



5 February 2026

Commissioner Krissy Barrett APM

Australian Federal Police

Via e-mail only

Dear Commissioner Barrett,

**RE: SUBMISSION REGARDING IMMINENT PRESENCE IN AUSTRALIAN TERRITORY OF
DORON ALMOG**

1. We, the following organisations, the Australian Centre for International Justice (**ACIJ**), Al-Haq, the Palestinian Centre for Human Rights (**PCHR**), and the Al Mezan Center for Human Rights (**Al Mezan**), refer to the joint criminal complaint originally submitted by the ACIJ and PCHR to the Australian Federal Police (**AFP**) in March 2024 concerning allegations of war crimes committed by former Major General of the Israel Defense Forces (**IDF**), **Doron ALMOG** (DOB: 18 May 1951) in Gaza between 2001-2003 (the **Initial Complaint**). Regrettably, no response was received from your office in relation to that Complaint—a copy of which we **enclose** with these submissions for your ease of reference.
2. Per the Initial Complaint, Almog is alleged to have committed a number of grave breaches of the Geneva Conventions or of Protocol I; all are indictable offences under the *Geneva Conventions Act 1957* (Cth) (**GC Act**), and the *Criminal Code Act 1995* (Cth) sch 1 (**Criminal Code**).¹
3. The underlying offending conduct alleged in the Initial Complaint comprised of the following incidents and offences on the basis of Almog's command responsibility as the General Officer Commanding of the Israeli military's Southern Command:

¹ Geneva Conventions Act 1995 (Cth) section 7. Please note, Part II of the Geneva Conventions Act 1957 (Cth) was repealed by Schedule 3 of the *ICC Consequential Amendments Act 2002* (Cth). The repeal of Part II does not prevent its operation for crimes occurring between 1957 until 25 September 2002.

- i. **30 December 2001:** the wilful killing of three children (male, aged 15 between 17) with flechette artillery shells, contrary to article 147 of the Fourth Geneva Convention and section 7 of the GC Act;
- ii. **10 January 2002:** ordering the demolition of 59 civilian homes belonging to Palestinian residents near Rafah, Gaza, contrary to article 147 of the Fourth Geneva Convention and section 7 of the GC Act;
- iii. **22 July 2002:** the wilful killing of 14 individuals and the causing of serious injury to up to 150 others, contrary to article 147 of the Fourth Geneva Convention and section 7 of the GC Act;
- iv. **22 July 2002:** the complete destruction of up to 11 civilian homes and the partial destruction of 32 civilian homes in al-Daraj, Gaza, where such destruction of property was not justified by military necessity and carried out unlawfully and wantonly, contrary to article 147 of the Fourth Geneva Convention and section 7 of the GC Act;
- v. **3 March 2003:** the wilful killing of a nine-month pregnant woman in al-Bureij Refugee Camp, Gaza, contrary to section 268.24 of the Criminal Code;
- vi. **3 March 2003:** the wilful causing of serious injury to a family comprising of a father and his children in al-Bureij Refugee Camp, Gaza, contrary to section 268.28 of the Criminal Code; and
- vii. **3 March 2003:** the extensive destruction of one property carried out unlawfully and wantonly, with no justification of military necessity in al-Bureij Refugee Camp, Gaza, contrary to section 268.29 of the Criminal Code.

4. It must further be recalled that in 2005, a British court issued an arrest warrant under seal against Almog finding that there were reasonable grounds to suspect that the grave breach of "extensive destruction of property carried out unlawfully/wantonlly"² did occur, which is considered a criminal offence according to sections 1 and 1A of the United Kingdom's *Geneva Conventions Act 1957*.³ On 11 September 2005, Almog travelled to Heathrow Airport - however despite the live arrest warrant against him, British authorities were unable to effect his arrest after he was alerted to the warrant and consequently refused to disembark from the aircraft, prior to its departure to Israel.⁴

5. This submission is intended to be read in conjunction with the Initial Complaint referred to above and concerns additional credible allegations against Almog of the war crime of

² *Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War* (Fourth Geneva Convention), 75 UNTS 287, 12 August 1949, (entered into force 21 October 1950), art. 147.

³ Judgment of Senior District Judge Tim Workman, *Bow Street Magistrates' Court Application for a Warrant of Arrest of Major General Doron Almog*, 10 September 2005; see also Vikram Dodd, '[Papers reveal how alleged war criminal escaped UK arrest](#)' *The Guardian* (20 February 2008).

⁴ *Ibid.*

transfer of population committed in the course of an international armed conflict, under section 268.45 of the Criminal Code.

6. This allegation arises from Almog's position as the Chairman of the Executive of The Jewish Agency for Israel (**JAI**), which he has held since August 2022.⁵ Almog was appointed to this role following the departure of Yaakov Hagoel (now the Chair of the World Zionist Organization). Hagoel's appointment was preceded by the current President of Israel, Isaac Herzog.
7. As you may be aware, Almog is expected to visit Australia on **8 February 2026**, as part of a delegation accompanying Herzog,⁶ about whom the ACIJ, Al-Haq and Al Mezan, submitted a criminal complaint on 21 January 2026, highlighting the serious and credible criminal allegations against him of inciting and advocating genocide in the context of the military onslaught in Gaza since 7 October 2023. The below submission sets out the basis for the additional criminal allegation against Almog.

a. Overview of JAI's activities advancing unlawful settlements in the OPT

8. It is submitted that Almog, through his position as Chairman of the Executive of the JAI, participated in the authorisation, organisation or direction of the transfer, directly or indirectly, of parts of the civilian population of Israel into the Occupied Palestinian Territory (**OPT**), being territory illegally occupied by Israel, contrary to section 268.45 of the Criminal Code.
9. JAI describes its mission as acting “collectively to strengthen Israel and the Jewish people worldwide—by advancing Aliyah [the Jewish migration to Israel] as a core value, deepening connections between our global Jewish family, supporting the resilience and security of global Jewish communities, and encouraging every Jewish person to engage with Israel”.⁷ JAI achieves this through a number of programs, some of which are summarised below.

i. JAI's “Aliyah” Program

10. JAI's “Aliyah” program is dedicated to settling Jewish people in Israel.⁸ In 2024, JAI disclosed that it had resettled 32,618 people to Israel through its Aliyah program.⁹ According to Al-Haq's 2022 “Israeli Apartheid - Tool of Zionist Settler Colonialism” report, JAI's programs and strategy have unlawfully “pursued the population transfer of Jewish persons to settle in Palestine”.¹⁰

⁵ The Jewish Agency for Israel, ‘Major General (Res.) Doron Almog Chairman of the Executive’.

⁶ Embassy of Israel (Kathmandu), ‘President Isaac Herzog to Make an Official Visit to Australia at the Invitation of the Australian Government and the Australian Jewish Community Following the Bondi Beach Terror Attack’ (28 January 2026).

⁷ The Jewish Agency for Israel, ‘Who we are: meet the Jewish Agency for Israel’.

⁸ The Jewish Agency for Israel, ‘Aliyah’.

⁹ The Jewish Agency for Israel, ‘2024 Impact: Aliyah’.

¹⁰ Al-Haq, ‘Israeli Apartheid: Tool of Zionist Settler Colonialism’ (Report, 2002) pg.78.

11. As part of the Aliyah program, JAI offers various “educational programs” to both school children and university students to entice migration to Israel. JAI further offers a two-year Master of Business Administration program to English speaking students in cooperation with Ariel University that entices students to settle in the West Bank by offering full scholarships.
12. Ariel University and the illegal Ariel settlement within which the University is located are built on land illegally appropriated from the protected Palestinian population in Area C,¹¹ which comprises 60 percent of the West Bank.¹² Within Ariel’s municipal area are several enclaves of privately owned Palestinian land, where Palestinian owners are denied access to their property.¹³
13. Such land appropriation has directly resulted in the destruction of property of the protected Palestinian population, but also the illegal displacement of the protected Palestinian population to other locations within the OPT and elsewhere, and the illegal transfer of Israeli settler populations in their place.¹⁴
14. Israeli civil society organisation B’Tselem has documented toxic pollution from the intentional and prolonged neglect of Ariel’s waste water, which has regularly polluted the waterways and environment in surrounding Palestinian towns and villages. The toxic pollution has had a devastating effect on both the health and livelihoods of Palestinians living in the valleys of Salfit, who are exposed to “untreated wastewater [which] contains viruses, bacteria, parasites, and heavy, toxic metals [that are] dangerous to the health of humans and animals.”¹⁵
15. Israeli politicians have openly acknowledged the role of Ariel University in perpetuating the illegal settler project in the West Bank. For instance, Limor Livnat, a former Israeli Education Minister and former Vice Chairperson and Acting Chairperson of the World Likud Movement, considered that the upgrading of the Ariel University Center to Ariel University, was a “way to attract new populations to settle there”.¹⁶

¹¹ Refer to Article IV of the Fourth Geneva Convention.

¹² B’tselem, The Israeli Information Center for Human Rights in the Occupied Territories, ‘Area C’.

¹³ Amy Maguire, ‘[Israel’s land grab undermines Palestinian statehood – and violates international law](#)’ *The Conversation* (25 January 2016); B’Tselem, ‘[Ariel Settlement Fact Sheet](#)’, 30 August 2010 (Last updated 17 July 2012).

¹⁴ Refer to International Court of Justice, *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion) [2024].

¹⁵ Megan Giovannetti, “[They just die](#)”: Palestinian village choked by Israeli settlement dumpsite’ *Middle East Eye* (25 July 2019); B’Tselem, ‘[Foul Play: Neglect of Wastewater Treatment in the West Bank](#)’ (Report, June 2009) 30-1.

¹⁶ Bill Templer, ‘[Educational Geopolitics and the ‘Settler University’ in Ariel](#)’, *Journal for Critical Education Policy Studies*, Volume 5 No 2 (November 2007) pg.201.

ii. Five-month course at Ulpan Etzion, Jerusalem

16. JAI offers new settlers with a five-month course at Ulpan Etzion Jerusalem Campus, which is located in the illegal settlement of Armon Hanatziv. The program provides them with housing and “tools” to help them “integrate successfully into Israeli society.”¹⁷

iii. NA’ALE Program

17. The NA’ALE program is offered to eligible school children providing them with the “opportunity to complete their secondary education in Israel” without cost. JAI boasts that “during the existence of the NA’ALE program, more than 10,000 teenagers who came to Israel without parents successfully completed their secondary education”. The program also provides students with free accommodation, free tickets to fly home for the holidays, health insurance and pocket money.¹⁸

iv. SELA Program

18. The SELA program is said to prepare young people for admission into Israeli colleges and universities and entices them with fully paid tuition, meals, accommodation, medical insurance and stipend of 200 NIS per month, after which all program participants change their status and receive an Israeli identity card and a new immigrant certificate.¹⁹

v. Municipal Absorption

19. The program of “Municipal Absorption” allows “immigrants [to] choose their own city and place of residence, and their absorption takes place in close cooperation with the municipality of the chosen city and the personal coordinator of the [JAI]”.²⁰ Concerningly, the program allows immigrants to move to the areas of Ariel, Gush Etzion and Ma’ale Adumim,²¹ which are all illegal settlements in the OPT.

b. The alleged criminal conduct

20. JAI’s programs encourage the construction of settlements and facilitate the transferring of Jewish people into settlements located within the OPT, conduct that directly contravenes international humanitarian law (IHL), international criminal law (ICL) and the Commonwealth Criminal Code. As noted, the applicable war crime of transfer of population alleged in this complaint is codified under section 268.45 of the Criminal Code.

21. To establish an offence under this section, the following elements must be proven beyond a reasonable doubt:

A person (the **perpetrator**) commits an offence if:

¹⁷ The Jewish Agency of Israel, ‘[Ulpan Etzion: Jerusalem Campus](#)’.

¹⁸ The Jewish Agency of Israel, ‘[NAALE – Abitur in Israel](#)’.

¹⁹ The Jewish Agency of Israel, ‘[Sela-mir - Preparation for admission to universities in Israel](#)’.

²⁰ The Jewish Agency of Israel, ‘[Municipal Absorption](#)’.

²¹ Ibid.

(a) the perpetrator:

- (i) authorises, organises or directs, or participates in the authorisation, organisation or direction of, or participates in, the transfer, directly or indirectly, of parts of the civilian population of the perpetrator's own country into territory that the country occupies; or
- (ii) authorises, organises or directs, or participates in the authorisation, organisation or direction of, or participates in, the deportation or transfer of all or parts of the population of territory occupied by the perpetrator's own country within or outside that territory; and

(b) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

22. The alleged conduct aligns with subsection 268.45(a)(i), reflecting circumstances where the civilian population of the perpetrator's own country (Israel) are transferred into the OPT.

23. In consideration of the above elements, the following points are submitted:

- i. Pursuant to JAI's core mission stated in Part (a) above of "Aliyah", and the corresponding extensive settlement programs it undertakes, it is reasonable to conclude that JAI's primary purpose is to facilitate the settlement of Jewish people into areas that include the OPT;
- ii. The Chief Executive Officer of JAI reports directly to Almog in Almog's capacity as Chairman of the Executive;²²
- iii. On the above basis, it is reasonable to infer that Almog would undertake one or more of the following: to authorise, organise or direct, or participate in the authorisation, organisation or direction of, or participate in, decisions concerning the settlement activities of JAI, with the effect that such activities result in the illegal transfer of Jewish people into the OPT;
- iv. This is further reflected in public reporting by JAI that as part of his role, Almog, amongst other things, "meet[s] with representatives of Jewish communities, new olim [individuals who undertake Aliyah] from around the world, young people who came to Israel on Masa Israel Journey career and volunteer programs...";²³

²² The Jewish Agency for Israel, '[Organisational Structure approved by the Executive](#)' (June 2025).

²³ The Jewish Agency for Israel, '[Doron Almog Embarks on Chairmanship of The Jewish Agency, Visiting 180 Young New Olim on First Day](#)' (21 August 2022).

- v. Israel has unlawfully occupied Palestine since 1967;²⁴
- vi. Almog's conduct is associated with an international armed conflict. In June 1967, an international armed conflict between Israel, Jordan, Egypt, Syria and Iraq broke out for the duration of six days. As a consequence of this conflict, the Israeli army occupied the West Bank, including East Jerusalem and the Gaza Strip, resulting in the establishment of a belligerent occupation.

According to principles of IHL, an occupation resulting from an international armed conflict does not end until the end of the occupation, even if the armed conflict that gave rise to the occupation has ended.²⁵ Specifically, Article 6 of the *Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, provides that the Convention ceases to apply "one year after the general end of military operations" but with the exception that provisions continue to apply as long as a situation of belligerent occupation persists.²⁶ This notion is confirmed in the *Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (First Additional Protocol)*, where Article 3(b) provides that the application of the Protocol shall cease with the general close of military operations and, for the occupied territories, "on the termination of the occupation".²⁷

Since 1967, the belligerent occupation of Palestine has not ceased, and Israel retains effective territorial control of the West Bank, the region of the OPT of concern to this complaint. The West Bank includes the territory of East Jerusalem, which has been annexed and remains occupied by Israel.

- 24. In light of the above information on JAI's activities and Almog's role as Chairman of the Executive, it is submitted that there is reasonable basis to commence an investigation into Almog for conduct contrary to section 268.45 of the Criminal Code.
- 25. Moreover, although not detailed further in this complaint, we urge the AFP to consider whether the conduct of Almog, as carried out through the activities of JAI, may give rise to credible allegations of the crime against humanity of apartheid, contrary to section 268.22 of the Criminal Code in light of the key role JAI play in advancing unlawful settlement activity, with the effect of entrenching an institutionalised regime of systematic oppression and domination against the Palestinian population. It should further be recalled

²⁴ International Court of Justice, *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion) [2024].

²⁵ Second International Peace Conference, *Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land* (Hague Regulations), International Conferences, The Hague, 18 October 1907, (entered into force 26 January 1910), art. 42; Fourth Geneva Convention, art. 2.

²⁶ Fourth Geneva Convention, art. 6. Refer also International Court of Justice, *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion) [2024].

²⁷ *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts*, 8 June 1977 (First Additional Protocol), 1125 UNTS 3 (entered into force 7 December 1978), art. 3(b).

that the International Court of Justice (**ICJ**) declared Israel's discriminatory laws and measures in the OPT as constituting a breach of Article 3 of the *International Convention on the Elimination of All Forms of Racial Discrimination*, which imposes a prohibition on racial segregation and apartheid.²⁸ In making this determination, the Court examined Israel's settlement policies and laws.

c. Australia's obligation to investigate and prosecute

26. We recall the sentiment of the Attorney-General's Department that,

Australia was an early signatory to the Geneva Conventions and their Additional Protocols and is deeply committed to implementing and upholding its IHL obligations. This includes an obligation to disseminate and promote the principles of the Geneva Conventions and their Additional Protocols.²⁹

27. As a party to the Geneva Conventions, Australia agrees under Common Article 1, to "undertake to respect and to ensure respect for the present Convention in all circumstances".

28. In addition, the Preamble to the Rome Statute recalls that every State must exercise its criminal jurisdiction over those responsible for international crimes.³⁰ Articles 1 and 17 of the Statute emphasise that the International Criminal Court (**ICC**) is complementary to national criminal jurisdiction.³¹ Accordingly, the ICC operates as a court of last resort, with jurisdiction to prosecute perpetrators only where no State with jurisdiction is either unable or unwilling to act.³²

29. Australia is a necessary forum to investigate allegations of war crimes against Almog, given his expected presence within the territory and where credible indicators have consistently shown that effective accountability is unlikely to be pursued on a national level.

30. Palestinian human rights organisations, including Al-Haq, Al Mezan and PCHR, as well as a number of international civil society organisations including Amnesty International and Human Rights Watch, have long raised concerns about the effectiveness and independence of Israeli investigatory and accountability mechanisms for alleged international crimes, including patterns of non-investigation, rare prosecutions, and outcomes characterised as "whitewashing".³³

²⁸ International Court of Justice, *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion) [2024], [223]-[229].

²⁹ Attorney-General's Department, '[Report on Australia's Implementation of International Humanitarian Law at the Domestic Level](#)' (2024).

³⁰ Rome Statute of the International Criminal Court, opened for signature 17 July 1998, 2187 UNTS 90 (entered into force 1 July 2002), ('*Rome Statute*'), Preamble, [6].

³¹ *Ibid*, arts. 1, 17.

³² *Ibid*; International Criminal Court, '[About the Court](#)'.

³³ Palestinian Centre for Human Rights, '[Genuinely Unwilling: An Update — The Failure of Israel's Investigative and Judicial System to Comply with the Requirements of International Law](#), with particular

31. Those concerns are underscored by the fact that the ICC's Palestine investigation has been open since 3 March 2021, and by subsequent proceedings noting the issuance of ICC arrest warrants on 21 November 2024 against senior Israeli officials—developments that, in complementarity terms, arise only where national proceedings are absent or not genuine.³⁴

i. Attorney-General's consent does not preclude investigation

32. It must further be noted that section 268.45 requires the Attorney-General's written consent in light of the application of section 268.121 of the *Criminal Code*. Relevantly, however, pursuant to section 268.121(3), a person may be arrested, charged, remanded in custody or released on bail in connection with an offence under Division 268 before the necessary consent has been given. In support of this, the High Court in *Taylor v Attorney-General* (Cth) [2019] HCA 30 cited the Explanatory Memorandum to the *International Criminal Court (Consequential Amendments) Bill 2002*, which said of section 268.121(3):³⁵

Proposed subsection (3) provides that a person may be arrested, charged and remanded in custody or released on bail for an offence under this Division before the consent has been given. This is to ensure that any delay in obtaining written consent from the Attorney-General will not delay the arrest of a person or allow a person to escape, and that it also will not result in a person being unduly held on remand. [Emphasis added]

33. The AFP is therefore not precluded from investigating and arresting Almog upon his arrival to Australia.

regard to the Crimes Committed during the Offensive on the Gaza Strip (27 December 2008 – 18 January 2009' (Report, August 2010); Adalah, 'Israeli Military Probes and Investigations Fail to Meet International Standards or Ensure Accountability for Victims of the War on Gaza' (Briefing Paper, January 2010); Al-Haq et al, 'Four Palestinian Human Rights Organizations Submit File to the ICC Prosecutor: Israel is Unable and Unwilling to Conduct Genuine Investigations and Prosecutions' (Joint Statement, 23 December 2017); B'Tselem, 'Three years after Operation Cast Lead: Israeli military utterly failed to investigate itself' (18 January 2010); B'Tselem, 'Israel's report to the UN misstates the truth' (4 February 2010); Human Rights Watch, "Promoting Impunity: The Israeli Military's Failure to Investigate Wrongdoing", II "Why Investigate?" Report, Vol 17 No 7(E), June 2005; Amnesty International, 'Lethal force and accountability for unlawful killings by Israeli forces in Israel and the Occupied Palestinian Territories' (Public Statement, September 2016); Amnesty International, 'Time to address impunity: Two years after the 2014 Gaza/Israel war', (Report, 7 July 2016); Yesh Din, 'Data sheet: Law enforcement against Israeli soldiers suspected of harming Palestinians and their property – Summary of figures for 2017–2021' (21 December 2022); concluding that military law enforcement authorities "systematically avoid investigating and prosecuting" and that the system's main function "is whitewashing crimes".

³⁴ International Criminal Court, Office of the Prosecutor, '[Statement of ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine](#)' (3 March 2021); International Criminal Court, Pre-Trial Chamber I, Situation in the State of Palestine, Decision on the State of Israel's Challenge to the Jurisdiction of the Court Pursuant to Article 19(2) of the Rome Statute (ICC-01/18-374, 21 November 2024); International Criminal Court, '[Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant](#)' (Press Release, 21 November 2024).

³⁵ *Taylor v Attorney-General* (Cth) [2019] HCA 30 citing Australia, House of Representatives, *International Criminal Court (Consequential Amendments) Bill 2002*, Explanatory Memorandum at 16.

d. Australia's position on illegal settlements in the OPT

34. Australia's position on the illegal settlement enterprise in the OPT is clear. On 8 August 2023, Foreign Minister Wong announced in parliament:

The Australian government is strengthening its opposition to settlements by affirming they are illegal under international law and a significant obstacle to peace.

This is consistent with the position of past governments, reflects legal advice and UN Security Council resolutions which determine that the settlements 'have no legal validity and constitute a violation of international law'.³⁶

35. Most recently in September 2025, Prime Minister Albanese reiterated with concern Israel's "continued illegal expansion of settlements on the West Bank - and [the] increase in settler violence. Threats to annex parts of Palestine - and permanently displace the Palestinian people. Such conduct risks putting a two-state solution beyond reach."³⁷

36. On 15 December 2023, as part of a Joint Statement on settler violence in the West Bank with Belgium, Canada, Denmark, the European Union, Finland, France, Ireland, Luxemburg, the Netherlands, Norway, Spain, Sweden, Switzerland, and the United Kingdom, Australia strongly condemned the violent actions of settler communities in the OPT, and reiterated their position that, "Israeli settlements in the occupied West Bank are illegal under international law" and further reminded "Israel of its obligations under international law, in particular Article 49 of Geneva Convention IV."³⁸

37. On 25 July 2024, the Australian Government imposed Magnitsky-style targeted financial sanctions and travel bans on seven Israeli individuals, and targeted financial sanctions on one entity, for involvement in settler violence against Palestinians in the West Bank noting that "[t]he Albanese Government has been firm and consistent that Israeli settlements in the [OPT] are illegal under international law and a significant obstacle to peace".³⁹

38. On 10 June 2025, the Australian Government together with the governments of Canada, New Zealand, Norway and the United Kingdom imposed targeted sanctions on Israeli ministers Itamar Ben-Gvir and Bezalel Smotrich for inciting violence against Palestinians in the West Bank.⁴⁰ The Joint Statement from the respective countries relevantly stated

³⁶ Minister for Foreign Affairs, '[Senate Question Time Responses to Middle East Policy](#)' (8 August 2023).

³⁷ Prime Minister Anthony Albanese, '[Address to two state solution conference](#)' (22 September 2025).

³⁸ Department of Foreign Affairs and Trade, '[Joint statement on settler violence in the West Bank](#)' (15 December 2023).

³⁹ Minister for Foreign Affairs, '[Human Rights Sanctions in response to Israeli settler violence in the West Bank](#)' (25 July 2024).

⁴⁰ Minister for Foreign Affairs, '[Joint statement by the Foreign Ministers of Australia, Canada, New Zealand, Norway and the United Kingdom on measures targeting Itamar Ben-Gvir and Bezalel Smotrich](#)' (10 June 2025)

the impunity within which actors facilitate and entrench the illegal settlement enterprise in the OPT:

Itamar Ben-Gvir and Bezalel Smotrich have incited extremist violence and serious abuses of Palestinian human rights. Extremist rhetoric advocating the forced displacement of Palestinians and the creation of new Israeli settlements is appalling and dangerous. These actions are not acceptable. We have engaged the Israeli Government on this issue extensively, yet violent perpetrators continue to act with encouragement and impunity. This is why we have taken this action now – to hold those responsible to account. The Israeli Government must uphold its obligations under international law and we call on it to take meaningful action to end extremist, violent and expansionist rhetoric.

e. International jurisprudence on illegal settlements in the OPT

39. Australia's position is consistent with international jurisprudence. Pursuant to the Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem of July 2024, the ICJ reaffirmed that "that the Israeli settlements in the West Bank and East Jerusalem, and the régime associated with them, have been established and are being maintained **in violation of international law**".⁴¹ [emphasis added]

40. The Court further observed that "Israel's settlement policy has given rise to violence by settlers and security forces against Palestinians"⁴² and that "the large-scale confiscation of land and the deprivation of access to natural resources divest the local [Palestinian] population of their basic means of subsistence, thus inducing their departure."⁴³ The Court concluded that Israel's policies and practices, including:

its forcible evictions, extensive house demolitions and restrictions on residence and movement, often leave little choice to members of the Palestinian population living in Area C but to leave their area of residence. The nature of Israel's acts, including the fact that Israel frequently confiscates land following the demolition of Palestinian property for reallocation to Israeli settlements, indicates that its measures are not temporary in character and therefore cannot be considered as permissible evacuations. In the Court's view, Israel's policies and practices are contrary to the prohibition of forcible transfer of the protected population under the first paragraph of Article 49 of the Fourth Geneva Convention.⁴⁴

41. Additionally, the Court reaffirmed that an occupying power must not transfer parts of its own civilian population into the territory it occupies; to do so would be in clear contravention of Article 49(6) of the Fourth Geneva Convention.⁴⁵ The Court found that

⁴¹ International Court of Justice, *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion) [2024] [155].

⁴² *Ibid.*, [148].

⁴³ *Ibid.*, [143].

⁴⁴ *Ibid.*, [147].

⁴⁵ *Ibid.*, [119].

Israel's settlement expansion policies, including such population transfer and maintenance of settler presence, are in violation of this prohibition, and this particular practice significantly contributed to the Court's conclusion that the unlawful presence of Israel in the OPT must be brought to an end.⁴⁶

42. For the avoidance of any doubt, the offence provision equally applies to the transfer of third country civilians into occupied territory, as IHL prohibits an occupying power from altering the demographic composition of occupied territory. Although Article 49(6) of the Fourth Geneva Convention expressly refers to the transfer of the occupying power's own civilian population, the ICJ has previously confirmed that the prohibition extends to any measures by which an occupying power organises, facilitates, or encourages civilian settlement in occupied territory.⁴⁷
43. In its 2020 Updated Commentary on the Fourth Geneva Convention, the International Committee of the Red Cross confirmed that the purpose of Article 49 is to prevent colonisation and demographic manipulation and to safeguard the rights of the protected population, including their right to self-determination.⁴⁸ **Accordingly, any organised population transfer or settlement policy that entrenches permanent control, displaces the protected population, or undermines self-determination is unlawful under international law.**⁴⁹
44. More recently, the ICJ identified settlement activity and demographic alteration as central elements rendering Israel's continued presence in the OPT unlawful. The Court held that such practices form part of an integrated regime of de facto annexation and denial of Palestinian self-determination, and gave rise to obligations on Israel to cease their unlawful conduct and on all States not to recognise as lawful, nor render aid or assistance in maintaining the resulting situation.⁵⁰ These conclusions provide a clear and authoritative legal basis for accountability and remedial action.

f. Conclusion

45. On the basis of the information provided to the AFP in the Initial Complaint of March 2024, we reiterate our request that Almog be arrested in relation to those allegations upon his expected arrival to Australia. In light of the further allegations set out in this complaint, we urge the AFP to conduct additional investigation into these matters.

⁴⁶ Ibid, pg.6.

⁴⁷ International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] ICJ Rep 136, [120].

⁴⁸ International Committee of the Red Cross, *Commentary on the Fourth Geneva Convention* (Updated Commentary, 2020), [1607], [1614]–[1616] (art. 49).

⁴⁹ International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] ICJ Rep 136, [120], [122]; International Committee of the Red Cross, *Commentary on the Fourth Geneva Convention* (Updated Commentary, 2020), [1607], [1614]–[1616] (art. 49).

⁵⁰ International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion, 19 July 2024), [80]–[83], [163]–[179], [261]–[267].

46. We look forward to receiving your prompt response in relation to the serious matters raised above.

Sincerely,

Rawan Arraf

Executive Director and Principal Lawyer
Australian Centre for International Justice

Shawan Jabarin

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