

8 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 YAAKOV HAGOEL**

1. The Australian Centre for International Justice (**ACIJ**), together with Al-Haq, the Al Mezan Center for Human Rights (**Al Mezan**), and the Palestinian Center for Human Rights (**PCHR**) write to urgently alert you to an imminent visit to Australia by Yaakov Hagoel, the current Chairman of the Executive of the World Zionist Organisation (**WZO**), and our concerns of such a visit in light of the unlawful settlement activities undertaken by the WZO in the unlawfully Occupied Palestinian Territory (**OPT**). We are concerned that the critical leadership role played by Hagoel in this context raises grounds to consider conduct potentially contrary to Division 268 of the *Criminal Code Act 1995* (Cth) sch 1 (**Criminal Code**). Namely, the offences of deportation or the forcible transfer of population (s 268.11), apartheid (s 268.22), destruction and appropriation of property (s 268.29), unlawful deportation or transfer (s 268.32), transfer of population (s 268.45) and pillaging (s 268.54). Hagoel has held the position of Chairman of the Executive from 22 October 2020 until 7 July 2021, and again from August 2022 until the present.<sup>1</sup> Hagoel was recently re-elected as Chairman of the WZO in November 2025 and will serve for the first two and a half years of a five-year term.<sup>2</sup>
2. As you may be aware, Hagoel is expected to visit Australia on **8 February 2026**, as part of a delegation accompanying the President of Israel, Isaac Herzog,<sup>3</sup> about whom we 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.

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<sup>1</sup> World Zionist Organization, 'Chairman's Office'.

<sup>2</sup> Ibid; Zev Stub, 'Final World Zionist Congress deal taps Doron Perez for president, Hagoel for chairman', *The Times of Israel*, 24 November 2025.

<sup>3</sup> 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', (Press Release, 28 January 2026).

## I. The World Zionist Organization

3. The WZO was established prior to the existence of the State of Israel, following the First Zionist Congress convened in Basel in 1897.<sup>4</sup>
4. The WZO was first officially recognised under Israeli law in 1952 as an authorised agency through the *World Zionist Organization–Jewish Agency (Status) Law 5713–1952 (Status Law)*.<sup>5</sup> Under the Status Law, the WZO is regarded as a national institution entrusted with the advancement of Israel's state objectives.<sup>6</sup>
5. The Status Law not only distinguished the WZO from regular NGOs, as a so-called Israeli "national institution",<sup>7</sup> it facilitated the delegation of (unlawful) settlement-related government functions to the WZO. Section 2 of the Status Law specifically noted that the functions of the WZO, together with the Jewish Agency for Israel, would be the development and settlement of the country, the absorption of immigrants from what it termed 'the Diaspora', and the coordination of activities in Israel connected with these matters.<sup>8</sup>
6. The effect of this legislation was to integrate the WZO into Israel's governance framework and authorise it to carry out certain governmental functions using public funding and delegated authority. It has been described by Israeli civil society organisation Peace Now as, "a non-governmental body vested with government functions and powers to act for the establishment and development of settlements."<sup>9</sup>
7. In 2015, the Israeli Knesset passed legislation to amend the Status Law, which allowed the Israeli government to continue using the Settlement Division of the WZO in order to carry out its policies in the OPT.<sup>10</sup> Notwithstanding a number of transparency requirements regarding the reporting of the Division's financial activities introduced by the amendment, it contains no restriction on the Division's operations.
8. Israeli civil society organisation Peace Now has noted that Australian-sanctioned Israeli Minister Bezalel Smotrich was the architect behind this amendment, and has highlighted his public statements regarding the use of the Division for unlawful settlement expansion:

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<sup>4</sup> World Zionist Organization, '[Mission Statement](#)'.

<sup>5</sup> *World Zionist Organization–Jewish Agency (Status) Law, 5713–1952*, section 4, found in "Laws of the State of Israel: Authorized Translation from the Hebrew, Volume 7". Government Printer, Jerusalem, Israel (1948-1987), pgs.3-4, published by Adalah, '[World Zionist Organization Jewish Agency Status Law 1952](#)', *Discriminatory Laws Database*.

<sup>6</sup> *World Zionist Organization–Jewish Agency (Status) Law, 5713–1952*, section 1.

<sup>7</sup> Ibid; see also 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](#)', (Press Release, 28 January 2026).

<sup>8</sup> *World Zionist Organization–Jewish Agency (Status) Law, 5713–1952*, section 2.

<sup>9</sup> Peace Now, '[Unraveling the Mechanism behind Illegal Outposts](#)', (January 2017).

<sup>10</sup> Kerem Navot and Peace Now, '[The Bad Samaritan: Land Grabbing by Israeli Settlers in the Occupied West Bank Through Grazing](#)', Report, (March 2025) pgs.10, 24.

The management of state lands is a sensitive issue politically and diplomatically, and I do not want the European Union to be informed of every plot of land on which construction is taking place.<sup>11</sup>

#### **A. The organisational structure of the WZO**

9. The WZO is a formally constituted transnational organisation governed by a written constitution and operates through a defined system of representative and executive institutions.<sup>12</sup> Under the WZO Constitution, the World Zionist Congress is designated as the supreme organ of the organisation, vested with authority to determine policy directions and elect the principal governing bodies of the WZO, including the Zionist General Council and the Zionist Executive.<sup>13</sup>
10. Executive authority within the WZO is vested in the Executive.<sup>14</sup> That is, the Constitution assigns to the Executive, the responsibility for implementing the resolutions of the World Zionist Congress and the General Council, directing the WZO's operational activities, and overseeing the work of the WZO's various departments and divisions.<sup>15</sup>
11. As the Chairman of the Executive, Hagoel presides over the Executive branch of the WZO and serves as the head of the organisation's executive leadership, exercising primary authority over the WZO's day-to-day governance and institutional implementation.<sup>16</sup>
12. From 2010 onward, Hagoel has continuously occupied senior executive positions within the WZO. Hagoel first entered the WZO Executive following his election at the 36th World Zionist Congress in 2010, at which time he was appointed Head of the Department of Activities in Israel and Countering Antisemitism, a portfolio situated within the Executive of the WZO and responsible for national programming, institutional coordination, and public mobilisation.<sup>17</sup>
13. In 2015, Hagoel was elevated to the role of Vice Chairman of the WZO Executive, serving in that capacity until 2020.<sup>18</sup>
14. In October 2020, Hagoel was elected Chairman of the WZO, thereby becoming the presiding head of the Executive and the organisation's highest operational authority.<sup>19</sup> He has remained in that position continuously since that time, overseeing all

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<sup>11</sup> Ibid.

<sup>12</sup> World Zionist Organisation, '[World Zionist Organization Constitution](#)', (as amended November 2019), arts. 1, 7-9.

<sup>13</sup> Ibid, arts. 7-9.

<sup>14</sup> Ibid, art. 40(1).

<sup>15</sup> Ibid, arts. 27-30, 40-45.

<sup>16</sup> World Zionist Organisation, '[World Zionist Organization Constitution](#)', as amended November 2019, arts. 31, 40-45.

<sup>17</sup> Keren Hayesod – United Israel Appeal, '[Yaakov Hagoel](#)'; see also World Zionist Organization, '[Chairman's Office](#)'.

<sup>18</sup> World Zionist Organization, '[Chairman's Office](#)'.

<sup>19</sup> Ibid.

departments of the WZO, including those engaged in land development, settlement support, and coordination with Israeli governmental agencies.<sup>20</sup>

15. Accordingly, the WZO operates through a clear and hierarchical chain of authority.<sup>21</sup> Policy direction is determined by the World Zionist Congress, continuing governance and oversight are exercised by the Zionist General Council, and operational implementation is carried out by the Zionist Executive and its subordinate departments and divisions under the leadership of Hagoel.
16. The WZO conducts its activities through a range of departments and specialised divisions operating under the authority of the Executive.<sup>22</sup> Among these is the Settlement Division, the primary division of concern in the context of this submission.

## **B. The WZO Settlement Division**

17. The Settlement Division, is a specialised division established in 1971 within the WZO.<sup>23</sup>
18. The Division describes itself as working to further the settlement of Israel by establishing settlements, and strengthening and growing existing settlements in what it calls 'the rural-peripheral space'.<sup>24</sup> The Division notes that their work is based on a clear understanding of the "strategic importance of settlement."<sup>25</sup> They also note their operations in unlawful settlements in the OPT, as well as Occupied Syrian territory, on their website referring to, "Golan, Megilot, the Jordan Valley, Metah Binuamin, Gush Etzion, Samaria and the South Hebron Hills."<sup>26</sup>
19. The Settlement Division has been described as funded exclusively by the Israeli government.<sup>27</sup> In 2022, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (**UN COI**), confirmed that the Division was "funded by the Government of Israel, although it is not a State entity."<sup>28</sup>
20. The Israeli-commissioned Sasson Report of 2005, which has been widely cited in UN reporting, held that Israeli authorities and bodies, including the Settlement Division, were involved in materially supporting outposts (an illegal Israeli settlement) that were illegal under Israeli law and that it "plays a key role in establishing and supporting settlements and outposts."<sup>29</sup>

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<sup>20</sup> Ibid.

<sup>21</sup> World Zionist Organisation, '[World Zionist Organization Constitution](#)', (as amended November 2019); see also World Zionist Organisation, '[Elected Offices and Departments](#)'.

<sup>22</sup> Peace Now, '[The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank](#)', *Settlement Watch Report*, (December 2024) pgs.1-5.

<sup>23</sup> UN Human Rights Council, [Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967](#), UN Doc A/HRC/22/63 (7 February 2013) [24]-[26]; see also B'Tselem, *Land Grab: Israel's Settlement Policy in the West Bank*, (May 2002) pg.19.

<sup>24</sup> The Settlement Division, '[Website](#)'.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, '[Report](#)', UN Doc A/77/328, (14 September 2022) [29].

<sup>28</sup> Ibid.

<sup>29</sup> Nuhanovic Foundation, [Summary of the 2005 Sasson Report](#), Reparations Database; see also UN Human Rights Council, [Report of the Independent International Fact-Finding Mission to Investigate the](#)

21. In 2014, the UN General Assembly Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories reported on the allocation of funds to the Settlement Division of the WZO, noting that its “official role [...] is to assist the Government in establishing or expanding settlements in the Occupied Palestinian Territory.”<sup>30</sup>
22. In 2022, the UN COI held that the Settlement Division actively supports and funds outposts, noting that the Division “for example supports the regularization of outposts with regard to their connection to the electrical grid and the preparation of building plans.”<sup>31</sup>
23. As a result, while the Settlement Division continues to operate organisationally within the WZO, it exercises functions typically associated with public land administration performed by government ministries.<sup>32</sup> According to Israeli civil society organisation Peace Now’s Settlement Watch project:

Following the legislation that regulated the Division’s activities, the minister responsible for the Settlement Division in the government (as of 2024, Minister for Settlement Orit Stroom) prepares a “Policy, Goals, and Objectives” document for the Settlement Division every year. Based on this document, the Settlement Division prepares a detailed work plan. The policy document, work plan, and the Division’s salary and overhead budget are published on the Settlement Division’s website. The implementation of the plans is somewhat less transparent.<sup>33</sup>
24. From its establishment in 1971 until 2016, the Division has operated without regulation or public accountability. As noted previously, a 2015 amendment to the Status law of the WZO in 2016 introduced requirements for financial transparency, but this did not cover WZO land management activity, where much of their unlawful conduct occurs.<sup>34</sup>
25. According to Settlement Watch, the core functions of the Division include both the development of unlawful settlements through their financing, planning and construction

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Implications of the Israeli Settlements on the Civil, Political, Economic, Social and Cultural Rights of the Palestinian People throughout the Occupied Palestinian Territory, including East Jerusalem, UN Doc A/HRC/22/63, (7 February 2013); UN Human Rights Council, [Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967](#), UN Doc A/HRC/25/67, (13 January 2014); UN General Assembly, [Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan: Report of the Secretary-General](#), UN Doc A/68/513 (9 October 2013); UN Human Rights Council, [Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967](#), UN Doc A/HRC/47/57 (29 July 2021).

<sup>30</sup> United Nations General Assembly, ‘[Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan](#)’, UN Doc A/69/348 (25 August 2014) [9].

<sup>31</sup> Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, ‘[Report](#)’, UN Doc A/77/328, (14 September 2022) [29].

<sup>32</sup> Peace Now, ‘[The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank](#)’, *Settlement Watch Report*, (December 2024).

<sup>33</sup> *Ibid*, pg.6.

<sup>34</sup> *Ibid*.



as well as management of unlawfully occupied Palestinian land in the OPT on behalf of the State of Israel.<sup>35</sup>

## II. A Note on Israel's Terminology Regarding 'Unauthorised Outposts' and 'Authorised/Legalised Settlements'

26. Israeli authorities and Israeli domestic reporting frequently distinguish between the terms, 'authorised settlements' and 'unauthorised outposts'. Authorised or legalised settlements refer to settlement sites established or retroactively approved pursuant to decisions of the Israeli government and relevant planning authorities, while unauthorised outposts are settlement sites initially established without formal governmental approval and are often characterised as unlawful even under Israeli domestic law.<sup>36</sup> Notwithstanding this characterisation, many such outposts have subsequently been connected to public infrastructure, received material support from State bodies, or been retroactively legalised.<sup>37</sup>
27. This distinction is purely internal to Israeli domestic law and Israeli administrative practice and does not reflect differences in international legal status. Relevantly, according to established international humanitarian law (IHL), no distinction exists between 'authorised settlements' and 'unauthorised outposts' in the OPT, including East Jerusalem. The International Court of Justice (ICJ) has held that, "the Israeli settlements in the OPT (including East Jerusalem) have been established in breach of international law."<sup>38</sup>
28. This conclusion is based on the fact that any form of civilian settlement by the Occupying Power in occupied territory, directly contravenes article 49(6) of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (**Fourth Geneva Convention**), irrespective of any purported domestic authorisation.<sup>39</sup>
29. The UN Security Council has likewise reaffirmed that, "the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law."<sup>40</sup>
30. It should be noted that any reference in this submission to 'settlements' include *all* Israeli civilian settlements in the OPT, regardless of their authorisation status under Israeli law. References to 'unauthorised outposts' are descriptive only and imply no

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<sup>35</sup> Peace Now, 'The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank', *Settlement Watch Report*, (December 2024) pgs.5-9, 14-18.

<sup>36</sup> United Nations General Assembly, *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, UN Doc A/69/348 (25 August 2014) [14]-[18].

<sup>37</sup> Peace Now, 'The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank', *Settlement Watch Report*, (December 2024) pgs.5-9, 14-18.

<sup>38</sup> International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] ICJ Rep 136, [120]; see 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] [259]-[262].

<sup>39</sup> International Committee of the Red Cross, *Commentary on the Fourth Geneva Convention* (Updated Commentary, 2020), [1607], [1614]-[1616] (art. 49); see also Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (*Fourth Geneva Convention*), opened for signature 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950), art. 49(6).

<sup>40</sup> United Nations Security Council, *Resolution 2334 (2016)*, UN Doc S/RES/2334 (23 December 2016) [1].

lesser degree of illegality under international law. The involvement of the Settlement Division in either authorised settlements or unauthorised outposts is assessed without distinction as conduct potentially facilitating internationally unlawful settlement activity.

### III. Overview of WZO's Activities Advancing Unlawful Settlements in the OPT

31. The core functions of the Division include both the development of unlawful settlements through their financing, planning and construction as well as the management of unlawfully occupied land in the OPT on behalf of the State of Israel.<sup>41</sup>

#### A. Financing, planning and construction of unlawful settlements in the OPT

32. The direct involvement of the Settlement Division in both financing and implementing infrastructure for both domestically-authorised unlawful settlement sites as well as so-called unauthorised outposts, including assistance with the provision of connections to electricity, water, and road networks, has been widely documented.<sup>42</sup>
33. Infrastructure projects for so-called unauthorised outposts are often undertaken as a deliberate measure to secure the retrospective legalisation authorising these outposts under Israeli domestic law, notwithstanding their illegality under international law. Infrastructure provision is critical in transforming outposts into entrenched unlawful civilian settlements.<sup>43</sup>
34. Between 2017 and 2023, the Division issued over twenty calls for proposals amounting to approximately NIS 373.5 million of Israeli government funds, channelled toward unlawful settlement-related development activities in the occupied West Bank.<sup>44</sup>
35. In 2018, the Israeli civil society organisation Kerem Navot disclosed that for at least two decades the Settlement Division had systematically distributed subsidised mortgages and financial assistance to settlers engaged in unauthorised construction and land appropriation, involving transfers of public funds totalling tens of millions of shekels.<sup>45</sup>
36. Further, in May 2019, Peace Now revealed that even following formal regulatory reforms of the Division, public monies continued to be directed via the Division toward

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<sup>41</sup> Peace Now, 'The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank', *Settlement Watch Report*, (December 2024) pgs.5-9, 14-18.

<sup>42</sup> Peace Now, 'The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank', *Settlement Watch Report*, (December 2024); see also Peace Now, *What is the Settlement Division*, (6 December 2024); Peace Now, *Unraveling the Mechanism behind Illegal Outposts*, (March 2017); Peace Now, *The Annexation Agenda of the Israeli Government*, (21 June 2024).

<sup>43</sup> UN General Assembly, *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan: Report of the Secretary-General* (Advance Unedited Version), UN Doc A/79/347 (12 September 2024) [29].

<sup>44</sup> Peace Now, 'The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank', *Settlement Watch Report* (December 2024), pg.10; see also Dr Neta Moshe, 'פעילות ותקצוב החטיבה להתיישבות' [Activity and Budgeting of the Settlement Division], *Knesset Research and Information Center* (1 July 2024) pgs.3, 8.

<sup>45</sup> Kerem Navot, 'The Settlement Division Exposed'; see also Yotam Berger, 'Revealed: Israeli Taxpayers Helped Bankroll Illegal West Bank Outposts for Decades', *Haaretz* (25 October 2018).

illegal building and infrastructure in such outposts, alongside a continued marked lack of transparency in the publication of the Division's budgetary data.<sup>46</sup>

37. In July 2022, Israeli media outlet *Haaretz* reported on the plan of the Settlement Division to invest approximately NIS 30 million in infrastructure intended to connect and service so-called illegal outposts in the unlawfully occupied West Bank, with the stated aim of facilitating their future legalisation under Israeli domestic law.<sup>47</sup>
38. *Haaretz* further identified how direct Israeli state funding is channelled through the Settlement Division in order to finance such unlawful settlement infrastructure,<sup>48</sup> designed with the explicit aim to entrench unlawful civilian presence in the OPT in contravention of international law.<sup>49</sup>
39. Notably, in 2023 the Division for the first time formally authorised funding expressly directed to so-called "illegal outposts", allocating NIS 28 million under a tender designated for "security components" for these unlawful outposts.<sup>50</sup> This practice expanded further in 2024, with an additional NIS 75 million call for proposals issued for projects supporting outposts which lacked legal status even under Israeli domestic law.<sup>51</sup>

## **B. Land management on behalf of the Israeli state**

40. In addition to their settlement development activity, the Settlement Division exercises authority over large areas of appropriated Palestinian lands within the OPT that have been designated as Israeli state land by Israeli authorities.
41. While the State of Israel has sought to reclassify large areas of the illegally occupied West Bank as "state land", Israel's reclassification of the land is itself a breach of IHL, which requires that the Occupying Power, preserve the law in force *ante bellum*.<sup>52</sup> Under IHL, private immoveable property cannot be confiscated.<sup>53</sup> Public immoveable property is subject to strict conditions of use and cannot be alienated. It may only be administered narrowly and temporarily under the rules of *usufruct* "to protect the capital of these properties" for the occupied State. The Occupying Power is therefore strictly prohibited from alienating and transferring any immoveable property in the occupied

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<sup>46</sup> Peace Now, '[Settlement Division Continues to Finance Illegal Projects](#)', (27 May 2019).

<sup>47</sup> Hagar Shezaf, '[World Zionist Organization to Invest 30m Shekels to Ready Outposts for Legalization](#)', *Haaretz* (12 July 2022).

<sup>48</sup> *Ibid.*

<sup>49</sup> Dr Neta Moshe, '[פעילות ותקצוב החטיבה להתיישבות \[Activity and Budgeting of the Settlement Division\]](#)', *Knesset Research and Information Center* (1 July 2024), pgs.4-6, 17-18; see also Peace Now, '[The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank](#)', *Settlement Watch Report*, (December 2024) pgs.5-9, 14-18.

<sup>50</sup> Peace Now, '[The Israeli government funded 68 illegal farms with 15 million NIS](#)', (23 July 2024) (in Hebrew).

<sup>51</sup> Peace Now, '[The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank](#)', *Settlement Watch Report*, (December 2024) pg.10.

<sup>52</sup> *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; see also Fourth Geneva Convention, art. 43.

<sup>53</sup> *Hague Regulations*, art. 46.



territory to its State portfolio, or using immoveable property in the occupied territory for the benefit of the Occupying Power's civilian population, or their transfer in.<sup>54</sup>

42. The ICJ, notes that "Israel's transfer of powers, including land designations" are "policies and practices amount[ing] to annexation of large parts of the Occupied Palestinian Territory".<sup>55</sup>
43. Against this legal backdrop, Israeli authorities have transferred extensive land-management functions in the occupied West Bank to the Settlement Division, enabling the State to attempt to distance itself institutionally from direct involvement while facilitating land allocation for settlement expansion.<sup>56</sup>
44. Acting through the Commissioner of Government Property and Abandoned Lands in Judea and Samaria within the Civil Administration (**Commissioner**), the Israeli state has allocated to the Settlement Division approximately 60 per cent of all so-called state lands of the occupied West Bank, estimated at between 400,000 and 500,000 dunams, and commonly referred to as Area C.<sup>57</sup>
45. In the context of the OPT, Area C is the largest and most strategically significant administrative zone of the unlawfully occupied West Bank, and remains under full Israeli military and civil control.<sup>58</sup>
46. Area C contains the great majority of unlawful settlements in the occupied West Bank (excluding East Jerusalem, which has a separate legal/administrative status under Israeli law and is treated separately in many datasets).<sup>59</sup>
47. Palestinians residing in Area C are subjected to a restrictive permit and planning regime under which Palestinian construction is systematically constrained and most permit applications are refused. In one widely cited dataset based on Israeli Civil Administration figures, over 94 per cent of Palestinian building-permit applications between January 2000 and September 2007 were denied, and other analyses of Civil Administration data have found approval rates of roughly 4 to 6 per cent from 2000 to 2016.<sup>60</sup>

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<sup>54</sup> Peace Now, 'The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank', *Settlement Watch Report*, (December 2024) pg.10; see also Fourth Geneva Convention, art. 49.

<sup>55</sup> 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] [170]-[173].

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> UN Office for the Coordination of Humanitarian Affairs, occupied Palestinian territory (OCHA oPt), 'Humanitarian Factsheet on Area C of the West Bank' (Factsheet, July 2011) 1–2 ('Area C Fast Facts').

<sup>59</sup> Ibid; ReliefWeb, 'What is Area C?' (Report, 4 November 2013).

<sup>60</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), *OPT: OCHA Special Focus — "Lack of Permit" Demolitions and Resultant Displacement in Area C*, (27 May 2008); see also World Bank, 'Area C and the Future of the Palestinian Economy', Report, 2013/2014 rev ed; B'Tselem, *Fake Justice: The Responsibility Israel's High Court Justices Bear for the Demolition of Palestinian Homes and the Dispossession of Palestinians*, (February 2019).

48. As a result, Palestinian structures are frequently targeted for demolition for lack of permits, contributing to coercive conditions of displacement.<sup>61</sup>
49. Simultaneously, unlawful settlement growth in Area C has been facilitated through both Israeli planning and administrative mechanisms and the extension of supporting infrastructure and services associated with settlement development; the Settlement Division is complicit in both activities.<sup>62</sup>

**i) Allocation of so-called Israeli state land in the unlawfully occupied OPT**

50. In addition to land management activity, the Settlement Division has been granted authority by Israel, the Occupying Power, to not only to administer so-called Israeli state land within Area C of the unlawfully occupied West Bank, but also to manage and register land-use rights, lands on which the majority of unlawful Israeli settlements have been established.<sup>63</sup> Only a limited number of settlements are managed directly by the Commissioner (identified as thirteen, largely urban), with a small number located on land attributed to private Israeli developers.<sup>64</sup>
51. As a result of this governance structure most unlawful settlers seeking to acquire land rights, whether to purchase housing, cultivate agricultural land, or otherwise utilise land, must enter into contractual arrangements with the Settlement Division, commonly referred to as, “authorization certificates”.<sup>65</sup>
52. In 2016, *Haaretz* revealed that a 54-unit housing project in the unlawful settlement of Beit Horon proceeded on the basis of authorisation certificates issued by the Settlement Division over state land for which it possessed no allocation or planning authority.<sup>66</sup>
53. An Israeli government decision of 27 August 2023 describes their allocation of so-called state lands near the unlawful settlements of Amichai and Mevo’ot Yericho to the Settlement Division, for the purposes of onward allocation to unlawfully-transferred settlers for the purposes of territorial expansion.<sup>67</sup>

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<sup>61</sup> OCHA oPt, ‘[Most Palestinian plans to build in Area C not approved](#)’, (22 June 2021); see also UN Office for the Coordination of Humanitarian Affairs, ‘[West Bank demolitions and displacement: An overview](#)’, (30 September 2021); OCHA oPt, [Humanitarian Factsheet on Area C of the West Bank](#), (July 2011).

<sup>62</sup> World Bank, ‘[Area C and the Future of the Palestinian Economy](#)’, Report, 2013/2014 rev ed; see also B’Tselem, [Acting the Landlord: Israel’s Policy in Area C, the West Bank](#), (June 2013).

<sup>63</sup> B’Tselem, [Acting the Landlord: Israel’s Policy in Area C, the West Bank](#), (June 2013); see also Peace Now, ‘[The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank](#)’, *Settlement Watch Report*, (December 2024) pg.10.

<sup>64</sup> Peace Now, ‘[The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank](#)’, *Settlement Watch Report*, (December 2024) pg.10.

<sup>65</sup> Peace Now, ‘[What is the Settlement Division?](#)’, (6 December 2024); see also Peace Now, ‘[Involvement of KKL-JNF and the Settlement Division in the Settlements](#)’, (10 February 2020).

<sup>66</sup> Chaim Levinson, ‘[Israeli West Bank Authority Challenges Settlement Body Over Illegal Construction](#)’, *Haaretz* (24 November 2016).

<sup>67</sup> Peace Now, ‘[The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank](#)’, *Settlement Watch Report*, (December 2024).

54. In addition to state land, the Settlement Division has actively facilitated unlawful Israeli civilian construction on land privately owned by Palestinians in the OPT.
55. Comparable patterns have emerged in other settlements and outposts. In 2012, judicial proceedings initiated by Israeli civil society organisation Yesh Din revealed that the Settlement Division had likewise issued authorisation certificates enabling settler construction on land determined to be privately owned by Palestinians in the Givat Ha-Ulpena neighbourhood of Beit El.<sup>68</sup> The High Court again ordered the evacuation and demolition of the unlawful construction.<sup>69</sup>
56. Similarly, in litigation concerning the outpost of Mitzpeh Kramim, settlers submitted authorisation certificates from the Settlement Division purporting to grant rights over land which neither the settlers nor the Division owned or had been allocated.<sup>70</sup> In later proceedings, the evidentiary record confirmed that the initial settlement activity relied directly upon Settlement Division permissions over private Palestinian property.<sup>71</sup>
57. These cases are non-exhaustive and highlight the Settlement Division enabling function in unlawful Israeli civilian settlements through the issuance of permissions over both unallocated public Palestinian land (referred to by Israel as state land) and private Palestinian land within the unlawfully occupied West Bank, notwithstanding the absence of lawful title.
58. In August 2023, the Israeli government approved decisions formally allocating additional land in the occupied West Bank to specific unlawful Israeli settlements through the Settlement Division.<sup>72</sup>
59. Israeli civil society organisations have described this decision as an “annexation-type development”,<sup>73</sup> noting that it entrenched the Settlement Division as a central land-allocation authority in the OPT.<sup>74</sup>
60. There is limited opportunity for affected Palestinian landowners to challenge allocations before irreversible changes to the transferred land are made, i.e., the construction of unlawful settlements, entrenched with the construction of permanent infrastructure.<sup>75</sup>
61. Israeli civil society organisation Peace Now has recently pursued litigation before the Israeli Supreme Court seeking disclosure of Settlement Division land allocations.<sup>76</sup>

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<sup>68</sup> Ibid; ‘[Petition to remove the Ulpana neighbourhood from Bet El](#)’, *Yesh Din*, (29 October 2008); ‘[PM says will not back evacuation of Beit El Neighbourhood](#)’, *Israel Hayom*, (23 October 2012).

<sup>69</sup> ‘[PM says will not back evacuation of Beit El Neighbourhood](#)’, *Israel Hayom*, (23 October 2012).

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Peace Now, ‘[The Settlement Division: The Executive Arm of the Israeli Government for Dubious Operations in the West Bank](#)’, *Settlement Watch Report*, (December 2024) pg.10.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Peace Now, ‘[Peace Now petitions to oblige the Settlement Division to allocate land transparently](#)’, (25 Apr 2023).

62. Michael Sfard, the Israeli human rights lawyer representing Peace Now in their legal action against the Settlement Division has stated:

The Settlement Division holds half a million dunams – almost all of the land suitable for settlement and agriculture in the West Bank. We are in the dark as to what happens with secondary allocations made by the Settlement Division, and no one knows how much land has not yet been allocated. To date, allocations were made without anyone knowing what was allocated, who received the massive allocations, and how they were received. There is no obligation to have tenders, and there is no publication, so there is no way to know. In the outposts of Amona, Migron, Mitzpe Kramim, and in Givat Ha'ulpana, located within the Beit El settlement, private lands were allocated to settlers on private Palestinian lands.<sup>77</sup>

## **ii) Grazing and agricultural contracts for unlawful settlers**

63. Both Peace Now and Kerem Navot have documented an extensive system of grazing and land allocation contracts, which are administered or facilitated through the Settlement Division, and through which unlawful settlers gain effective control over extensive tracts of land in Area C of the OPT.<sup>78</sup>
64. These grazing and agricultural contracts cover large swathes of Palestinian land in the OPT. Additionally, these unlawful contracts are issued without any form of compensation for the Palestinian landowners.<sup>79</sup> Palestinian landowners are denied access to their land through intimidation tactics, fencing, and administrative exclusion measures.<sup>80</sup>
65. The organisations have documented multiple grazing sites in the Jordan Valley in the OPT, where illegal settlers, operating under grazing contracts linked to the Settlement Division, have effectively seized control of large areas of public land traditionally used by Palestinian communities.<sup>81</sup>
66. This practice has caused not only the displacement of Palestinian herding communities and the long-term exclusion of Palestinian landowners from their properties, but also the expansion and consolidation of illegal settlement territorial control far beyond the already existing unlawful settlements in more urban locations in the OPT.

## **iii) Admissions committees**

67. Admissions Committees established under Israeli law operate as authorised bodies empowered to regulate access to residency in communities in Israel through screening procedures assessing applicants' so-called "social suitability".<sup>82</sup> These Admissions Committees exercise binding administrative authority to approve or deny residency

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<sup>77</sup> Ibid.

<sup>78</sup> Kerem Navot and Peace Now, '[The Bad Samaritan: Land Grabbing by Israeli Settlers in the Occupied West Bank Through Grazing](#)', Report, (March 2025) pgs.23, 26-43.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Cooperative Societies Ordinance (New Version) (Israel), as amended by Cooperative Societies Ordinance (Amendment No 8) 5771-2011 (commonly "Admissions Committees Law"), s 6C(A)(4)–(5), taken from Adalah, [Discriminatory Laws Database](#).

applications as a precondition to access housing and land use.<sup>83</sup> Israeli courts have upheld their legality as empowered regulatory institutions governing community composition.<sup>84</sup>

68. It has been documented that in practice, within Israel the Admissions Committees exclude Palestinian citizens of Israel and other non-Jewish applicants from Jewish communities, thereby institutionalising residential segregation on ethnic and national grounds.<sup>85</sup> Adalah - The Legal Centre for Arab Minority Rights in Israel, has consistently documented the discriminatory impact of these mechanisms, identifying their role in preserving the Jewish character of communities through exclusionary residency practices.<sup>86</sup>
69. As documented by Adalah, Admissions Committees in unlawful settlements located in Area C of the OPT include representatives of state-linked bodies, including directors of the Settlement Division.<sup>87</sup> Additionally, these Admissions Committees require prospective unlawfully-transferred settlers to enter into binding land-use and residency agreements with the Division prior to Committee approval of their residency application.<sup>88</sup>
70. These arrangements operate to reserve residency in unlawful settlements exclusively for Jewish Israeli civilians while systematically excluding the occupied Palestinian population from access to their land and housing within the same unlawfully occupied territory, acts amounting to racial segregation and apartheid.<sup>89</sup> The Admissions Committee framework thus functions as an institutional mechanism of segregation, demographic engineering, and preferential allocation of land and residency rights in unlawfully occupied territory, based on national and ethnic grounds.

#### **IV. Potential Criminal Offences**

71. In addition to amounting to a contravention of IHL and international criminal law (ICL), WZO's activities of land allocation, infrastructure provision, and administrative incorporation of settlers due to the conduct of the Settlement Division may constitute the following offences under the Criminal Code:
- a. Crime against humanity - deportation or the forcible transfer of population (s 268.11);
  - b. Crime against humanity - apartheid (s 268.22);
  - c. War crime - destruction and appropriation of property (s 268.29);
  - d. War crime - unlawful deportation or transfer (s 268.32);

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<sup>83</sup> Adalah, [‘Israeli Supreme Court Upholds “Admissions Committees Law” that Allows Israeli Jewish Communities ... to Reject Applicants for Housing’](#), (17 September 2014).

<sup>84</sup> Adalah (tr), [HCJ 2311/11, 2504/11 Sabah v The Knesset: Summary of the Ruling \(Admissions Committees Law\)](#), (17 September 2014); see also Adalah, [‘The Admissions Committees Law: Legitimizing Discrimination in Housing and Land Allocation’](#) (Position Paper, March 2011).

<sup>85</sup> Adalah, [Legal Structures of Distinction, Separation, and Territorial Domination](#), May 2025.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> 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].



- e. War crime - transfer of population (s 268.45); and
- f. War crime - pillaging (s 268.54).

72. While this complaint does not seek to plead each statutory element of the above potential offences exhaustively, it is submitted that the facts and circumstances set out above, detailing the reported activities of the Settlement Division including, (a) embedding Israeli civilian populations in unlawfully occupied territory; (b) large-scale deprivation of Palestinian access to their land and resources; (c) economic exploitation of occupied land for settlement benefit; and (d) advancing and entrenching illegal settlements - engage the elements of these offences and warrant consideration by the AFP.

73. In consideration of the above offences, the following points are further submitted:

- a. As noted, the Chairman of the Executive, Hagoel presides over the Executive branch of the WZO and serves as the head of the organisation's executive leadership, exercising primary authority over the WZO's day-to-day governance and institutional implementation.<sup>90</sup> As part of his role, Hagoel has oversight over the Settlement Division and their activities.
- b. Israel has unlawfully occupied the West Bank, including East Jerusalem, and the Gaza Strip since 1967.<sup>91</sup>
- c. The conduct alleged 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.
- d. 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.<sup>92</sup> Specifically, article 6 of the 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.<sup>93</sup> 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

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<sup>90</sup> World Zionist Organisation, '[World Zionist Organization Constitution](#)', as amended November 2019, arts. 31, 40-45.

<sup>91</sup> 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].

<sup>92</sup> Hague Regulations, art. 42; see also Fourth Geneva Convention, art. 2.

<sup>93</sup> Fourth Geneva Convention, art. 6. See 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].

operations and, for the occupied territories, "on the termination of the occupation".<sup>94</sup>

- e. Since 1967, the belligerent occupation of the OPT 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 illegally annexed and remains occupied by Israel.

## V. Additional Commentary on Applicable Principles of International Law Concerning the Law of Occupation

### A. Geneva Conventions of 1949

- 74. In light of the WZO's activities laid out above and its nature as a quasi-governmental institution, it is submitted that Israel and the WZO are in breach of article 49(6) of the Fourth Geneva Convention which states that, "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."<sup>95</sup>
- 75. According to the interpretation of article 49(6) by the ICJ in the *Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (**Advisory Opinion on the Wall**), the Occupying Power is obligated to refrain from taking measures such as organising or providing direct or indirect support to facilitate any such transfer and is without exception.<sup>96</sup>
- 76. Article 49 further prohibits the "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory".<sup>97</sup> 'Protected persons', according to article 4 of the Fourth Geneva Convention, are defined as persons who, "at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals."<sup>98</sup> This definition is applicable to the Palestinian population within the OPT.
- 77. In addition to article 49, according to article 53 of the Fourth Geneva Convention, it is not permitted for Occupying Powers to destroy real or personal property belonging individually or collectively to private persons in occupied territory, except in cases where the destruction is "rendered absolutely necessary by military operations".<sup>99</sup>
- 78. According to the International Committee of the Red Cross (**ICRC**) Commentary on the Fourth Geneva Convention, the explicit intention of the drafters of article 53 was to protect civilians by ensuring that property in their individual possession and which was necessary to their survival – listing specifically "houses", as well as food, clothing, tools,

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<sup>94</sup> *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts*, 8 June 1977, 1125 UNTS 3 (entered into force 7 December 1978), art. 3(b).

<sup>95</sup> Fourth Geneva Convention, art. 49(6).

<sup>96</sup> International Court of Justice, 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion' (9 July 2004) pg.51, [120]. While the ICJ's opinion on this matter is not legally binding, it is considered as an authoritative interpretation of international law.

<sup>97</sup> Fourth Geneva Convention, art. 49.

<sup>98</sup> *Ibid*, art. 4.

<sup>99</sup> *Ibid*, art. 53.

transport, property necessary for their employment – was protected from unnecessary destruction.<sup>100</sup>

## **B. Hague Regulations of 1907**

79. According to the *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)* of 1907, the public property of the Occupied population is subject to the civil law concept of usufruct. That is, under article 55, the Occupying Power, shall be regarded *only* as the administrator and usufructuary of any public buildings, real estate, forests and agricultural estates situated in the Occupied Territory.<sup>101</sup>
80. As the Occupying Power, Israel is obligated to safeguard the capital of these properties.<sup>102</sup> As a consequence, Israel, as the Occupying Power, is allowed only extremely limited use of such property. For instance, the Occupying Power is permitted to use the 'fruits' of the land, that is they may make profitable use of public domain, however, this can only be for the benefit of the occupied population and to cover the cost of the occupation.<sup>103</sup> This derives from the notion of occupation only having been envisaged as a temporary state of affairs under IHL, contrary to the protracted occupation of the OPT imposed by Israel.

## **C. International positions and jurisprudence on illegal settlements in the OPT**

81. Israeli settlements in the OPT have long been condemned as illegal in numerous UN Security Council and UN General Assembly resolutions. As early as 1980, UN Security Council Resolution 465 called on Israel, "to dismantle the existing settlements and, in particular, to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem."<sup>104</sup>
82. The illegality of the settlements was reaffirmed by UN Security Council Resolution 2334, passed in December 2016, which reiterates the Security Council's call on Israel to cease all settlement activities in the OPT. United Nations Security Council Resolution 2334, passed on 23 December 2016.<sup>105</sup>
83. The resolution states that Israel's settlement activity constitutes a "flagrant violation" of international law and has "no legal validity". It demands that Israel stop such activity and fulfil its obligations as an Occupying Power under the Fourth Geneva Convention. The preamble to the resolution makes explicit reference to other, related violations such as demolitions:

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<sup>100</sup> Jean S. Pictet, *Commentary on the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (ICRC Commentary), International Committee of the Red Cross, 1958, art. 53.

<sup>101</sup> Hague Regulations, art. 55.

<sup>102</sup> Ibid, arts. 48, 49 and 55.

<sup>103</sup> Ibid.

<sup>104</sup> United Nations Security Council, [Resolution 465](#), 'Territories occupied by Israel', S/RES/465 (1980), (1 March 1980).

<sup>105</sup> United Nations Security Council, [Resolution 2334](#), S/RES/2334 (2016), (23 December 2016).

Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, *confiscation of land, demolition of homes and displacement of Palestinian civilians*, in violation of international humanitarian law and relevant resolutions. (emphasis added)

84. The ICJ has repeatedly affirmed that Israeli settlements in the OPT, including East Jerusalem, are established and maintained in violation of international law.<sup>12</sup>

85. In 2004, the ICJ Advisory Opinion on the Wall confirmed that transfer by the Occupying Power of its own civilian population into the territory it occupies does constitute a breach of the Fourth Geneva Convention.<sup>106</sup>

86. In July 2024, the ICJ reaffirmed in its Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, “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”.<sup>107</sup>

87. The Court further observed that “Israel’s settlement policy has given rise to violence by settlers and security forces against Palestinians”<sup>108</sup> 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.”<sup>109</sup> 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.<sup>110</sup>

88. 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.<sup>111</sup> The Court found that Israel’s settlement expansion policies, including such population transfer and maintenance of settler presence, are in violation of this prohibition, and this particular

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<sup>106</sup> International Court of Justice, ‘Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion’ (9 July 2004) pg.51, [120].

<sup>107</sup> 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].

<sup>108</sup> Ibid, [148].

<sup>109</sup> Ibid, [143].

<sup>110</sup> Ibid, [147].

<sup>111</sup> Ibid, [119].

practice significantly contributed to the Court's conclusion that the unlawful presence of Israel in the OPT must be brought to an end.<sup>112</sup>

89. 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.<sup>113</sup> These conclusions provide a clear and authoritative legal basis for accountability and remedial action.

## **VI. Australia's Obligation to Investigate and Prosecute**

90. 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.<sup>114</sup>

91. 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".
92. In addition, the Preamble to the Rome Statute recalls that every State must exercise its criminal jurisdiction over those responsible for international crimes.<sup>115</sup> Articles 1 and 17 of the Statute emphasise that the International Criminal Court (**ICC**) is complementary to national criminal jurisdiction.<sup>116</sup> 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.
93. Australia is a necessary forum to investigate allegations of war crimes against Hagoel, 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.
94. 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

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<sup>112</sup> Ibid, pg.6.

<sup>113</sup> 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] [80]-[83], [163]-[179], [261]-[267].

<sup>114</sup> Attorney-General's Department, ['Report on Australia's Implementation of International Humanitarian Law at the Domestic Level'](#) (2024).

<sup>115</sup> 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].

<sup>116</sup> Ibid, arts. 1, 17.



international crimes, including patterns of non-investigation, rare prosecutions, and outcomes characterised as “whitewashing”.<sup>117</sup>

95. 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.<sup>118</sup>

## VII. Attorney-General’s Consent Does Not Preclude Investigation

96. 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):<sup>119</sup>

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]

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<sup>117</sup> 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 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”.

<sup>118</sup> 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).

<sup>119</sup> *Taylor v Attorney-General* (Cth) [2019] HCA 30 citing Australia, House of Representatives, *International Criminal Court (Consequential Amendments) Bill 2002*, Explanatory Memorandum at 16.

97. The AFP is therefore not precluded from investigating the potential offences raised in this complaint.

### **VIII. Australia's Position on Illegal Settlements in the OPT**

98. 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'.<sup>120</sup>

99. 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."<sup>121</sup>

100. 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."<sup>122</sup>

101. 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".<sup>123</sup>

102. 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.<sup>124</sup> The Joint Statement from the respective countries

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<sup>120</sup> Minister for Foreign Affairs, '[Senate Question Time Responses to Middle East Policy](#)' (8 August 2023).

<sup>121</sup> Prime Minister Anthony Albanese, '[Address to two state solution conference](#)' (22 September 2025).

<sup>122</sup> Department of Foreign Affairs and Trade, '[Joint statement on settler violence in the West Bank](#)' (15 December 2023).

<sup>123</sup> Minister for Foreign Affairs, '[Human Rights Sanctions in response to Israeli settler violence in the West Bank](#)' (25 July 2024).

<sup>124</sup> 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).

relevantly stated 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.

## **IX. Conclusion**

103. In light of the information set out in this complaint, we urge the AFP to consider investigating the offences raised.

104. 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**

General Director  
Al-Haq

**Raji Sourani**

Founder and Director  
Palestinian Centre for Human Rights

**Issam Younis**

General Director  
Al Mezan Center for Human Rights

**Copy:**

**Assistant Commissioner Stephen Nutt**

Counter Terrorism & Special Investigations Command  
Australian Federal Police

**The Hon Anthony Albanese MP**

Prime Minister of Australia

**The Hon Michelle Rowland MP**

Attorney-General of Australia

**The Hon Tony Bourke MP**

Minister for Home Affairs

**The Hon Penny Wong MP**

Minister for Foreign Affairs