision Record:
- whether the non-military wing of Hamas should be included in the Hamas listing;
 - the validity of the original decision to list Hamas as a terrorist organisation;
 - Hamas is exercising a right of armed resistance against an illegal occupation;
 - Hamas is exercising a right and duty to resist genocide;
 - Hamas is the elected government of the Palestinian people;
 - Israel and Hamas are engaged in an armed conflict;
 - Israel's policies and actions are genocide and war crimes; and
 - listing Hamas makes the Australian Government complicit in, and supportive of, Israel's policies and actions.

25. The suggestion that there is no basis for Hamas' non-military wing to be listed as a terrorist organisation is addressed in the Decision Record and Reply Letter. The Decision Record notes that following the 7 October 2023 attacks, Ismail Haniyeh, then the leader of Hamas' Executive Committee, delivered a televised endorsement of the attacks, outlined the objectives of the attacks and spoke of the actions of the Brigades as part of Hamas' broader organisation and goals.
26. The suggestion that the validity of the 2022 decision to list Hamas was affected by jurisdictional error is also addressed in the Decision Record and Reply Letter. The Decision Record notes that the Explanatory Statement to the *Criminal Code (Terrorist Organisation-Hamas) Regulations 2022* described Hamas' ideology, views on Israel and strategy of armed resistance.
27. The Decision Record sets out the consideration of all matters required to discharge the s 102.1(17) obligation (whether they are relevant considerations to the legislative threshold or not) and why it is open to you to remain satisfied that Hamas continues to meet the legislative threshold for listing.
28. In relation to whether Hamas is the elected government of the Palestinian people, the Decision Record also notes that Australia does not recognise a Palestinian state, so Hamas is not the government of a recognised State.
29. The Decision Record also states that the described examples are terrorist acts and not actions undertaken legitimately as part of armed conflict in response to the suggestion that Israel and Hamas are engaged in an armed conflict.
30. The Department has engaged with the Department of Foreign Affairs and Trade (DFAT) through the PWG in relation to the SoR. Separately, the Decision Record notes a 16 January 2025 joint statement from the Prime Minister and Minister for Foreign Affairs that "Australia remains unequivocal in our condemnation of Hamas' atrocities on 7 October, and its ongoing acts of terror. There must be no role for Hamas in the future governance of Gaza. Any future Palestinian state must not be in a position to threaten Israel's security."

Background

Hamas

31. The SoR provides more detailed information about Hamas and the Australian Government's assessment that Hamas is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts, and advocates the doing of terrorist acts.
32. Hamas is assessed to have directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act. Hamas is also assessed to advocate the doing of a terrorist act. Hamas has not made statements specifically threatening Australians or Australian interests. However, Australians have been harmed in terrorist attacks conducted by Hamas. Hamas is also listed as a terrorist organisation by like-minded countries including the United States, the United Kingdom, Canada, New Zealand and the European Union.

Legislative requirement to consider the de-listing application

33. Since the *Criminal Code Amendment (Terrorist Organisations) Act 2004*, the *Criminal Code* has included:

- a process requiring the Minister to de-list organisations if they are no longer satisfied that the organisation meets the criteria for listing; and
- a process for individuals and organisations to make de-listing applications, which the Minister must consider.

34. The requirements to consider de-listing applications were amended through the *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Act 2023*. The amendments:

- placed an obligation on the Minister to consider applications as soon as practicable, ensuring that applications are given timely consideration; and
- provide that the Minister is only required to consider a de-listing application if the Minister has not received an application in relation to the listed organisation in the prior 12-month period.

35. Extracts from the *Criminal Code* are at **Attachment G**:

- Subsection 102.1(16) provides that individuals or organisations can make a de-listing application to the AFP Minister in relation to a listed organisation on the grounds that there is no basis for the AFP Minister to be satisfied that the listed organisation is doing or advocating the doing of terrorist acts, and the AFP Minister has not received a de-listing application in the previous 12 months; and
- upon receiving a de-listing application, subsection 102.1(17) requires the AFP Minister to, as soon as practicable, consider whether the listed organisation “(a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or (b) advocates the doing of a terrorist act; as the case requires.”

36. As above, AGS advised S. 42(1)



Consultation - Internal/External

37. **Internal** – Home Affairs Legal Group and internal PWG members (the Australian Border Force (ABF), the Australian Security Intelligence Organisation (ASIO), AFP).

38. **External** – AGS; AGD; Department of the Prime Minister and Cabinet; and external PWG members were consulted on matters relating to this submission.

39. The PWG is chaired by the Department, and includes members from AGD, ABF, ASIO, AFP, Office of National Intelligence, DFAT and other security and intelligence agencies as required.

Consultation - Secretary / ABF Commissioner

40. The Secretary was consulted on this submission.
41. The ABF Commissioner was not consulted on this submission.

Client Service Implications

42. There are no client service implications in relation to this submission.

Risks and Sensitivities

43. The *Criminal Code* requires the AFP Minister to consider the listing “as soon as practicable” after receiving the de-listing application. You, the Department and AGD may be asked questions about the time taken to consider the listing given the correspondence is from August 2024. The Department anticipates referring any questions about the delay to AGD, including at Senate Estimates.
44. The information contained in this submission is classified and should not be publicly released without the authority of the Department. In accordance with our long-standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Operations team - media@homeaffairs.gov.au.

Financial/systems/legal/deregulation/media implications

45. The Department does not propose any website updates or public announcements in relation to the consideration of this de-listing application, but notes that the applicant may raise it in the media.

Attachments

- Attachment A** Statement of Reasons
- Attachment B** Decision Record including August 2024 correspondence from Daniel R. Taylor to the Attorney-General
- Attachment C** 3 July 2025 AGS Advice (addressed and confirmed by AGS via 7 July 2025 email)
- Attachment D** Reply Letter to the applicant, Mr Daniel R. Taylor
- Attachment E** Additional Background about the applicant's requests
- Attachment F** Amended originating application in Thorpe v A-G (Cth) VID499/2025 which seeks a mandamus order
- Attachment G** Extracts from the Criminal Code

Authorising Officer
Cleared by: Alexander Goldie A/g First Assistant Secretary Counter-Terrorism Coordination Centre Date: 14 July 2024 Mob: S. 47E(d)

Contact Officer (minimum SES Band 1) Bethany West, A/g Assistant Secretary, CT&VE Capability Programs & Legal Branch, Ph: S. 47E(d) / Mob: S. 47E(d)

CC Secretary
DS National Security and Resilience
DS Cyber & Infrastructure Security
DS Legal
AS Security, Disputes and Operations Law



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Statement of Reasons

Listing Hamas as a terrorist organisation under the *Criminal Code Act 1995*

This Statement of Reasons is based on publicly available information about Hamas. To the Australian Government's knowledge, this information is accurate, reliable and has been corroborated by classified information where available.

Name of the organisation

Hamas

Known aliases

- Harakat al-Muqawama al-Islamiya
- Islamic Resistance Movement
- Al-Tiar al-Islami
- Al-Athja al-Islami
- Izz al Din al Qassam Battalions
- Izz al Din al Qassam Brigades
- Izz al Din al Qassam Forces
- Students of Ayyash
- Student of the Engineer
- Yahya Ayyash Units
- Izz al Din al Qassim Brigades
- Izz al Din al Qassim Forces
- Izz al Din al Qassim Battalion

Legislative basis for listing a terrorist organisation

Division 102 of the *Criminal Code Act 1995* (Criminal Code) provides that for an organisation to be listed as a terrorist organisation, the Australian Federal Police (AFP) Minister must be satisfied on reasonable grounds that the organisation:

- a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
- b) advocates the doing of a terrorist act.

For the purposes of listing a terrorist organisation, subsection 102.1(20) of the Criminal Code describes the doing of a terrorist act includes the doing of a specific terrorist act, the doing of more than one terrorist act and the doing of a terrorist act, even if a terrorist act does not occur.

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Background to this listing

The Australian Government listed Hamas in its entirety as a terrorist organisation on 4 March 2022. The paramilitary wing of Hamas, the Izz al-Din al-Qassam Brigades, was first listed as a terrorist organisation on 5 November 2003.

Since 21 December 2001, Australia has listed Hamas in its entirety for counter-terrorism financing sanctions under Part 4 of the *Charter of the United Nations Act 1945*. This gives effect to Australia's international obligations in accordance with United Nations Security Council Resolution 1373.

Details of the organisation

Hamas is an ideologically and religiously-motivated violent extremist organisation. Hamas was founded in 1987 during the first intifada uprising. It began as a branch of, and retains an ideological affinity with, the Muslim Brotherhood. In 2006, Hamas participated in the Palestinian election and in 2007, overthrew the Palestinian Authority, seizing control of Gaza. Hamas has since been the governing body in Gaza, largely responsible for the administration and provision of government services, including health, education and security, to Gaza's inhabitants.

Hamas does not recognise Israel as a sovereign state. Its overarching goal is to 'liberate Palestine' by establishing an independent Palestinian state—comprising Gaza, the West Bank and Israel—and destroying Israel as a political entity in the process. Hamas supports a strategy of armed resistance in pursuit of its goals.

Hamas is formally a hierarchical movement with several movement-wide and regional decision-making bodies, which reach decisions through a consultative process. Hamas' highest executive authority is its Executive Committee, which is Hamas' supreme decision-making body. Hamas' central consultative body is its General Shura Council, responsible for electing the Executive Committee and shaping Hamas' overarching strategy and policies. Hamas' three major regions, Gaza, the West Bank and Abroad, are represented on, and exert varying levels of influence over, Hamas' central leadership bodies—the Executive Committee and General Shura Council—and maintain their own internal management systems.

The Izz al-Din al-Qassam Brigades (the Brigades) were officially established in 1991 as the paramilitary wing of Hamas. The Brigades undertake military activity on behalf of Hamas and have adopted terrorist tactics in their efforts to defeat Israel, including indiscriminate rocket attacks, suicide attacks, bombings, shootings and kidnappings against Israeli military and civilian targets. Historically, the Brigades have predominantly operated in Gaza, with limited representation in the West Bank.

Hamas' leadership has historically stated that there is no neat separation between the organisations' political and paramilitary components. Hamas' founder, Sheikh Ahmed Yassin, stated in a 2004 interview that *"we cannot separate the wing from the body. If we do so, the body will not be able to fly. Hamas is one body."* In 2004 then-Brigades commander Salah Shehadeh said *"the political apparatus is sovereign over the military apparatus, and a decision of the political [echelon] takes precedence over the decision of the military [echelon], without intervening in military operations."* In 2014 senior Hamas leader Abu Marzook referred to Hamas and the Brigades as *"one organisation with two wings or departments."*

Hamas' political leaders often refer to the militant actions and capabilities of the Brigades in the possessive, implying that the Brigades' activities, including the use of terrorism, are sanctioned by and carried out as part of the wider Hamas organisation. Following the May 2019 rocket attacks from Gaza into Israel, Hamas' former leader in Gaza, Yahya Sinwar, thanked Iran for providing rockets to the Brigades used in the conflict. *"Iran provided us with rockets, and we surprised the world when our resistance targeted Beersheba."*

Following the May 2021 Israel-Palestine conflict, Sinwar similarly thanked Iran for providing Hamas the capability to launch rockets into Israel: *"Our complete gratitude is extended to [Iran]... They provided us with money, weapons and expertise... They weren't with us on the ground, but they were with us through those capabilities, with which we crushed and rocked the enemy."* Sinwar reiterated Brigades spokesperson Abu Ubeida's statement that *"firing a salvo of 250 rockets on Tel Aviv is easier for us than [drinking water]."*

Sinwar also stated *"we support the eradication of Israel through armed jihad and struggle."* Following the 7 October 2023 Hamas led terrorist attacks on Israel (see Terrorist Activity below), Ismail Haniyeh, then the

leader of the Executive Committee, delivered a televised endorsement of the attacks from Türkiye where he outlined the objectives of the attack and spoke of the actions of the Brigades as part of the Hamas' broader organisation and goals. Statements such as *"our objective is clear: we want to liberate our land"* and *"we warned them against the settlement expansion in the West Bank."* implies that the actions of the Brigades on 7 October were conducted as part of the larger goals of the organisation. Hamas' political leadership was involved in the management of hostages taken by the Brigades during the 7 October attacks. Upon their release, former hostages reported that while he was political leader of Hamas, Yahya Sinwar was present and interacting with the hostages telling one *"Hello, I am Yahya Sinwar. You are the most protected here. Nothing will happen to you."* This assertion is evidence of the control exercised over the brigades by Hamas leadership.

These statements indicate that while the Brigades retain a degree of operational independence, Hamas' political leadership remains actively involved in the Brigades' activities.

Leadership

Hamas leadership consists of the Executive Committee, the consultative General Shura Council, and the Izz ad-Din al-Qassam Brigades. Together, these three bodies are responsible for decision-making.

The Executive Committee is comprised of 15 members elected by the General Shura Council every four years. The chairman of the Executive Committee is considered to be the leader of Hamas. In May 2017, Ismail Haniyeh replaced Khaled Mashal as chairman of the Executive Committee. After Haniyeh's assassination in July 2024, Yahya Sinwar, then the military leader of Hamas in Gaza and considered to be the architect behind the 7 October attacks, was elected as chairman. Sinwar was killed in an Israeli raid in Rafah, Gaza in October 2024. After the quick loss of two of its leaders due to the Israel-Hamas conflict, Hamas has temporarily adopted a model of collective leadership to mitigate the effect of individual assassinations. As of January 2025, this is made up of five members: the head of the General Shura Council, Muhammad Darwish, the leaders of three regional committees: Khalid Mishaal (External), Khalil alHayya (Gaza), and Zaher Jabareen (West Bank), and Nizar Awadallah, and the secretary-general of the Executive Committee (currently not publically known).

Mohammed Deif was the leader of the Brigades from 2002. In a video released by Hamas on 30 January 2025, it was confirmed that Deif, along with his deputy, had been killed in the conflict with Israel. He was replaced by Mohammad Sinwar, younger brother of the former chairman of the Executive Committee, Yahya Sinwar. Mohammad Sinwar was reportedly killed in Gaza on 13 May 2025. As of 10 June 2025, it is not confirmed who will replace Mohammad Sinwar as leader of the Brigades.

Hamas' headquarters have been located in Doha, Qatar since 2012. Senior members of Hamas' political bureau are based in Doha, Qatar, and include Musa Abu Marzouk and Usama Hamdan.

Membership

The total size of Hamas is difficult to determine. Before 7 October 2023, estimates for the Brigades ranged from several thousand to up to 30,000 fighters. The Brigades have since been weakened, with the current size unclear. The proportion of members assigned to normal military and security duties, and those involved in planning terrorist attacks is unknown.

Financing

The proportion of funds Hamas has allocated to the terrorism-related activities of the Brigades is difficult to determine. While Iran is known to fund the Brigades, Hamas' funding comes from a range of official and private sources including states, corporations, individual donors, and charities. International counterparts have noted Hamas derives a significant portion of its funding from online fundraising and through cryptocurrency.

Funds and donated goods directed towards the social service wing of Hamas are used to fund the Brigades. Hamas is able to use genuine humanitarian assistance as a funding stream in two ways, the first is through the taxation of funds and goods moving through their borders and the second is that donated international

aid allows Hamas to divert the funding that would have been spent on providing those services to be spent on terrorism.

Links to other groups

Hamas, through activities conducted by the Brigades, cooperates with other violent extremist organisations in the region. This includes coordinating operations with listed terrorist organisation Palestinian Islamic Jihad and receiving support such as training, operational assistance and weapons from listed terrorist organisation Hizballah.

Terrorist activity

Directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act

The majority of Hamas' terrorist acts have been conducted by the Brigades. Public statements made by Hamas' political leaders acknowledge and support the terrorism-related activities of the Brigades. Since 2005, Hamas terrorist attacks have primarily consisted of small-arms, rocket and mortar fire at Israeli communities in the vicinity of Gaza. These attacks have caused property damage, as well as deaths and injuries to both Israeli military personnel and civilians.

Recent examples of Hamas engaging in, preparing or planning terrorist acts include:

- On 1 October 2024, seven people were killed in a combined shooting and stabbing attack in Jaffa, conducted by two members of the Brigades.
- On 18 August 2024, Hamas conducted a suicide bombing attack in Tel Aviv. The explosion occurred near the Shimon Bar Yochai synagogue as more than 100 people were praying and coincided with the arrival of the United States Secretary of State, Antony Blinken. The Brigades stated that they worked with Palestinian Islamic Jihad to execute the 'martyrdom operation'. The Israeli police arrested and charged 8 people for planning and carrying out the attack.
- On 7 October 2023, Hamas-led militants conducted a series of coordinated terrorist attacks on Israel, known as Operation Al-Aqsa Flood. This resulted in the deaths of an estimated 1,200 individuals, injuring more than 5,400 others, and the abduction of 253 hostages. Nationals from at least 35 countries, including Australia, were killed, injured, or taken hostage in the attack.
- On 20 June 2023, two Hamas gunmen conducted a shooting attack on a roadside restaurant and petrol station near the Eli settlement which killed four people. A Hamas spokesperson claimed the attacks as a response to a raid by Israeli forces on the Jenin refugee camp, which resulted in several deaths.

As of June 2025, Hamas continues to hold 50 hostages captive in Gaza who were taken as part of the 7 October attacks. The bodies of 49 hostages have been recovered since 7 October.

On the basis of these examples, Hamas is assessed to have directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act.

Advocates the doing of a terrorist act

Hamas' leadership and media outlets often praise, promote and encourage terrorist attacks conducted by its own Brigades and other violent extremist organisations and lone-actor attacks. Recent examples of Hamas advocating terrorist acts include:

- On 29 November 2024, in a statement that claimed responsibility for a bus shooting in the West Bank, Hamas incited Palestinians in the West Bank to take action following the attack. They called on people to 'escalate the clashes with the occupation and its settlers' and to 'increase their involvement in the al-Aqsa Flood'. They issued a message instructing Palestinians to 'kill them wherever you find them, and turn them out from where they have turned you out'.
- On 19 September 2024, Hamas published a video that glorified a number of suicide attacks in Israel since 1994 and threatened to unleash a flood of suicide bombers to 'drown' Israel. The video

included a speech from a fighter stating 'blood flowing [in] Gaza will be met with a flood of martyrdom-seeking operations'. The praising and glorification of suicide attacks targeting Israelis dating back to 1994 within the context of the current hostilities is likely to encourage and incite others to emulate these attacks.

- On 7 October 2023, as part of the ongoing 'Operation al-Aqsa Flood':
 - o Hamas released a video of the Brigades Commander Mohammed Deif calling for Palestinian and 'resistance' groups in the region to honour jihad and to take part in the 'liberation of alAqsa Mosque'.
 - o Hamas leader Ismail Haniyeh made a speech on 7 October inciting people to join the attack on Israel as part of the '...ultimate jihad, the outcome of which can only be victory or martyrdom' and to kill Israelis whether they are settlers or soldiers.
 - o Haniyeh further issued a statement that calls on people everywhere 'to stand in this just battle in defending al-Aqsa'.

On the basis of these examples, Hamas is assessed to advocate the doing of a terrorist act.

Other considerations

Links to Australia and threats to Australian interests

There are no known direct links between Hamas and Australia. Hamas has not made statements specifically threatening Australians or Australian interests. However, Australians have been harmed in terrorist attacks conducted by Hamas.

On 7 October 2023, an Australian-Israeli national was killed outside her home in Be'eri Kibbutz as part of the Hamas led attack on Israel.

Listings by likeminded countries or the United Nations

The United States has designated Hamas as a Foreign Terrorist Organization since 8 October 1997, and as a Specially Designated Global Terrorist group since 31 October 2001.

The United Kingdom proscribed Hamas in its entirety as a terrorist organisation in November 2021. Prior to this, the UK had proscribed Hamas' Izz al-Din al-Qassam Brigades as a terrorist organisation since March 2001. The UK has imposed sanctions on Hamas in its entirety since 31 December 2020.

Canada listed Hamas as a terrorist entity on 27 November 2002.

New Zealand designated Hamas in its entirety as a terrorist entity on 27 February 2024. New Zealand had previously designated Hamas' Izz al-Din al-Qassam Brigades as a terrorist entity since October 2010.

The European Union added Hamas in its entirety to the EU terrorist list in 2003.

Engagement in peace or mediation processes

On 22 November 2023, Hamas and Israel agreed to a temporary ceasefire, mediated by Qatar and Egypt, to allow for a prisoner exchange. During a 7-day pause in hostilities 110 of the hostages taken by Hamas on 7 October were freed in exchange for 240 Palestinian prisoners.

Hamas continued to engage in ceasefire negotiations with Israel throughout 2024. An agreement for a ceasefire and exchange of hostages between Israel and Hamas was announced on 15 January 2025. The ceasefire followed a three-phase approach, with the first stage including an exchange of hostages and cessation of hostilities. Attacks on Gaza recommenced in March 2025, indicating an end to the ceasefire.

Historical ceasefire efforts

In 2017, Hamas engaged in reconciliation negotiations with its rivals, including the Fatah-led Palestinian Authority. This included a 12 October 2017 agreement to restore Palestinian Authority control to the Gaza

strip; however, it did not address the future of the Brigades which, as of March 2025, have not disarmed. Hamas has been involved in other ceasefire agreements, including in August 2020.

In September 2020, Fatah and Hamas announced an agreement to hold general Palestinian elections following reconciliation talks. Further talks between Fatah and Hamas were held in February 2021. General Palestinian elections were scheduled for May 2021, but were postponed indefinitely in April 2021 by the Fatah-led Palestinian Authority. In January 2022, reconciliation talks commenced between Fatah, Hamas and other Palestinian organisations in Algeria.

Hamas agreed to a ceasefire with Israel following the May 2021 escalation in the Israeli-Palestinian conflict involving the firing of rockets from Gaza into Israel. Hamas was involved in negotiations with Israel to strengthen the ceasefire, with Egypt acting as mediator.

Conclusion

On the basis of the information above, the Australian Government assesses that Hamas is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts, and advocates the doing of terrorist acts.



~~OFFICIAL: Sensitive~~

Decision Record: 25 August 2024 Hamas De-Listing Application

<u>De-listing application</u>	
<i>Date of de-listing application:</i>	18, 23 and 25 August 2024 (which collectively amount to one application)
<i>Relevant Sections</i>	Application made under s 102.1(16) of the Criminal Code
<i>Listed organisation:</i>	Hamas (see <i>Criminal Code (Terrorist Organisation—Hamas) Regulations 2022</i>)
<i>Applicant:</i>	Daniel R. Taylor
<i>Key matters raised in the de-listing application:</i>	(a) Whether the non-military wing of Hamas should be included in the Hamas listing (b) The validity of the original decision to list Hamas as a terrorist organisation (c) Hamas is exercising a right of armed resistance against an illegal occupation (d) Hamas is exercising a right and duty to resist genocide (e) Hamas is the elected government of the Palestinian people (f) Israel and Hamas are engaged in an armed conflict (g) Israel's policies and actions are genocide and war crimes (h) Listing Hamas makes the Australian Government complicit in and supportive of Israel's policies and actions
<i>AFP Minister (relevant decision-maker):</i>	The Hon Tony Burke MP, Minister for Home Affairs, Minister for Immigration and Citizenship, Minister for Cyber Security
<i>Outcome of consideration:</i>	Hamas continues to meet the legislative threshold for listing as a terrorist organisation under the Criminal Code.

Legislative Framework

Subsection 102.1(16) of the Criminal Code provides that individuals or organisations can make a de-listing application to the AFP Minister in relation to a listed organisation on the grounds that there is no basis for the AFP Minister to be satisfied that the listed organisation is doing or advocating the doing of terrorist acts, and the AFP Minister has not received a de-listing application in the previous 12 months.

Upon receiving a de-listing application, subsection 102.1(17) requires the AFP Minister to consider whether the listed organisation:

- (a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
 - (b) advocates the doing of a terrorist act; as the case requires;
- as the case requires.

~~OFFICIAL: Sensitive~~

If the AFP Minister is no longer satisfied that the organisation continues to meet the relevant legislative threshold which formed the basis of its original listing, the AFP Minister is required to make a declaration under subsection 102.1(4) in relation to the listed organisation.

If the AFP Minister is satisfied that the organisation continues to meet the relevant legislative threshold which formed the basis of its original listing no additional actions are required by the Criminal Code.

Matters taken into account

In considering the application to delist Hamas as a terrorist organisation in the context of the relevant statutory factors under the Criminal Code, I have considered:

- matters raised by the applicant in their emails from 18, 23 and 25 August 2024 ([Attachment A](#)); and
- the legislative threshold for listing an organisation as a terrorist organisation under the Criminal Code, namely that I am satisfied on reasonable grounds that the organisation:
 - o is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
 - o advocates the doing of a terrorist act; and
- information relating to Hamas' actions and statements since the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022* were made on 3 March 2022.
- recent statements by the Australian Government about Hamas', their actions and statements.

Hamas is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act

I have considered recent examples of Hamas' continued actions in relation to the preparing, planning, assisting in or fostering the doing of a terrorist act following the making of the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022*.

The majority of Hamas' terrorist acts have been conducted by the Brigades. Public statements made by Hamas' political leaders acknowledge and support the terrorism-related activities of the Brigades. Since 2005, Hamas terrorist attacks have primarily consisted of small-arms, rocket and mortar fire at Israeli communities in the vicinity of Gaza. These attacks have caused property damage, as well as deaths and injuries to both Israeli military personnel and civilians.

Recent examples of Hamas engaging in, preparing or planning terrorist acts include:

- On 1 October 2024, seven people were killed in a combined shooting and stabbing attack in Jaffa, conducted by two members of the Brigades.
- On 18 August 2024, Hamas conducted a suicide bombing attack in Tel Aviv. The explosion occurred near the Shimon Bar Yochai synagogue as more than 100 people were praying and coincided with the arrival of the United States Secretary of State, Antony Blinken. The Brigades stated that they worked with Palestinian Islamic Jihad to execute the 'martyrdom operation'. The Israeli police arrested and charged 8 people for planning and carrying out the attack.
- On 7 October 2023, Hamas-led militants conducted a series of coordinated terrorist attacks on Israel, known as Operation Al-Aqsa Flood. This resulted in the deaths of an estimated 1,200 individuals, injuring more than 5,400 others, and the abduction of 253 hostages. Nationals from at least 35 countries, including Australia, were killed, injured, or taken hostage in the attack.
- On 20 June 2023, two Hamas gunmen conducted a shooting attack on a roadside restaurant and petrol station near the Eli settlement which killed four people. A Hamas

spokesperson claimed the attacks as a response to a raid by Israeli forces on the Jenin refugee camp, which resulted in several deaths.

As of June 2025, Hamas continues to hold 50 hostages captive in Gaza who were taken as part of the 7 October attacks. The bodies of 49 hostages have been recovered since 7 October.

On the basis of these examples, I am satisfied that Hamas is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act.

Hamas advocates the doing of a terrorist act

I have considered recent examples of Hamas' continued advocacy of the doing of a terrorist act following the making of the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022*.

Hamas' leadership and media outlets often praise, promote and encourage terrorist attacks conducted by its own Brigades and other violent extremist organisations and lone-actor attacks.

Recent examples of Hamas advocating terrorist acts include:

- On 29 November 2024, in a statement that claimed responsibility for a bus shooting in the West Bank, Hamas incited Palestinians in the West Bank to take action following the attack. They called on people to 'escalate the clashes with the occupation and its settlers' and to 'increase their involvement in the al-Aqsa Flood'. They issued a message instructing Palestinians to 'kill them wherever you find them, and turn them out from where they have turned you out'.
- On 19 September 2024, Hamas published a video that glorified a number of suicide attacks in Israel since 1994 and threatened to unleash a flood of suicide bombers to 'drown' Israel. The video included a speech from a fighter stating 'blood flowing [in] Gaza will be met with a flood of martyrdom-seeking operations'. The praising and glorification of suicide attacks targeting Israelis dating back to 1994 within the context of the current hostilities is likely to encourage and incite others to emulate these attacks.
- On 7 October 2023, as part of the ongoing 'Operation al-Aqsa Flood':
 - Hamas released a video of the Brigades Commander Mohammed Deif calling for Palestinian and 'resistance' groups in the region to honour jihad and to take part in the 'liberation of al-Aqsa Mosque'.
 - Hamas leader Ismail Haniyeh made a speech on 7 October inciting people to join the attack on Israel as part of the '...ultimate jihad, the outcome of which can only be victory or martyrdom' and to kill Israelis whether they are settlers or soldiers.
 - Haniyeh further issued a statement that calls on people everywhere 'to stand in this just battle in defending al-Aqsa'.

On the basis of these examples, I am satisfied that Hamas advocates the doing of a terrorist act.

Matters raised by the applicant

In the August 2024 emails the applicant raises a number of matters which I have considered in making my decision. I provide my considerations to these matters below, set out thematically for ease.

(a) Whether the non-military wing of Hamas should be included in the Hamas listing

The applicant purported that the non-military wing of Hamas should never have been listed as a terrorist organisation.

I note that the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022* repealed the previous *Criminal Code (Terrorist Organisation—Hamas' Izz al-Din al-Qassam Brigades) Regulations 2021*, which specified Hamas' military wing as a terrorist organisation.

Following the 7 October 2023 attacks, Ismail Haniyeh, then the leader of Hamas' Executive Committee, delivered a televised endorsement of the attacks, outlined the objectives of the attacks and spoke of the actions of the Brigades as part of the Hamas' broader organisation and goals.

While I acknowledge that there are aspects of Hamas which relate to the civil function of Palestine, I consider that there is sufficient information available which demonstrates that Hamas is one organisation and that it is appropriate for the listing to continue to include both its military and non-military wings.

(b) The validity of the original decision to list Hamas as a terrorist organisation

The application states that the original decision to list Hamas in its entirety was affected by jurisdictional error as it did not consider that Hamas is exercising a right of armed resistance against an illegal occupation. Specifically because "the fact of Israel's illegal occupation of the Palestinian territories and the right of armed resistance to that occupation was not taken into consideration".

I note that it would be for a court to determine whether that decision was affected by jurisdictional error and do not make a determination to that effect. However, I note that the Explanatory Statement to the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022* described Hamas' ideology, views on Israel and strategy of armed resistance.

(c) Hamas is exercising a right of armed resistance against an illegal occupation

The application also suggested that I should consider de-listing Hamas as it is exercising a right of armed resistance against an illegal occupation.

I have considered this and noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(d) Hamas is exercising a right and duty to resist genocide

The application also suggested that I should consider de-listing Hamas as it is exercising a right and duty to resist genocide.

I have considered this and noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(e) Hamas is the elected government of the Palestinian people

The application also suggested that I should consider de-listing Hamas as Hamas is the elected government of the Palestinian people.

I note that Australia does not recognise a Palestinian state, so Hamas is not the government of a recognised State.

I have considered this and noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(f) Israel and Hamas are engaged in an armed conflict

The application also suggested that I should consider de-listing Hamas as Israel and Hamas are engaged in an armed conflict.

I consider the examples described above to be terrorist acts and I do not consider those incidents to have been undertaken legitimately as part of armed conflict.

On that basis, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(g) Israel's policies and actions are genocide and war crimes

The application also suggested that I should consider de-listing Hamas in the context of Israel's policies and actions.

I note that this matter does not go to whether the actions of Hamas are terrorist activities or to determining whether Hamas continues to meet the legislative threshold for listing as a terrorist organisation under the Criminal Code.

Even if this matter was a relevant consideration, noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(h) listing Hamas makes the Australian Government complicit in and supportive of Israel's policies and actions.

The application also suggested that I should consider de-listing Hamas as listing Hamas makes the Australian Government complicit in and supportive of Israel's policies and actions.

I note that this matter does not go to whether the actions of Hamas are terrorist activities or to determining whether Hamas continues to meet the legislative threshold for listing as a terrorist organisation under the Criminal Code.

Even if this matter was a relevant consideration, noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

Other matters considered

I also had regard to recent statements by the Australian Government. For example, the joint statement from the Prime Minister and the Minister for Foreign Affairs on 16 January 2025 that "Australia remains unequivocal in our condemnation of Hamas' atrocities on 7 October, and its ongoing acts of terror. There must be no role for Hamas in the future governance of Gaza. Any future Palestinian state must not be in a position to threaten Israel's security."

Decision

With consideration to the above, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation under the Criminal Code.

TONY BURKE

/ / 2025

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

Attachment A to the Decision Record

De-listing application: Emails from 25, 23 and 18 August 2024

From: S. 47F(1)
Sent: Sunday, 25 August 2024 2:24 AM
To: Attorney Correspondence <attorney@ag.gov.au>
Cc: Thorpe Lidia (Senator) <senator.thorpe@aph.gov.au>; Shoebridge David (Senator Office) <senator.shoebridge@aph.gov.au>; senator.faruqi@aph.gov.au; Steele-John Jordon (Senator) <senator.steele-john@aph.gov.au>; senator.hanson-young@aph.gov.au; Payman Fatima (Senator Office) <senator.payman@aph.gov.au>; Senator David Shoebridge <office@davidshoebridge.org.au>; Bandt Adam (MP) <adam.bandt.mp@aph.gov.au>; ed.husic.mp@aph.gov.au
Subject: Hamas Delisting Application Re: Criminal Code 102.1(17) application to delist Hamas as a terrorist organisation -

Dear Attorney General

Further to the application to delist Hamas as a terrorist organisation, the Hamas non-military wing, including governmental, health ministry, police ministry, garbage collection, water and sanitation sections, food and water provisioning sections, should clearly never have been listed as terrorist organisations as it could never be imagined that there was any basis for the Minister to be satisfied that they were "directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or advocates the doing of a terrorist act."

<https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/protocol-for-listing#content-index-3>

The ICJ in the "APPLICATION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE IN THE GAZA STRIP (SOUTH AFRICA v. ISRAEL)" has found that Israel is plausibly committing a genocide against Palestinians in Gaza.

In the most recent orders on 24 May 2024 it found "

"47. In light of the considerations set out above, and taking account of the provisional measures indicated in its Orders of 26 January 2024 and 28 March 2024, the Court finds that the current situation arising from Israel's military offensive in Rafah entails a further risk of irreparable prejudice to the plausible rights claimed by South Africa and that there is urgency, in the sense that there exists a real and imminent risk that such prejudice will be caused before the Court gives its final decision. ...

*...
50. The Court considers that, in conformity with its obligations under the Genocide Convention, Israel must immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part.*

*...
52. The Court also considers that the catastrophic situation in Gaza confirms the need for the immediate and effective implementation of the measures indicated in its Orders of 26 January 2024 and 28 March 2024, which are applicable throughout the Gaza Strip, including in Rafah. In these circumstances, the Court finds it necessary to reaffirm the measures indicated in those Orders. In so doing, the Court wishes to emphasize that the measure indicated in paragraph 51 (2) (a) of its Order of 28 March 2024, requiring the "unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance", necessitates that the Respondent maintain open land crossing points, and in particular the Rafah crossing.*

In circumstances where each of those orders has been wilfully violated and ignored by the Israeli government and a genocide against Palestinians in Gaza is being committed by Israel, the exercise of the legal right of armed resistance by Palestinians cannot be arbitrarily defined as terrorism by Australia. while Israel is supplied also by Australia with the weapons to carry out the genocide.

Further the taking of hostages by Hamas cannot at the same time be condemned by Australia as terrorism while the taking of hostages by Israel is condoned by Australia through the provision of weapons to Israel to

take and kill those hostages. Further the recent revelations about the mass torture and mass executions of Palestinians taken hostage by Israel establishes that Australia cannot partake in the conflict on the side of Israel by condemning Hamas as a terrorist organisation.

Most significantly and as indicated in my previous correspondence, the designation of Hamas as a terrorist organisation is a direct incitement to genocide by the state of Israel against Palestinians in Gaza under cover of their stated ambition to exterminate all members of Hamas and their supporters, which is effectively the whole population. There is no rational basis for the determination that Hamas in the face of ongoing genocide by Israel is engaged in terrorist acts. That is a misuse of language and law to justify genocide.

The listing of those sections of Hamas as terrorist organisations means Australia is and remains complicit in the Israeli government's ongoing genocidal extermination program against all members of Hamas, including non-military sections and members, and members of the public supporting Hamas, which is a majority since they voted Hamas as their elected representatives in the last elections.

The listing of the military brigades of Hamas as well as the Hamas civilian services and administration as a terrorist organisation was also affected by jurisdictional error in that the fact of Israel's illegal occupation of the Palestinian territories and the right of armed resistance to that occupation was not taken into consideration.

Moreover, the ruling of the ICJ ruling that Israel was an illegal occupying power means that the right of armed resistance to that occupation is recognised by international law. Therefore by definition the use of violence within that armed conflict is to be considered under the laws of war even when breaches occur. But moreover the fact that Israel has been found by the ICJ

19 JULY 2024 ADVISORY OPINION LEGAL CONSEQUENCES ARISING FROM THE POLICIES AND PRACTICES OF ISRAEL IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM

[186-20240719-adv-01-00-en.pdf \(ici-cij.org\)](#)

Several of the justices including Justice Charlesworth specifically referred to that right of armed resistance, and Justice Charlesworth in a separate note additional to the majority decision, stated:

DECLARATION OF JUDGE CHARLESWORTH

23. In this connection, it is worth recalling that, under customary international law, the population in the occupied territory does not owe allegiance to the occupying Power [17], and that it is not precluded from using force in accordance with international law to resist the occupation¹⁸. Therefore, the fact that the population in the Occupied Palestinian Territory resorts to force to resist the occupation does not in itself justify the maintenance by Israel of its occupation."

Footnote 17 See Art. 45 of the Hague Regulations; see also the third paragraph of Art. 68 of the Fourth Geneva Convention.

Footnote 18 See, for example, General Assembly resolution 37/43 of 3 December 1982, para. 2. <https://www.ici-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-10-en.pdf>

I further note that the ICC Pretrial Chamber in 2021 found that Palestine is a State, occupied by the State of Israel, No. ICC-01/18

legal-tools.org/doc/haitp3/pdf/

"

FOR THESE REASONS, THE CHAMBER HEREBY

FINDS that Palestine is a State Party to the Statute;

FINDS, by majority, Judge Kovács dissenting, that, as a consequence, Palestine qualifies as '[t]he State on the territory of which the conduct in question occurred' for the purposes of article 12(2)(a) of the Statute; and

FINDS, by majority, Judge Kovács dissenting, that the Court's territorial jurisdiction in the Situation in Palestine extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem. "

The ICC Chief Prosecutor noted that there has existed an armed conflict between Israel and Hamas since at least 2008:

"Since at least 2008, Israel and Hamas have been engaged in a non-international armed conflict, entailing extensive and repeated airstrikes, the killing of civilians, the destruction of property, and the taking of hostages"

No.: ICC-01/18 Date: 23 August 2024 "

Prosecution's consolidated response to observations by interveners pursuant to article 68(3) of the Rome Statute and rule 103 of the Rules of Procedure and Evidence"

<https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180949087.pdf>

It is to be noted that the Prosecutor here implicitly acknowledges that both parties to the armed conflict took hostages during the course of the conflict , and it is to be further noted that the taking of military prisoners in the course of armed conflict is not by definition hostage taking. It is to be further noted that it is Israel that effected a policy to kill hostages, including through the use of the Hannibal Directive by which the Israeli government on 7th October 2023 attempted to kill all Israelis at risk of being taken prisoner by Hamas.

Therefore I reiterate my request to delist both the civilian arms of Hamas, as well as the military wing of Hamas, delisting them as terrorist organisations.

Please excuse any typographical, or grammatical errors in this submission. It is done in the urgency of an ongoing genocide and seeks to call on the erga omnes obligations on you, as Minister of the Commonwealth, to prevent genocide, a genocide being carried out in the name of anti-terror operations, which is directly and explicitly incited, condoned, and materially supported, by the ongoing listing of Hamas in both its military and civilian wings. Hamas must therefore be delisted as a terrorist organisation.

Yours sincerely
Daniel R. Taylor
Solicitor

s. 47F(1)

On Friday 23 August 2024 at 08:22:34 pm AEST, s. 47F(1)
s. 47F(1) wrote:

Dear Attorney General

I am resending the document in PDF format.

On Friday 23 August 2024 at 12:31:04 pm AEST, s. 47F(1)
s. 47F(1) wrote:

23.08.2024

Re-Application to delist Hamas as a terrorist organisation under s.102.1(17) Criminal Code 1995

Attorney General

Hon Mark Dreyfus K.C. M.P.

Dear Attorney General

1. This is a reapplication to delist Hamas as a terrorist organisation under s.102.1(17) Criminal Code 1995.
2. I attach the refusal of the former AG Mr Ruddock to refuse my application to delist Hamas and Hezbollah as terrorist organisation on 21st June 2007, 17 years ago, and request again, you to delist Hamas as a terrorist organisation (Annexure 1). By definition, opposing genocide by military force cannot be terrorism. I also enclose my 11th August 2006 application to delist Hamas and 13th August 2006 Application to delist Hezbollah. I further attach a copy of my subsequent recent 18th August 2024 re-application to delist Hamas as a terrorist organisation (Annexure 4). I continue to rely on annexures 2, 3, and 4.

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under the Freedom of Information Act 1982

3. As a result of the refusal to delist Hamas as a terrorist organisation, and the maintenance of the listing, Israel continued with its liquidation policies against Hamas, Hamas family and community members, and Palestinians of Gaza in particular. These results led to the 7th October 2023 outbreak from the Gaza prison, and the genocide against the Palestinians of Gaza committed by the State of Israel.
4. The ongoing genocide relies directly for intellectual support on the continued listing of Hamas as a terrorist organisation by Australia and a small number of other western nations, approx 30 in total, while the rest of the world.
5. The rest of the world and the International Court of Justice recognise that Palestinians have a right of armed resistance against illegal occupation and genocide by the Israeli regime. About 195 do not list Hamas as a terrorist organisation.
6. Australia's ongoing listing always represented a state of war, an arms embargo, and purported moral cover for liquidation of Palestinian people and in the current circumstances since 7th October 2023 is complicity in genocide.
7. When there is a conflict of laws the obligations erga omnes to prevent genocide over-rides all other priorities.
8. The fact that the ICJ recently confirmed the right of armed resistance against illegal occupation means that the Commonwealth is not permitted to purport to authorise the continued liquidation of Palestinians under the guise of anti-terrorism.
9. I note that the Australian Jewish Association considers all Palestinians to be Hamas and thus purports to deem even babies as military targets^[1].
10. I therefore require a detailed, urgent, and prompt response to my request. I further note that as the former Attorney General responded on the basis that the application could be considered to be a valid application for delisting of Hamas as a terrorist organisation under s.102.1(17) of the Criminal Code so too should you consider that the application requires a considered response.

Yours sincerely

Daniel R. Taylor
solicitor

[\[1\] Bridget Gabrielle: Hamas and Palestinians are the same](#)

BRIGITTE GABRIEL CALLS HAMAS & GAZANS AS THE SAME If you do nothing else, listen to just the first 15 sec of this video (total 2 min 24 sec) from someone who unlike our politicians, knows what she's talking about. Hamas is not an isolated entity from the Palestinian people (in Gaza). Hamas and the Palestinian people are one and the same..." Labor is importing Hamas to Australia right now.

On Friday 23 August 2024 at 11:50:46 am AEST, S. 47F(1)
S. 47F(1) wrote:

Dear Attorney General

I refer to the refusal of the former AG Mr Ruddock to delist Hamas and Hezbollah as terrorist organisation on 21st June 2007, 17 years ago.

As a result of the maintenance of the listing, Israel continued with its liquidation policies against Hamas, Hamas family and community members, and Palestinians of Gaza in particular. These results led to the 7th October 2023 outbreak from the Gaza prison, and the genocide against the Palestinians of Gaza committed by the State of Israel.

The ongoing genocide relies directly for intellectual support on the continued listing of Hamas as a terrorist organisation by Australia and a small number of other western nations, approx 30 in total.

The rest of the world and the International Court of Justice recognise that Palestinians have a right of armed resistance against illegal occupation and genocide by the Israeli regime.

Australia's ongoing listing always represented a state of war, an arms embargo, and purported moral cover for liquidation of Palestinian people and in the current circumstances since 7th October 2023 is complicity in genocide.

When there is a conflict of laws the obligations erga omnes to prevent genocide over-rides all other priorities.

The fact that the ICJ recently confirmed the right of armed resistance against illegal occupation means that the Commonwealth is not permitted to purport to authorise the continued liquidation of Palestinians under the guise of anti-terrorism.

I note that the Australian Jewish Association considers all Palestinians to be Hamas and thus purports to deem even babies as military targets.

I therefore require a detailed, urgent, and prompt response to my request. I further note that as the former Attorney General responded on the basis that the application could be considered to be a valid application for delisting of Hamass as a terrorist organisation under s.102.1(17) of the Criminal Code so too should you consider that the application requires a considered response. .

Yours sincerely

On Sunday 18 August 2024 at 10:42:49 pm AEST, S. 47F(1)
S. 47F(1) wrote:

Dear Attorney General

I am writing to request you to delist Hamas as a terrorist organisation for the reasons specified below, in particular because it is opposing the genocide being inflicted by Israel, and the continued listing of Hamas serves as incitement to Israel to continue the ongoing genocide of the Palestinian people.

The reasons include

1. Hamas is an organization exercising the right and duty to resist genocide against the Palestinian people. This duty falls upon all States but only the State of Yemen has taken concrete measures to fulfill this obligation under international law.
2. The ongoing listing of Hamas as a terrorist organization in the face of genocide renders the Commonwealth of Australia, and the Attorney General, as inciting and complicit in the ongoing genocide of the Palestinian people. Further the Israeli state has committed grave war crimes over a number of decades in seeking to liquidate all family members of Hamas member including children. These horrendous actions are shown by the recent targeted assassinations by Israel of the children and grandchildren and extended family members including children, of Ismail Haniyeh in child targeted assassinations. Such evil is unspeakable and we can no longer allow such child killing by israel the cover of legitimacy by the continued designation of Hamas as a terrorist organisation. Further, the ongoing designation of Hamas as a terrorist organisation lends cover to the assassination even of the chief negotiator Ismail Haniyeh which is definitively terminal to negotiations for a ceasefire.
3. Hamas is an organization exercising the right of armed resistance opposing the Israeli regime which is illegally occupying their land. The ICJ found that the right to armed resistance against the illegal occupation is enshrined in international law.
4. Israel used racist and genocidal propaganda to kill its own civilians using the Hannibal doctrine on 7th October 2023 and to falsely attribute all civilian deaths to Hamas in order to justify genocide. Further, Israel refuses to allow for an independent investigation into the 7th October 2023 incursion.

5. Hamas was elected to government of the Palestinian people in free and fair elections as part of the Oslo accords but the results were not honored by Israel, the United States, or Australia, even though no objection was raised to its participation in those elections.

6. The delisting of Hamas as a terrorist organisation is necessary in order to open a pathway to a political solution to the conflict. The ongoing listing of Hamas is a declaration of war by the Commonwealth of Australia which is contributing to the genocide.

7. The madness of Israel in committing genocide will not stop while the world continues to propagate a false narrative that the 7th October 2023 incursion was not an exercise of the right of armed resistance, even if breaches of international law occurred in the course of that incursion.

If you are unwilling to delist the organisation then the listing must be suspended until the genocide stops.

Yours sincerely
Daniel R. Taylor

s. 47F(1)



The Hon Tony Burke MP
Minister for Home Affairs
Minister for Immigration and Citizenship
Minister for Cyber Security
Minister for the Arts
Leader of the House

Ref No: MS25-001359

Mr Daniel R. Taylor

s. 47F(1)

Dear Mr Taylor

I refer to your correspondence of 18, 23 and 25 August 2024 to the Hon Mark Dreyfus K.C. MP, the then Attorney-General, including an application to de-list Hamas as a terrorist organisation under the Criminal Code. Your correspondence has been referred to me as the matter now falls within my portfolio responsibilities.

I have read your emails and considered the matters you have raised along with other relevant matters and I am satisfied that Hamas continues to meet the legislative threshold for being a terrorist organisation under the Criminal Code.

Specifically, I am satisfied that Hamas continues to directly or indirectly engage in, preparing, planning, assisting in or fostering the doing of a terrorist act and that Hamas continues to advocate for the doing of terrorist acts.

Examples of this conduct include that:

- on 7 October 2023, Hamas-led militants conducted a series of coordinated terrorist attacks on Israel where a significant number of individuals were killed, including an Australian. In addition, a significant number of individuals were injured or taken hostage; and
- on 29 November 2024, Hamas called on Palestinians to increase their involvement in these ongoing terrorist attacks.

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under the Freedom of Information Act 1982

With respect to the matters you have raised, I am of the view that there is sufficient information available to demonstrate that Hamas is one organisation and that it is appropriate for the listing to continue to include Hamas in its entirety. In respect to the validity of the original decision to list Hamas as a terrorist organisation, I note that the Explanatory Statement to the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022* gave consideration to Hamas' ideology, views on Israel and strategy of armed resistance.

Thank you for bringing this matter to the Australian Government's attention.

Yours sincerely

TONY BURKE

/ / 2025

Additional background about the applicant's requests

August 2024 emails from the applicant to the Attorney-General

1. On 18, 23 and 25 August 2024, the applicant, Daniel R. Taylor sent emails to the Attorney-General, the then AFP Minister, which were intended to be an application to de-list Hamas as a terrorist organisation for the purposes of s 102.1(16) of the Criminal Code.
2. All the emails were sent to the correspondence address for the then Attorney-General, the Hon Mark Dreyfus KC MP, and copied to Senator Lidia Thorpe, Senator David Shoebridge, Senator Mehreen Faruqi, Senator Jordon Steele-John, Senator Sarah Hanson-Young, Senator Fatima Payman, Adam Bandt MP and the Hon Ed Husic MP.
3. Relevantly, subsection 102.1(16) of the Criminal Code provides for a de-listing application to be made on the grounds that there is no basis for the AFP Minister to be satisfied that the listed organisation :
 - is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
 - advocates the doing of a terrorist act.
4. The Australian Government Solicitor (AGS) S. 42(1)

18 August 2024 email

5. The 18 August 2024 email had the subject line: "Request to delist Hamas as a terrorist organisation".
6. This email requested that the Attorney-General de-list Hamas as a terrorist organisation for seven reasons, "in particular because it is opposing the genocide being inflicted by Israel, and the continued listing of Hamas serves as incitement to Israel to continue the ongoing genocide of the Palestinian people". The seven reasons included:
 - Hamas is exercising a right and duty to resist genocide
 - Its ongoing listing renders the Australian Government as "inciting and complicit in the ongoing genocide of the Palestinian people" and legitimises Israeli "war crimes"
 - Hamas is exercising a right of armed resistance against an illegal occupation
 - "Israel used racist and genocidal propaganda to kill its own civilians using the Hannibal doctrine on 7th October 2023" and refuses to allow an independent investigation
 - Hamas is the elected government of the Palestinian people

- De-listing Hamas is necessary to open a pathway to a political solution to the conflict, and its ongoing listing is a declaration of war by Australia
- the 7 October 2023 incursion was an exercise of the right of armed resistance (even if breaches of international law occurred in the course of that incursion).

23 August 2024 emails

7. Three emails were sent on 23 August 2024.
8. The first email (sent at 11.51am) reattached correspondence the applicant had received from a former Attorney-General in 2007 (in response to an application to de-list Hamas and Hizballah), re-iterated their concerns and requested a detailed, urgent, and prompt response to the 18 August 2024 request.
9. The second email (sent at 12.31pm) reattached the 18 August 2024 email in pdf format, and repeated their concerns and request for a response.
10. The third email (sent at 8.22pm) re-sent the document in a PDF format.

25 August 2024 email

11. The 25 August 2024 email had the subject line: "Hamas Delisting Application Re: Criminal Code 102.1(17) application to delist Hamas as a terrorist organisation - "".
12. This email raised additional reasons to de-list both wings of Hamas, including that:
 - the Hamas non-military wing should never have been listed as a terrorist organisation;
 - the decision to list Hamas was affected by jurisdictional error as it did not consider that Hamas is exercising a right of armed resistance against an illegal occupation; and
 - there have been views expressed in the International Court of Justice to support that Israel is committing a genocide against Palestinians, that Hamas is using force to resist the Israeli occupation, and that Israel and Hamas are engaged in an armed conflict.

June 2025 application for a mandamus order as part of separate court proceedings

13. The applicant, Daniel R. Taylor, is also an applicant in separate Federal Court of Australia proceedings against the Attorney-General and the Commonwealth of Australia, *Thorpe v A-G* (Cth) VID499/2025, regarding their public statements about Hamas and Hizballah (both listed terrorist organisations) and the Constitutional right to freedom of political communication.
14. AGS is representing the Australian Government in these proceedings.
15. On 24 April 2025, the applicants filed an originating application in the Federal Court seeking declarations to the effect that their previous publicly broadcasted statements in

support of Hamas and Hezbollah would not attract criminal liability under s 102.8(1) of the Criminal Code (concerning associating with terrorist organisations) because of s 102.8(6), which relevantly disapplies the offence provision to the extent that it would infringe the implied freedom of political communication.

16. The applicants' initial originating application did not raise the August 2024 de-listing application nor seek a mandamus order.
17. On 3 June 2025, AGS wrote to the applicants advising that the Commonwealth considered there are serious defects in the originating application and that it would be open to the Commonwealth to contend the proceeding ought to be dismissed. In response, the applicants advised AGS that they intended to file an amended originating application.
18. On 10 June 2025, the applicants served an amended originating application seeking a mandamus order requiring the Attorney-General to consider the applications made on 18, 23 and 25 August 2024 to de-list Hamas.
19. The grounds for this application suggest that the Attorney-General failed to consider the de-listing application within a reasonable time or according to law. The particulars re-iterate the reasons included in the emails (described above), adding that the continued listing of Hamas suppresses freedom of speech in Australia, that it relates to a very substantial part of the Palestinian people, and that it does not correlate to the peace and security of Australia.
20. S. 42(1) [REDACTED]
21. On 11 June 2025, the Court ordered that the matter be listed for a case management hearing on 28 July 2025.
22. AGS has advised S. 42(1) [REDACTED]
23. The Department of Home Affairs (Department) is also aware that the two applicants to these court proceedings, Uncle Robbie Thorpe and lawyer Daniel R. Taylor, have publicly engaged in related legal and legislative issues recently, for example:
 - in October 2024 they filed a private prosecution against Mark Regev, a former advisor to the Israeli Prime Minister Benjamin Netanyahu, charging him with Advocacy for Genocide;

- during 2024, they both separately made submissions to the Senate Standing Committees on Legal and Constitutional Affairs Inquiry into the Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024;
- in 2018, Daniel R. Taylor and others sought to bring a private prosecution against the then leader of Myanmar, Aung San Suu Kyi, on charges of crimes against humanity; and
- in February and March 2025, Uncle Robbie Thorpe appealed against the dismissal of his private prosecution against King Charles III for genocide and sought to add the Attorney-General and others as respondents.

June 2025 Attorney-General's Department identification of overlooked correspondence

24. On 3 June 2025, AGS advised S. 42(1) [REDACTED]
25. On 10 June 2025 the applicant served the revised originating application with details of the emails that the applicants contend to be de-listing applications, including the August 2024 email correspondence.
26. AGD then reviewed past correspondence from the applicant and identified that the relevant correspondence had been marked for no further action.
27. AGD has advised that the correspondence was likely marked for no further action because the applicant had sent a large number of emails to the Attorney-General around this period (including multiple emails attaching graphic images and videos depicting extreme violence), and AGD applied a policy of marking all their correspondence as for "no further action". Due to this, the August 2024 emails were not considered.
28. On 12 June 2025, AGD advised the Department that it had identified the August 2024 correspondence requesting a review of the listing of Hamas. AGD advised the Department that they considered the 25 August 2024 email to engage the obligation in the Criminal Code for the AFP Minister to consider the listing.
- 23 AGD has conducted several searches of their systems (including the Parliamentary Document Management System (PDMS)) and have not identified any other outstanding de-listing applications.

**AMENDED Originating application for relief under section 39B
Judiciary Act 1903**

No. VID499/2025

Federal Court of Australia
District Registry: VICTORIA
Division: GENERAL

Uncle Robbie Thorpe and another named in the schedule
Applicants

**Attorney General of the Commonwealth of Australia and another named in the
schedule**
Respondents

Commonwealth of Australia
Second Respondent

To the Respondent
The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing: [Registry will insert time and date]

Place: [address of Court]

The Court ordered that the time for serving this application be abridged to

Date:
Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of
Prepared by
Law Firm:
Tel & email
Address for Service

The Applicants
Daniel Robert Taylor, solicitor
Daniel Robert Taylor, solicitor
s. 47F(1) s. 47F(1)
s. 47F(1)

Details of claim

On the grounds stated below, the Applicant applies for the following relief under section 39B of the *Judiciary Act 1903*:

Relief Sought

1. Declaration that the Plaintiffs statements made on public radio on 30th October 2024 and on 20th November 2024, supporting the right of Hamas and Hezbollah to engage in armed resistance to Genocide, are within Constitutionally protected freedom of political communication, for the purpose of s.102.8(6) of the Criminal Code (Cth).
2. Declaration that the Plaintiffs' statements made on public radio on 30th October 2024 and on 20th November 2024, in support of the 2nd Applicant's application for de-listing of Hamas and Hezbollah as terrorist organisations under the Criminal Code 102.1(17), are within Constitutionally protected freedom of political communication, for the purpose of s.102.8(6) of the Criminal Code (Cth).
3. Mandamus order requiring the First Respondent Attorney General to consider according to law the application made by the Second Applicant on 18th, 23rd, and 25th August 2024 under s.102.1(17) of the for the delisting of Hamas from the list of proscribed terrorist organisation .

Grounds

Delisting Application

1A. The First Respondent failed to consider within a reasonable time or according to law, the delisting application made by the second Applicant on 18th, 23rd, and 25th August 2024. requesting delisting of Hamas from the list of proscribed terrorist organisations, under s102.1(16) and 102.1(17) of the Criminal Code (Cth).

Particulars

- a. The listing of the entirety of Hamas as a terrorist organisation incites the State of Israel to liquidate, exterminate, and genocide the Palestinian people as such, in breach of the Convention on the Prevention and Punishment of the Crime of Genocide.
- b. Delisting of Hamas is required in order to fulfil Australia's international obligations under the Genocide Convention, having regard to the ICJ finding that the State of Israel is plausibly committing genocide against the Palestinian people.
- Note that the ICJ found that Genocide is plausibly being committed by the State of Israel against the people of Palestine.
- c. The continued listing of Hamas as a terrorist organisation is unreasonable in circumstances of genocide, being committed against the Palestinian people by the State of Israel.
- d. The continued listing of Hamas as a terrorist organisation is beyond the power of the Attorney General as it relates to a very substantial part of the Palestinian people, rendering them subject to punishment under Australian law and to genocide by the State of Israel.
- e. The continued listing of Hamas as a terrorist organisation is in breach of Australia's international obligations to respect the right to self-determination of

the Palestinian people including the right to resist genocide and illegal occupation by armed force.

- f. The continued listing of Hamas as a terrorist organisation lacks any requisite correlation to the peace and security of Australia.
- g. The Israeli Government plan to eliminate all Palestinians in Gaza or from Gaza is justified by the designation of all Palestinians in Gaza as Hamas, including infants.
- h. The continued designation of Palestinian armed resistance to genocide as terrorism in Australian law deprives Palestinians of the fundamental human right of self-defence and collective self-defence.
- i. The continued designation of Palestinian armed resistance to genocide as terrorism in Australian law deprives Palestinians even deprives them of the right to surrender because any Gazan Palestinian who surrenders, including children and medical personnel, are treated by the State of Israel as unlawful combatants, subjected to severe torture contrary to international law, and deprived of the protections due to prisoners of war, under the norms of international law.
- j. The continued listing of Hamas as a terrorist organisation has a chilling and suppressive effect on freedom of speech in Australia.

- 2. The entirety of Hamas including the civilian and military parts of Hamas are presently listed by the Australian Government as a proscribed terrorist organization under the Criminal Code (Cth) though not under any international convention or law.
- 3. The entirety of Hezbollah including civilian and military parts of Hezbollah, is presently listed by the Australian Government as a proscribed terrorist organization under the Criminal Code (Cth) though not under any international convention or law.

4. The Second plaintiff applied for the delisting of Hamas and Hezbollah to the First Respondent on 18th August 2024, 23 August 2024, and 25 August 2024.
5. The Applicants have on 30th October 2024 and 20th November 2024 on public radio made statements in support of the delisting application, supporting the right of Hamas and Hezbollah to engage in self defence against genocide being inflicted against the Palestinian People by the State of Israel.
6. In doing so the Applicants have made statements which may be construed as materially supporting the continued existence of Hamas and Hezbollah, thus exposing the applicants to a risk of arrest and or prosecution under s.102.8 of the Criminal Code (Cth).
7. The effect of being potentially liable to criminal prosecution has a chilling effect on their exercise of their freedom of political communication, to oppose the continued listing of Hamas and Hezbollah as terrorist organisations as contrary to Australia's obligations under the Genocide Convention, and the Genocide Act 1949.
8. Declaratory relief is required because of the chilling and suppressive effect of the law on the exercise of freedom of communication to oppose genocide including by expressing support for the right of armed resistance against genocide.
9. The Constitution has a necessary constitutive protection of the right to freedom of political communication to promote the right and duty to oppose genocide including by the use of armed force.
10. The Constitutional right to freedom of political communication to oppose genocide is implicit in:
 - i. The Principle of Legality
 - ii. Constitution's recognition of the existence of distinct "Races", including but not limited to the Aboriginal people of this continent, inhering an inherent obligation to not subject such races of people to genocide.

iii. The Foreign Affairs Power of the Commonwealth requiring that the Attorney General must consider international law when considering proscription of resistance organisations, including Australia's obligation to prevent and punish Genocide.

11. The statements made by the Applicants on public radio were protected speech in that they were directed towards the request made by Daniel Taylor to the Attorney General for delisting of Hamas and Hezbollah as listed terrorist organisations, under ~~s.102.17~~ 102.1(17) of the Criminal Code Cth.

12. The continuing Australian designation of Hamas and Hezbollah as terrorist organisations is itself in breach of the Convention Against Genocide and in particular the Genocide Convention Act 1949 because it is itself an incitement to genocide used as a justification for an incitement to genocide, and the commission of acts of genocide against the Palestinian people in Gaza by the State of Israel.

13. The matters spoken of by the Plaintiffs in their on- air commentary are matters of Judgement by the International Court of Justice and admissible for the purpose of the Evidence Act s.144, including:

- a. that the International Court of Justice has recognized the right of Palestinians to armed resistance against the illegal occupation of the Israeli state in Gaza and the West Bank.
- b. That the State of Israel is plausibly committing genocide against Palestinians in Gaza
- c. That the State of Israel has an obligation to prosecute those of its leaders who have since 7th October 2023 committed the crime of incitement to genocide against Palestinians.
- d. That all States have a duty to not be complicit in the acts which plausibly constitute genocide being committed by the State of Israel against Palestinians.

14. The First Applicant said on public radio the following on 20th October 2024

Uncle Robbie Thorpe: I've got 10 points which my friend Daniel Taylor wrote. He's a lawyer in the Regev case with me and I'm just going to read them out. This is about what we're talking about just here about how they are defining the Palestinians as terrorists.

- i. *The term terrorist is applied to the whole population of Palestinians by the state of Israel to commit genocide.*
- ii. *The International Court of Justice in 2024 recognized the right of Palestinians to armed resistance to occupation.*
- iii. *Hamas and Hezbollah are exercising a moral and legal duty of armed resistance to genocide.*
- iv. *On the 7th of October 2023, incursion cannot be separated from the right of armed resistance. The IDF, Israeli Defence Force use of the mass Hannibal doctrine. And making a false genocidal claims by the state of Israel about the day, about that day to Israel's blockage of any international investigation means that there can be no assessment of genocide.... . Israel's blockage of any international ...investigation means that there can be no assessment of Hamas on 7th October by the Australian government. Properly, any evidence of war crimes by either party must be impartially investigated by the UN, by a UN body.*
- v. *The supporters of Hamas and Hezbollah are both very significant parts of the population, and having a goal of eliminate and having a goal of eliminating Hamas and Hezbollah militarily is genocide.*

- vi. *The designation bears no relation to Australia and infringes on the right of freedom of speech and freedom of association.*
- vii. *The designation is unconstitutional as per the Communist Party case in 1951.*
- viii.
- ix. *The Attorney General failed to respond to the request of Daniel Taylor for delisting, in contrast to the former attorney general Philip Ruddock who gave, detailed response to a similar request in 2006 by Daniel Taylor.*
- x. ... x. ...

So these are some of the things that we're putting out there. You know these fellas just calling people terrorist and then going about trying to exterminate them, just trying to justify it on that basis. But as far as I'm concerned, Australia's a terrorist. Britain's a terrorist. So is America

So we got to fight back, folks. It's a good time to rise up if it ever was, not just for our, for the people. we got just cause and the right to be free from genocide. This land needs it as well. And if we don't look after this land, we're all in trouble. And there's the genocide, ecocide, suicide parallel. if we don't heal the land, we don't heal the people and we can't heal the world. So, I don't know what other agendas are there and what we can get into. And so, it's time to rise up. We've got no time to waste. time is on the wing.

15. The Statements made by the Plaintiffs included the following conversation between the Applicants on public radio on 20th November 2024:

Daniel Robert Taylor: ... I was really proud that you read it out last week, Rob, or the week before: that by calling Hamas a terrorist group, by calling Hezbollah as a terrorist group, we not only declared war, we've declared extermination on these groups, on the whole Palestinian society, on the

whole Lebanese society. And you know without even the prospect of being able to talk about it. It's something unbelievable.

...

16. 102.8 (1) and (6) of the Criminal Code (Cth) provide

102.8 Associating with terrorist organisations

(1) A person commits an offence if:

(a) on 2 or more occasions:

(i) the person intentionally associates with another person who is a member of, or a person who promotes or directs the activities of, an organisation; and

(ii) the person knows that the organisation is a terrorist organisation; and

(iii) the association provides support to the organisation; and

(iv) the person intends that the support assist the organisation to expand or to continue to exist; and

(v) the person knows that the other person is a member of, or a person who promotes or directs the activities of, the organisation; and

*(b) the organisation is a terrorist organisation because of paragraph (b) of the definition of **terrorist organisation** in this Division (whether or not the organisation is a terrorist organisation because of paragraph (a) of that definition also).*

Penalty: Imprisonment for 3 years.

...

(6) This section does not apply to the extent (if any) that it would infringe any constitutional doctrine of implied freedom of political communication.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6). See subsection 13.3(3).

17. ~~102.16 and 102.17~~ 102.1(16) and 102.1(17) of the Criminal Code (Cth) provide:

(16) Subsection (17) applies if:

(a) an organisation (the **listed organisation**) is specified in regulations made for the purposes of paragraph (b) of the definition of **terrorist organisation** in this section; and

(b) an individual or an organisation (which may be the listed organisation) makes an application (the **de - listing application**) to the AFP Minister for a declaration under subsection (4) in relation to the listed organisation; and

....

(17) The AFP Minister must, as soon as practicable after receiving the de - listing application, consider whether the listed organisation:

(a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or

(b) advocates the doing of a terrorist act;

as the case requires.

Note: If the AFP Minister ceases to be satisfied of either of these (as the case requires), the AFP Minister must make a declaration under subsection (4) in relation to the listed organisation.

Applicant's address

The Applicant's address for service is:

Place: s. 47F(1)

Email: s. 47F(1)

The First Applicant's address is s. 47F(1)

The Second Applicant's address is s. 47F(1)

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: ~~17 April 2025~~ 6.6.2025

s. 47F(1)

First Applicant Uncle Robbie Thorpe

~~17 April 2025~~ 6.6.2025

s. 47F(1)

Second Applicant Daniel Robert Taylor

~~17 April 2025~~ 6.6.2025

Schedule

No. of 20

Federal Court of Australia
District Registry: Victoria
Division: General

Applicants

Second Applicant: Daniel Robert Taylor

Respondents

Second Respondent: Commonwealth of Australia

Date: 17/4/2025

Extracts from the Criminal Code

102.1 Definitions

...

(4) If:

(a) an organisation is specified by regulations made for the purposes of paragraph (b) of the definition of **terrorist organisation** in this section; and

(b) the AFP Minister ceases to be satisfied of either of the following (as the case requires):

(i) that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act;

(ii) that the organisation advocates the doing of a terrorist act;

the AFP Minister must, by written notice published in the *Gazette*, make a declaration to the effect that the AFP Minister has ceased to be so satisfied.

...

(16) Subsection (17) applies if:

(a) an organisation (the **listed organisation**) is specified in regulations made for the purposes of paragraph (b) of the definition of **terrorist organisation** in this section; and

(b) an individual or an organisation (which may be the listed organisation) makes an application (the **de-listing application**) to the AFP Minister for a declaration under subsection (4) in relation to the listed organisation; and

(c) the de-listing application is made on the grounds that there is no basis for the AFP Minister to be satisfied that the listed organisation:

(i) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or

(ii) advocates the doing of a terrorist act;

as the case requires; and

(d) the AFP Minister did not receive an application from any individual or organisation under paragraph (b) of this subsection in relation to the listed organisation during the 12 months ending when the AFP Minister receives the de-listing application.

(17) The AFP Minister must, as soon as practicable after receiving the de-listing application, consider whether the listed organisation:

(a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or

(b) advocates the doing of a terrorist act;

as the case requires.

Note: If the AFP Minister ceases to be satisfied of either of these (as the case requires), the AFP Minister must make a declaration under subsection (4) in relation to the listed organisation.

(18) Subsections (16) and (17) do not limit the matters that may be considered by the AFP Minister for the purposes of subsection (4).

...

From: <https://www.legislation.gov.au/C2004A04868/latest/text>



Australian Government
Department of Home Affairs

Submission

For decision

PDMS Ref. Number: MS25-001359

Date of Clearance: 14/07/2025

To Minister for Home Affairs, Minister for Immigration and Citizenship,
Minister for Cyber Security

Subject Hamas De-listing Application

Timing For consideration **by 17 July 2025**, as agreed with s. 22(1)(a)(ii) and s. 22(1)(a)(iii) to avoid the Federal Court of Australia making a mandamus order compelling you to review the listing.

Recommendations

That you:

1. note that a member of the public has made a de-listing application under subsection 102.1(16) of the *Criminal Code* in relation to Hamas being a listed terrorist organisation, and as the AFP Minister, you are required to consider that application under subsection 102.1(17) of the *Criminal Code*;
2. note that you have considered the de-listing application including relevant information provided by the Department of Home Affairs (the Department);

 noted / please discuss

 noted / please discuss

if you are satisfied that Hamas continues to meet the legislative threshold for listing as a terrorist organisation:

3. note the Statement of Reasons at Attachment A;
4. sign the Decision Record at Attachment B;
5. note the advice from the Australian Government Solicitor at Attachment C and confirmed via email;
6. sign the letter to the applicant at Attachment D;

 noted / please discuss

 signed / not signed

 noted / please discuss

 signed / not signed

AND (Continued over)

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

7. note that the Department will advise Commonwealth, state and territory officials of the outcome of your consideration and

noted / please discuss

8. note that there will be no updates to the Hamas listing on the National Security website.

noted / please discuss

Minister for Home Affairs, Minister for Immigration and Citizenship, Minister for Cyber Security

Signature.....



Date: 15/7/2025

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

Minister's Comments

Key Issues

1. On 12 June 2025, the Attorney-General's Department (AGD) advised the Department of Home Affairs (the Department) that it had identified correspondence from Daniel R. Taylor to the then Australian Federal Police (AFP) Minister from August 2024, making an application to de-list Hamas as a terrorist organisation under subsection 102.1(16) of the *Criminal Code*.
2. AGD have advised that this correspondence had been overlooked due to an administrative error within their Department. AGD has provided assurances that no other de-listing applications are outstanding, and the Department is not aware of any received since recent machinery of Government changes.
3. The application (August 2024 correspondence) has now been referenced in court proceedings where Daniel R. Taylor is one of the applicants. The matter is listed for a case management hearing on 28 July 2025. The Department recommends you urgently review the de-listing application prior to the applicant seeking a mandamus order.
 - If the Federal Court of Australia considers the applicant's claim and issues a mandamus order, you will be required to consider the listing, and will become a party to proceedings before the Federal Court. Mandamus orders do not require you to reach a certain outcome, only to perform a specific duty – i.e consider the de-listing.
4. The requirements to consider de-listing applications were amended through the *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Act 2023*. As that Act removed the sunset period for terrorist organisation regulations, a proportionally bolstered Ministerial obligation to de-list a terrorist organisation was determined to be required. This is the first application since the legislative amendments came into effect.
5. In accordance with subsection 102.1(17) of the *Criminal Code*, you, as the AFP Minister, are required to consider the application as soon as practicable. If you form the view that Hamas no longer meets the relevant legislative threshold, you are obligated under s 102.1(4) to make a declaration to that effect, published in the Gazette.
6. The Department has engaged with the Australian Government Solicitor (AGS) s. 42(1)

s. 42(1)

7. AGS have s. 42(1)

• s. 42(1)

• s. 42(1)

8. AGS advice (dated 3 July 2025) is provided at Attachment C for your consideration.

9. If, on your review of all relevant materials, you remain satisfied that Hamas continues to meet the legislative threshold for being a listed terrorist organisation, please:

- sign and date the Decision Record (Attachment B); and
- sign and date the drafted reply letter to the applicant (Attachment D) informing them that you have considered the de-listing application.

10. The applicant may make a request for the reasons for your decision under s 13 of the *Administrative Decisions (Judicial Review) Act 1977*. If a request is made, the Decision Record would need to be provided to the applicant.

11. If you are not satisfied that Hamas continues to meet the legislative threshold for listing based on the information provided, the Department will prepare the relevant declaration for publication.

12. As a matter of practice, the process for listings involves formal consultation with state and territory First Ministers, the Chair of the Parliamentary Joint Committee on Intelligence and Security (PJCIS), and the Leader of the Opposition as appropriate. The Department also updates the National Security website to show listed organisations and the reasons for listing them.

13. As there is no proposed change to the listing, the process of consulting Ministers, PJCIS and updating the National Security website is not required. As relevant, the Department will advise Commonwealth, state and territory officials of the outcome of your consideration.

14. While not proposing to publish information, the Department has prepared the Reply Letter, Decision Record and SoR in anticipation of them being made public by the applicant or as part of the court proceedings.

15. The Department will separately continue to work with key stakeholders to agree on standard processes for future periodic reviews of listings and de-listing applications, consistent with the *Criminal Code*.

16. Prior to AGD identifying this correspondence, the whole-of-Government Proscriptions Working Group (PWG) was separately reviewing the listing as part of periodic review processes, and determined that Hamas should continue to be listed.

The applicant's requests

17. Further information about the correspondence and court proceedings is at Attachment E.

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under the Freedom of Information Act 1982

18. The August 2024 correspondence from Daniel R. Taylor (the applicant) to the Attorney-General (then the AFP Minister) is included as an attachment to the Decision Record. This correspondence consists of emails from 18, 23 and 25 August 2024 raising a range of concerns related to the Israel-Hamas conflict.

19. AGS advised s. 42(1)

s. 42(1)

20. In court proceedings, the applicant has provided an amended originating application to their Federal Court matter (Thorpe v A-G (Cth) VID499/2025), which seeks a mandamus order be made which would require the consideration of this de-listing application (**Attachment F**). While the de-listing application was made to the Attorney-General as the then AFP Minister, if the amended originating application was accepted by the Court, you as the current AFP Minister would become a party to the proceedings.

21.

s. 42(1)

22.

s. 42(1)

Proposed consideration of the key matters raised in the de-listing application

23. The Decision Record makes clear that you have considered the legislative threshold for listing Hamas as a terrorist organisation and includes the examples from the SoR of Hamas doing and advocating terrorist acts.

24. While you are required to read all the emails which form the de-listing application, the Department has identified eight thematic matters raised by the applicant in the August 2024 correspondence, which have been addressed in the Decision Record:

- whether the non-military wing of Hamas should be included in the Hamas listing;
- the validity of the original decision to list Hamas as a terrorist organisation;
- Hamas is exercising a right of armed resistance against an illegal occupation;
- Hamas is exercising a right and duty to resist genocide;
- Hamas is the elected government of the Palestinian people;
- Israel and Hamas are engaged in an armed conflict;
- Israel's policies and actions are genocide and war crimes; and
- listing Hamas makes the Australian Government complicit in, and supportive of, Israel's policies and actions.

25. The suggestion that there is no basis for Hamas' non-military wing to be listed as a terrorist organisation is addressed in the Decision Record and Reply Letter. The Decision Record notes that following the 7 October 2023 attacks, Ismail Haniyeh, then the leader of Hamas' Executive Committee, delivered a televised endorsement of the attacks, outlined the objectives of the attacks and spoke of the actions of the Brigades as part of Hamas' broader organisation and goals.
26. The suggestion that the validity of the 2022 decision to list Hamas was affected by jurisdictional error is also addressed in the Decision Record and Reply Letter. The Decision Record notes that the Explanatory Statement to the *Criminal Code (Terrorist Organisation-Hamas) Regulations 2022* described Hamas' ideology, views on Israel and strategy of armed resistance.
27. The Decision Record sets out the consideration of all matters required to discharge the s 102.1(17) obligation (whether they are relevant considerations to the legislative threshold or not) and why it is open to you to remain satisfied that Hamas continues to meet the legislative threshold for listing.
28. In relation to whether Hamas is the elected government of the Palestinian people, the Decision Record also notes that Australia does not recognise a Palestinian state, so Hamas is not the government of a recognised State.
29. The Decision Record also states that the described examples are terrorist acts and not actions undertaken legitimately as part of armed conflict in response to the suggestion that Israel and Hamas are engaged in an armed conflict.
30. The Department has engaged with the Department of Foreign Affairs and Trade (DFAT) through the PWG in relation to the SoR. Separately, the Decision Record notes a 16 January 2025 joint statement from the Prime Minister and Minister for Foreign Affairs that "Australia remains unequivocal in our condemnation of Hamas' atrocities on 7 October, and its ongoing acts of terror. There must be no role for Hamas in the future governance of Gaza. Any future Palestinian state must not be in a position to threaten Israel's security."

Background

Hamas

31. The SoR provides more detailed information about Hamas and the Australian Government's assessment that Hamas is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts, and advocates the doing of terrorist acts.
32. Hamas is assessed to have directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act. Hamas is also assessed to advocate the doing of a terrorist act. Hamas has not made statements specifically threatening Australians or Australian interests. However, Australians have been harmed in terrorist attacks conducted by Hamas. Hamas is also listed as a terrorist organisation by like-minded countries including the United States, the United Kingdom, Canada, New Zealand and the European Union.

Legislative requirement to consider the de-listing application

33. Since the *Criminal Code Amendment (Terrorist Organisations) Act 2004*, the *Criminal Code* has included:

- a process requiring the Minister to de-list organisations if they are no longer satisfied that the organisation meets the criteria for listing; and
- a process for individuals and organisations to make de-listing applications, which the Minister must consider.

34. The requirements to consider de-listing applications were amended through the *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Act 2023*. The amendments:

- placed an obligation on the Minister to consider applications as soon as practicable, ensuring that applications are given timely consideration; and
- provide that the Minister is only required to consider a de-listing application if the Minister has not received an application in relation to the listed organisation in the prior 12-month period.

35. Extracts from the *Criminal Code* are at Attachment G:

- Subsection 102.1(16) provides that individuals or organisations can make a de-listing application to the AFP Minister in relation to a listed organisation on the grounds that there is no basis for the AFP Minister to be satisfied that the listed organisation is doing or advocating the doing of terrorist acts, and the AFP Minister has not received a de-listing application in the previous 12 months; and
- upon receiving a de-listing application, subsection 102.1(17) requires the AFP Minister to, as soon as practicable, consider whether the listed organisation “(a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or (b) advocates the doing of a terrorist act; as the case requires.”

36. As above, AGS advised s. 42(1)

s. 42(1)

Consultation - Internal/External

37. **Internal** – Home Affairs Legal Group and internal PWG members (the Australian Border Force (ABF), the Australian Security Intelligence Organisation (ASIO), AFP).

38. **External** – AGS; AGD; Department of the Prime Minister and Cabinet; and external PWG members were consulted on matters relating to this submission.

39. The PWG is chaired by the Department, and includes members from AGD, ABF, ASIO, AFP, Office of National Intelligence, DFAT and other security and intelligence agencies as required.

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Consultation - Secretary / ABF Commissioner

40. The Secretary was consulted on this submission.
41. The ABF Commissioner was not consulted on this submission.

Client Service Implications

42. There are no client service implications in relation to this submission.

Risks and Sensitivities

43. The *Criminal Code* requires the AFP Minister to consider the listing “as soon as practicable” after receiving the de-listing application. You, the Department and AGD may be asked questions about the time taken to consider the listing given the correspondence is from August 2024. The Department anticipates referring any questions about the delay to AGD, including at Senate Estimates.
44. The information contained in this submission is classified and should not be publicly released without the authority of the Department. In accordance with our long-standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Operations team - media@homeaffairs.gov.au.

Financial/systems/legal/deregulation/media implications

45. The Department does not propose any website updates or public announcements in relation to the consideration of this de-listing application, but notes that the applicant may raise it in the media.

Attachments

- Attachment A** Statement of Reasons
- Attachment B** Decision Record including August 2024 correspondence from Daniel R. Taylor to the Attorney-General
- Attachment C** 3 July 2025 AGS Advice (addressed and confirmed by AGS via 7 July 2025 email)
- Attachment D** Reply Letter to the applicant, Mr Daniel R. Taylor
- Attachment E** Additional Background about the applicant's requests
- Attachment F** Amended originating application in Thorpe v A-G (Cth) VID499/2025 which seeks a mandamus order
- Attachment G** Extracts from the Criminal Code

Authorising Officer

Cleared by:

Alexander Goldie
A/g First Assistant Secretary
Counter-Terrorism Coordination Centre

Date: 14 July 2024

Mob: s. 47E(d)

Contact Officer (minimum SES Band 1) Bethany West, A/g Assistant Secretary, CT&VE Capability Programs & Legal Branch, Ph: s. 47E(d) / Mob: s. 47E(d)

CC Secretary
DS National Security and Resilience
DS Cyber & Infrastructure Security
DS Legal
AS Security, Disputes and Operations Law

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The Hon Tony Burke MP
Minister for Home Affairs
Minister for Immigration and Citizenship
Minister for Cyber Security
Minister for the Arts
Leader of the House

Ref No: MS25-001359

Mr Daniel R. Taylor

s. 47F(1)

Dear Mr Taylor

I refer to your correspondence of 18, 23 and 25 August 2024 to the Hon Mark Dreyfus K.C. MP, the then Attorney-General, including an application to de-list Hamas as a terrorist organisation under the Criminal Code. Your correspondence has been referred to me as the matter now falls within my portfolio responsibilities.

I have read your emails and considered the matters you have raised along with other relevant matters and I am satisfied that Hamas continues to meet the legislative threshold for being a terrorist organisation under the Criminal Code.

Specifically, I am satisfied that Hamas continues to directly or indirectly engage in, preparing, planning, assisting in or fostering the doing of a terrorist act and that Hamas continues to advocate for the doing of terrorist acts.

Examples of this conduct include that:

- on 7 October 2023, Hamas-led militants conducted a series of coordinated terrorist attacks on Israel where a significant number of individuals were killed, including an Australian. In addition, a significant number of individuals were injured or taken hostage; and
- on 29 November 2024, Hamas called on Palestinians to increase their involvement in these ongoing terrorist attacks.

With respect to the matters you have raised, I am of the view that there is sufficient information available to demonstrate that Hamas is one organisation and that it is appropriate for the listing to continue to include Hamas in its entirety. In respect to the validity of the original decision to list Hamas as a terrorist organisation, I note that the Explanatory Statement to the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022* gave consideration to Hamas' ideology, views on Israel and strategy of armed resistance.

Thank you for bringing this matter to the Australian Government's attention.

Yours sincerely



TONY BURKE

 / 2025

15.7.2025



~~OFFICIAL: Sensitive~~

Decision Record: 25 August 2024 Hamas De-Listing Application

<u>De-listing application</u>	
<i>Date of de-listing application:</i>	18, 23 and 25 August 2024 (which collectively amount to one application)
<i>Relevant Sections</i>	Application made under s 102.1(16) of the Criminal Code
<i>Listed organisation:</i>	Hamas (see <i>Criminal Code (Terrorist Organisation—Hamas) Regulations 2022</i>)
<i>Applicant:</i>	Daniel R. Taylor
<i>Key matters raised in the de-listing application:</i>	(a) Whether the non-military wing of Hamas should be included in the Hamas listing (b) The validity of the original decision to list Hamas as a terrorist organisation (c) Hamas is exercising a right of armed resistance against an illegal occupation (d) Hamas is exercising a right and duty to resist genocide (e) Hamas is the elected government of the Palestinian people (f) Israel and Hamas are engaged in an armed conflict (g) Israel's policies and actions are genocide and war crimes (h) Listing Hamas makes the Australian Government complicit in and supportive of Israel's policies and actions
<i>AFP Minister (relevant decision-maker):</i>	The Hon Tony Burke MP, Minister for Home Affairs, Minister for Immigration and Citizenship, Minister for Cyber Security
<i>Outcome of consideration:</i>	Hamas continues to meet the legislative threshold for listing as a terrorist organisation under the Criminal Code.

Legislative Framework

Subsection 102.1(16) of the Criminal Code provides that individuals or organisations can make a de-listing application to the AFP Minister in relation to a listed organisation on the grounds that there is no basis for the AFP Minister to be satisfied that the listed organisation is doing or advocating the doing of terrorist acts, and the AFP Minister has not received a de-listing application in the previous 12 months.

Upon receiving a de-listing application, subsection 102.1(17) requires the AFP Minister to consider whether the listed organisation:

- (a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
- (b) advocates the doing of a terrorist act; as the case requires;
as the case requires.

~~OFFICIAL: Sensitive~~

If the AFP Minister is no longer satisfied that the organisation continues to meet the relevant legislative threshold which formed the basis of its original listing, the AFP Minister is required to make a declaration under subsection 102.1(4) in relation to the listed organisation.

If the AFP Minister is satisfied that the organisation continues to meet the relevant legislative threshold which formed the basis of its original listing no additional actions are required by the Criminal Code.

Matters taken into account

In considering the application to delist Hamas as a terrorist organisation in the context of the relevant statutory factors under the Criminal Code, I have considered:

- matters raised by the applicant in their emails from 18, 23 and 25 August 2024 (Attachment A); and
- the legislative threshold for listing an organisation as a terrorist organisation under the Criminal Code, namely that I am satisfied on reasonable grounds that the organisation:
 - is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
 - advocates the doing of a terrorist act; and
- information relating to Hamas' actions and statements since the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022* were made on 3 March 2022.
- recent statements by the Australian Government about Hamas', their actions and statements.

Hamas is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act

I have considered recent examples of Hamas' continued actions in relation to the preparing, planning, assisting in or fostering the doing of a terrorist act following the making of the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022*.

The majority of Hamas' terrorist acts have been conducted by the Brigades. Public statements made by Hamas' political leaders acknowledge and support the terrorism-related activities of the Brigades. Since 2005, Hamas terrorist attacks have primarily consisted of small-arms, rocket and mortar fire at Israeli communities in the vicinity of Gaza. These attacks have caused property damage, as well as deaths and injuries to both Israeli military personnel and civilians.

Recent examples of Hamas engaging in, preparing or planning terrorist acts include:

- On 1 October 2024, seven people were killed in a combined shooting and stabbing attack in Jaffa, conducted by two members of the Brigades.
- On 18 August 2024, Hamas conducted a suicide bombing attack in Tel Aviv. The explosion occurred near the Shimon Bar Yochai synagogue as more than 100 people were praying and coincided with the arrival of the United States Secretary of State, Antony Blinken. The Brigades stated that they worked with Palestinian Islamic Jihad to execute the 'martyrdom operation'. The Israeli police arrested and charged 8 people for planning and carrying out the attack.
- On 7 October 2023, Hamas-led militants conducted a series of coordinated terrorist attacks on Israel, known as Operation Al-Aqsa Flood. This resulted in the deaths of an estimated 1,200 individuals, injuring more than 5,400 others, and the abduction of 253 hostages. Nationals from at least 35 countries, including Australia, were killed, injured, or taken hostage in the attack.
- On 20 June 2023, two Hamas gunmen conducted a shooting attack on a roadside restaurant and petrol station near the Eli settlement which killed four people. A Hamas

spokesperson claimed the attacks as a response to a raid by Israeli forces on the Jenin refugee camp, which resulted in several deaths.

As of June 2025, Hamas continues to hold 50 hostages captive in Gaza who were taken as part of the 7 October attacks. The bodies of 49 hostages have been recovered since 7 October.

On the basis of these examples, I am satisfied that Hamas is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act.

Hamas advocates the doing of a terrorist act

I have considered recent examples of Hamas' continued advocacy of the doing of a terrorist act following the making of the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022*.

Hamas' leadership and media outlets often praise, promote and encourage terrorist attacks conducted by its own Brigades and other violent extremist organisations and lone-actor attacks.

Recent examples of Hamas advocating terrorist acts include:

- On 29 November 2024, in a statement that claimed responsibility for a bus shooting in the West Bank, Hamas incited Palestinians in the West Bank to take action following the attack. They called on people to 'escalate the clashes with the occupation and its settlers' and to 'increase their involvement in the al-Aqsa Flood'. They issued a message instructing Palestinians to 'kill them wherever you find them, and turn them out from where they have turned you out'.
- On 19 September 2024, Hamas published a video that glorified a number of suicide attacks in Israel since 1994 and threatened to unleash a flood of suicide bombers to 'drown' Israel. The video included a speech from a fighter stating 'blood flowing [in] Gaza will be met with a flood of martyrdom-seeking operations'. The praising and glorification of suicide attacks targeting Israelis dating back to 1994 within the context of the current hostilities is likely to encourage and incite others to emulate these attacks.
- On 7 October 2023, as part of the ongoing 'Operation al-Aqsa Flood':
 - Hamas released a video of the Brigades Commander Mohammed Deif calling for Palestinian and 'resistance' groups in the region to honour jihad and to take part in the 'liberation of al-Aqsa Mosque'.
 - Hamas leader Ismail Haniyeh made a speech on 7 October inciting people to join the attack on Israel as part of the '...ultimate jihad, the outcome of which can only be victory or martyrdom' and to kill Israelis whether they are settlers or soldiers.
 - Haniyeh further issued a statement that calls on people everywhere 'to stand in the just battle in defending al-Aqsa'.

On the basis of these examples, I am satisfied that Hamas advocates the doing of a terrorist act.

Matters raised by the applicant

In the August 2024 emails the applicant raises a number of matters which I have considered in making my decision. I provide my considerations to these matters below, set out thematically for ease.

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(a) Whether the non-military wing of Hamas should be included in the Hamas listing

The applicant purported that the non-military wing of Hamas should never have been listed as a terrorist organisation.

I note that the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022* repealed the previous *Criminal Code (Terrorist Organisation—Hamas' Izz al-Din al-Qassam Brigades) Regulations 2021*, which specified Hamas' military wing as a terrorist organisation.

Following the 7 October 2023 attacks, Ismail Haniyeh, then the leader of Hamas' Executive Committee, delivered a televised endorsement of the attacks, outlined the objectives of the attacks and spoke of the actions of the Brigades as part of the Hamas' broader organisation and goals.

While I acknowledge that there are aspects of Hamas which relate to the civil function of Palestine, I consider that there is sufficient information available which demonstrates that Hamas is one organisation and that it is appropriate for the listing to continue to include both its military and non-military wings.

(b) The validity of the original decision to list Hamas as a terrorist organisation

The application states that the original decision to list Hamas in its entirety was affected by jurisdictional error as it did not consider that Hamas is exercising a right of armed resistance against an illegal occupation. Specifically because "the fact of Israel's illegal occupation of the Palestinian territories and the right of armed resistance to that occupation was not taken into consideration".

I note that it would be for a court to determine whether that decision was affected by jurisdictional error and do not make a determination to that effect. However, I note that the Explanatory Statement to the *Criminal Code (Terrorist Organisation—Hamas) Regulations 2022* described Hamas' ideology, views on Israel and strategy of armed resistance.

(c) Hamas is exercising a right of armed resistance against an illegal occupation

The application also suggested that I should consider de-listing Hamas as it is exercising a right of armed resistance against an illegal occupation.

I have considered this and noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(d) Hamas is exercising a right and duty to resist genocide

The application also suggested that I should consider de-listing Hamas as it is exercising a right and duty to resist genocide.

I have considered this and noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(e) Hamas is the elected government of the Palestinian people

The application also suggested that I should consider de-listing Hamas as Hamas is the elected government of the Palestinian people.

I note that Australia does not recognise a Palestinian state, so Hamas is not the government of a recognised State.

I have considered this and noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(f) Israel and Hamas are engaged in an armed conflict

The application also suggested that I should consider de-listing Hamas as Israel and Hamas are engaged in an armed conflict.

I consider the examples described above to be terrorist acts and I do not consider those incidents to have been undertaken legitimately as part of armed conflict.

On that basis, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(g) Israel's policies and actions are genocide and war crimes

The application also suggested that I should consider de-listing Hamas in the context of Israel's policies and actions.

I note that this matter does not go to whether the actions of Hamas are terrorist activities or to determining whether Hamas continues to meet the legislative threshold for listing as a terrorist organisation under the Criminal Code.

Even if this matter was a relevant consideration, noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

(h) listing Hamas makes the Australian Government complicit in and supportive of Israel's policies and actions.

The application also suggested that I should consider de-listing Hamas as listing Hamas makes the Australian Government complicit in and supportive of Israel's policies and actions.

I note that this matter does not go to whether the actions of Hamas are terrorist activities or to determining whether Hamas continues to meet the legislative threshold for listing as a terrorist organisation under the Criminal Code.

Even if this matter was a relevant consideration, noting the 7 October 2023 Hamas-led attacks on Israel, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation.

Other matters considered

I also had regard to recent statements by the Australian Government. For example, the joint statement from the Prime Minister and the Minister for Foreign Affairs on 16 January 2025 that "Australia remains unequivocal in our condemnation of Hamas' atrocities on 7 October, and its ongoing acts of terror. There must be no role for Hamas in the future governance of Gaza. Any future Palestinian state must not be in a position to threaten Israel's security."

Decision

With consideration to the above, I am satisfied that Hamas continues to meet the legislative threshold to be listed as a terrorist organisation under the Criminal Code.



TONY BURKE

15 / 7 / 2025

Attachment A to the Decision Record

De-listing application: Emails from 25, 23 and 18 August 2024

From: s. 47F(1)

Sent: Sunday, 25 August 2024 2:24 AM

To: Attorney Correspondence <attorney@ag.gov.au>

Cc: Thorpe Lidia (Senator) <senator.thorpe@aph.gov.au>; Shoebridge David (Senator Office) <senator.shoebridge@aph.gov.au>; senator.faruqi@aph.gov.au; Steele-John Jordon (Senator) <senator.steele-john@aph.gov.au>; senator.hanson-young@aph.gov.au; Payman Fatima (Senator Office) <senator.payman@aph.gov.au>; Senator David Shoebridge <office@davidshoebridge.org.au>; Bandt Adam (MP) <adam.bandt.mp@aph.gov.au>; ed.husic.mp@aph.gov.au

Subject: Hamas Delisting Application Re: Criminal Code 102.1(17) application to delist Hamas as a terrorist organisation -

Dear Attorney General

Further to the application to delist Hamas as a terrorist organisation, the Hamas non-military wing, including governmental, health ministry, police ministry, garbage collection, water and sanitation sections, food and water provisioning sections, should clearly never have been listed as terrorist organisations as it could never be imagined that there was any basis for the Minister to be satisfied that they were "directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or advocates the doing of a terrorist act."

<https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/protocol-for-listing#content-index-3>

The ICJ in the "APPLICATION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE IN THE GAZA STRIP (SOUTH AFRICA v. ISRAEL)" has found that Israel is plausibly committing a genocide against Palestinians in Gaza.

In the most recent orders on 24 May 2024 it found "

"47. In light of the considerations set out above, and taking account of the provisional measures indicated in its Orders of 26 January 2024 and 28 March 2024, the Court finds that the current situation arising from Israel's military offensive in Rafah entails a further risk of irreparable prejudice to the plausible rights claimed by South Africa and that there is urgency, in the sense that there exists a real and imminent risk that such prejudice will be caused before the Court gives its final decision. ...

...
50. The Court considers that, in conformity with its obligations under the Genocide Convention, Israel must immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part.

...
52. The Court also considers that the catastrophic situation in Gaza confirms the need for the immediate and effective implementation of the measures indicated in its Orders of 26 January 2024 and 28 March 2024, which are applicable throughout the Gaza Strip, including in Rafah. In these circumstances, the Court finds it necessary to reaffirm the measures indicated in those Orders. In so doing, the Court wishes to emphasize that the measure indicated in paragraph 51 (2) (a) of its Order of 28 March 2024, requiring the "unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance", necessitates that the Respondent maintain open land crossing points, and in particular the Rafah crossing.

In circumstances where each of those orders has been wilfully violated and ignored by the Israeli government and a genocide against Palestinians in Gaza is being committed by Israel, the exercise of the legal right of armed resistance by Palestinians cannot be arbitrarily defined as terrorism by Australia, while Israel is supplied also by Australia with the weapons to carry out the genocide.

Further the taking of hostages by Hamas cannot at the same time be condemned by Australia as terrorism while the taking of hostages by Israel is condoned by Australia through the provision of weapons to Israel

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take and kill those hostages. Further the recent revelations about the mass torture and mass executions of Palestinians taken hostage by Israel establishes that Australia cannot partake in the conflict on the side of Israel by condemning Hamas as a terrorist organisation.

Most significantly and as indicated in my previous correspondence, the designation of Hamas as a terrorist organisation is a direct incitement to genocide by the state of Israel against Palestinians in Gaza under cover of their stated ambition to exterminate all members of Hamas and their supporters, which is effectively the whole population. There is no rational basis for the determination that Hamas in the face of ongoing genocide by Israel is engaged in terrorist acts. That is a misuse of language and law to justify genocide.

The listing of those sections of Hamas as terrorist organisations means Australia is and remains complicit in the Israeli government's ongoing genocidal extermination program against all members of Hamas, including non-military sections and members, and members of the public supporting Hamas, which is a majority since they voted Hamas as their elected representatives in the last elections.

The listing of the military brigades of Hamas as well as the Hamas civilian services and administration as a terrorist organisation was also affected by jurisdictional error in that the fact of Israel's illegal occupation of the Palestinian territories and the right of armed resistance to that occupation was not taken into consideration.

Moreover, the ruling of the ICJ ruling that Israel was an illegal occupying power means that the right of armed resistance to that occupation is recognised by international law. Therefore by definition the use of violence within that armed conflict is to be considered under the laws of war even when breaches occur. But moreover the fact that Israel has been found by the ICJ

19 JULY 2024 ADVISORY OPINION LEGAL CONSEQUENCES ARISING FROM THE POLICIES AND PRACTICES OF ISRAEL IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM

[186-20240719-adv-01-00-en.pdf \(icj-cij.org\)](https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf)

Several of the justices including Justice Charlesworth specifically referred to that right of armed resistance, and Justice Charlesworth in a separate note additional to the majority decision, stated:

DECLARATION OF JUDGE CHARLESWORTH

23. In this connection, it is worth recalling that, under customary international law, the population in the occupied territory does not owe allegiance to the occupying Power [17], and that it is not precluded from using force in accordance with international law to resist the occupation¹⁸.

Therefore, the fact that the population in the Occupied Palestinian Territory resorts to force to resist the occupation does not in itself justify the maintenance by Israel of its occupation."

Footnote 17 See Art. 45 of the Hague Regulations; see also the third paragraph of Art. 68 of the Fourth Geneva Convention.

Footnote 18 See, for example, General Assembly resolution 37/43 of 3 December 1982, para. 2.
<https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-10-en.pdf>

I further note that the ICC Pretrial Chamber in 2021 found that Palestine is a State, occupied by the State of Israel, No. ICC-01/18

legal-tools.org/doc/haitp3/pdf/

"

FOR THESE REASONS, THE CHAMBER HEREBY

FINDS that Palestine is a State Party to the Statute;

FINDS, by majority, Judge Kovács dissenting, that, as a consequence, Palestine qualifies as '[t]he State on the territory of which the conduct in question occurred' for the purposes of article 12(2)(a) of the Statute; and

FINDS, by majority, Judge Kovács dissenting, that the Court's territorial jurisdiction in the Situation in Palestine extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem. "

The ICC Chief Prosecutor noted that there has existed an armed conflict between Israel and Hamas since at least 2008:

"Since at least 2008, Israel and Hamas have been engaged in a non-international armed conflict, entailing extensive and repeated airstrikes, the killing of civilians, the destruction of property, and the taking of hostages"

No.: ICC-01/18 Date: 23 August 2024 "

Prosecution's consolidated response to observations by interveners pursuant to article 68(3) of the Rome Statute and rule 103 of the Rules of Procedure and Evidence"

<https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180949087.pdf>

It is to be noted that the Prosecutor here implicitly acknowledges that both parties to the armed conflict took hostages during the course of the conflict , and it is to be further noted that the taking of military prisoners in the course of armed conflict is not by definition hostage taking. It is to be further noted that it is Israel that effected a policy to kill hostages, including through the use of the Hannibal Directive by which the Israeli government on 7th October 2023 attempted to kill all Israelis at risk of being taken prisoner by Hamas.

Therefore I reiterate my request to delist both the civilian arms of Hamas, as well as the military wing of Hamas, delisting them as terrorist organisations.

Please excuse any typographical, or grammatical errors in this submission. It is done in the urgency of an ongoing genocide and seeks to call on the erga omnes obligations on you, as Minister of the Commonwealth, to prevent genocide, a genocide being carried out in the name of anti-terror operations, which is directly and explicitly incited, condoned, and materially supported, by the ongoing listing of Hamas in both its military and civilian wings. Hamas must therefore be delisted as a terrorist organisation.

Yours sincerely
Daniel R. Taylor
Solicitor

s. 47F(1)

On Friday 23 August 2024 at 08:22:34 pm AEST, s. 47F(1)
s. 47F(1) wrote:

Dear Attorney General

I am resending the document in PDF format.

On Friday 23 August 2024 at 12:31:04 pm AEST, s. 47F(1)
s. 47F(1) wrote:

23.08.2024

Re-Application to delist Hamas as a terrorist organisation under s.102.1(17) Criminal Code 1995

Attorney General

Hon Mark Dreyfus K.C. M.P.

Dear Attorney General

1. This is a reapplication to delist Hamas as a terrorist organisation under s.102.1(17) Criminal Code 1995.

2. I attach the refusal of the former AG Mr Ruddock to refuse my application to delist Hamas and Hezbollah as terrorist organisation on 21st June 2007, 17 years ago, and request again, you to delist Hamas as a terrorist organisation (Annexure 1). By definition, opposing genocide by military force cannot be terrorism. I also enclose my 11th August 2006 application to delist Hamas and 13th August 2006 Application to delist Hezbollah. I further attach a copy of my subsequent recent 18th August 2024 re-application to delist Hamas as a terrorist organisation (Annexure 4). I continue to rely on annexures 2, 3, and 4.

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3. As a result of the refusal to delist Hamas as a terrorist organisation, and the maintenance of the listing, Israel continued with its liquidation policies against Hamas, Hamas family and community members, and Palestinians of Gaza in particular. These results led to the 7th October 2023 outbreak from the Gaza prison, and the genocide against the Palestinians of Gaza committed by the State of Israel.
4. The ongoing genocide relies directly for intellectual support on the continued listing of Hamas as a terrorist organisation by Australia and a small number of other western nations, approx 30 in total, while the rest of the world.
5. The rest of the world and the International Court of Justice recognise that Palestinians have a right of armed resistance against illegal occupation and genocide by the Israeli regime. About 195 do not list Hamas as a terrorist organisation.
6. Australia's ongoing listing always represented a state of war, an arms embargo, and purported moral cover for liquidation of Palestinian people and in the current circumstances since 7th October 2023 is complicity in genocide.
7. When there is a conflict of laws the obligations erga omnes to prevent genocide over-rides all other priorities.
8. The fact that the ICJ recently confirmed the right of armed resistance against illegal occupation means that the Commonwealth is not permitted to purport to authorise the continued liquidation of Palestinians under the guise of anti-terrorism.
9. I note that the Australian Jewish Association considers all Palestinians to be Hamas and thus purports to deem even babies as military targets^[1].
10. I therefore require a detailed, urgent, and prompt response to my request. I further note that as the former Attorney General responded on the basis that the application could be considered to be a valid application for delisting of Hamas as a terrorist organisation under s.102.1(17) of the Criminal Code so too should you consider that the application requires a considered response.

Yours sincerely

Daniel R. Taylor
solicitor

[1] Bridget Gabrielle: Hamas and Palestinians are the same

BRIGITTE GABRIEL CALLS HAMAS & GAZANS AS THE SAME If you do nothing else, listen to just the first 15 sec of this video (total 2 min 24 sec) from someone who unlike our politicians, knows what she's talking about. Hamas is not an isolated entity from the Palestinian people (in Gaza). Hamas and the Palestinian people are one and the same..." Labor is importing Hamas to Australia right now.

**On Friday 23 August 2024 at 11:50:46 am AEST, s. 47F(1)
s. 47F(1) wrote:**

Dear Attorney General

I refer to the refusal of the former AG Mr Ruddock to delist Hamas and Hezbollah as terrorist organisations on 21st June 2007, 17 years ago.

As a result of the maintenance of the listing, Israel continued with its liquidation policies against Hamas, Hamas family and community members, and Palestinians of Gaza in particular. These results led to the 7th October 2023 outbreak from the Gaza prison, and the genocide against the Palestinians of Gaza committed by the State of Israel.

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The ongoing genocide relies directly for intellectual support on the continued listing of Hamas as a terrorist organisation by Australia and a small number of other western nations, approx 30 in total.

The rest of the world and the International Court of Justice recognise that Palestinians have a right of armed resistance against illegal occupation and genocide by the Israeli regime.

Australia's ongoing listing always represented a state of war, an arms embargo, and purported moral cover for liquidation of Palestinian people and in the current circumstances since 7th October 2023 is complicity in genocide.

When there is a conflict of laws the obligations erga omnes to prevent genocide over-rides all other priorities.

The fact that the ICJ recently confirmed the right of armed resistance against illegal occupation means that the Commonwealth is not permitted to purport to authorise the continued liquidation of Palestinians under the guise of anti-terrorism.

I note that the Australian Jewish Association considers all Palestinians to be Hamas and thus purports to deem even babies as military targets.

I therefore require a detailed, urgent, and prompt response to my request. I further note that as the former Attorney General responded on the basis that the application could be considered to be a valid application for delisting of Hamass as a terrorist organisation under s.102.1(17) of the Criminal Code so too should you consider that the application requires a considered response.

Yours sincerely

On Sunday 18 August 2024 at 10:42:49 pm AEST, s. 47F(1)
s. 47F(1) > wrote:

Dear Attorney General

I am writing to request you to delist Hamas as a terrorist organisation for the reasons specified below, in particular because it is opposing the genocide being inflicted by Israel, and the continued listing of Hamas serves as incitement to Israel to continue the ongoing genocide of the Palestinian people.

The reasons include

1. Hamas is an organization exercising the right and duty to resist genocide against the Palestinian people. This duty falls upon all States but only the State of Yemen has taken concrete measures to fulfill this obligation under international law.
2. The ongoing listing of Hamas as a terrorist organization in the face of genocide renders the Commonwealth of Australia, and the Attorney General, as inciting and complicit in the ongoing genocide of the Palestinian people. Further the Israeli state has committed grave war crimes over a number of decades in seeking to liquidate all family members of Hamas member including children. These horrendous actions are shown by the recent targeted assassinations by Israel of the children and grandchildren and extended family members including children, of Ismail Haniyeh in child targeted assassinations. Such evil is unspeakable and we can no longer allow such child killing by israel the cover of legitimacy by the continued designation of Hamas as a terrorist organisation. Further, the ongoing designation of Hamas as a terrorist organisation lends cover to the assassination even of the chief negotiator Ismail Haniyeh which is definitively terminal to negotiations for a ceasefire.
3. Hamas is an organization exercising the right of armed resistance opposing the Israeli regime which is illegally occupying their land. The ICJ found that the right to armed resistance against the illegal occupation is enshrined in international law.
4. Israel used racist and genocidal propaganda to kill its own civilians using the Hannibal doctrine on 7th October 2023 and to falsely attribute all civilian deaths to Hamas in order to justify genocide. Further, Israel refuses to allow for an independent investigation into the 7th October 2023 incursion.

5. Hamas was elected to government of the Palestinian people in free and fair elections as part of the Oslo accords but the results were not honored by Israel, the United States, or Australia, even though no objection was raised to its participation in those elections.

6. The delisting of Hamas as a terrorist organisation is necessary in order to open a pathway to a political solution to the conflict. The ongoing listing of Hamas is a declaration of war by the Commonwealth of Australia which is contributing to the genocide.

7. The madness of Israel in committing genocide will not stop while the world continues to propagate a false narrative that the 7th October 2023 incursion was not an exercise of the right of armed resistance, even if breaches of international law occurred in the course of that incursion.

If you are unwilling to delist the organisation then the listing must be suspended until the genocide stops.

Yours sincerely
Daniel R. Taylor

s. 47F(1)

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