

THE DOCUMENT IS RELEASED BY
THE AUSTRALIAN FEDERAL POLICE
UNDER THE FREEDOM OF INFORMATION ACT 1982

From: [Redacted]
To: s 22(1)(a)(ii)
Cc:
Subject: For review/SES2 approval 3pm Thursday 21 November - Campaign Response Australian Citizen returning from fighting with the IDF [SEC=OFFICIAL:Sensitive]
Date: Wednesday, 20 November 2024 10:43:56 AM
Attachments: Campaign Response s 22(1)(a)(ii) - Australian Citizens Who are IDF soldiers.DOCX
image001.gif

OFFICIAL: Sensitive

Good morning SI team,

For SES2 review/approval – AFP input into AGD ministerial correspondence: Campaign Response Australian Citizen returning from fighting with the IDF
Deadline: 3pm Thursday 21 November 2024

Background

AGD have received a number of similar ministerial correspondences from Home Affairs, regarding an Australian Citizen s 22(1)(a)(ii) returning from fighting with the IDF and alleged conduct. AGD have elected to respond to these as part of a campaign and wish to run the input they would be using by AFP for review. They have elected to avoid using their standard words on particular offences (Division 119 or 268) and will be reaching out to Home Affairs for input on the individuals return to the country.

Proposed AFP edits in blue:

'Allegations of Commonwealth offences should be reported to the Australian Federal Police (AFP) via their website www.afp.gov.au/report-crime. The AFP works closely with foreign law enforcement agencies and international bodies to support investigations into allegations of Commonwealth offences occurring in foreign jurisdictions including breaches of international law

Grateful for you review/revisions and approval by 3pm tomorrow. Our team will then clear through our SES and respond directly to AGD by COB.

Kind Regards

s 22(1)(a)(ii)
TEAM MEMBER | MINISTERIAL & PARLIAMENTARY LIAISON
STRATEGY & PERFORMANCE OFFICE
Tel: s 22(1)(a)(ii) Ext s 22(1)(a)(ii)



The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.



Australian Government
Attorney-General's Department

Dear **XX**

Thank you for your correspondence of **XX date** to the Minister for Home Affairs, the Hon Tony Burke MP, regarding allegations of the commission of war crimes by an Australian citizen serving in the Israel Defense Forces. Your correspondence has been referred to the Attorney-General, the Hon Mark Dreyfus KC MP, as the matters you raise fall within his portfolio responsibilities. The Attorney-General has requested that the Attorney-General's Department respond to you on his behalf.

Australia's consistent position in the Hamas-Israel conflict is to call for the protection of civilian lives and the observation of international humanitarian law. The Australian Government is alert to the potential for Australians to travel to the Middle East region and engage in hostilities. The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.

Allegations of Commonwealth offences should be reported to the Australian Federal Police (AFP). The AFP works closely with foreign law enforcement agencies and international bodies to support investigations into allegations of Commonwealth offences occurring in foreign jurisdictions.

[Home Affairs input]

Thank you again for bringing your concerns to the Government's attention. I trust this information is of assistance to you.

Yours sincerely

Security Law and Policy Branch
Attorney-General's Department

From: [Redacted]
To: s 22(1)(a)(ii)
Cc:
Subject: FW: Final Talking Points - Australian citizens serving with the IDF [SEC=OFFICIAL]
Date: Friday, 22 December 2023 1:18:08 PM
Attachments: [image001.png](#)
[TPs - 21 Dec 23 - Australian citizens serving with the IDF - final.DOCX](#)
[image002.gif](#)
[image003.gif](#)
[image004.gif](#)
[image005.gif](#)
[image006.gif](#)
[image007.gif](#)

OFFICIAL

For awareness teams.

[Redacted]
s 22(1)(a)(ii)

DIRECTOR AFP NATIONAL MEDIA
OFFICE OF THE COMMISSIONER

Tel: [Redacted] s 22(1)(a)(ii) Exts [Redacted] s 22(1)(a)(ii) Mob: [Redacted] s 22(1)(a)(ii)

[Australian Federal Police](#)



The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.



From: Media AGD <media@ag.gov.au>
Sent: Friday, 22 December 2023 1:06 PM
To: media@homeaffairs.gov.au; medi@dfat.gov.au; Media <Media@afp.gov.au>
Cc: [Redacted] s 22(1)(a)(ii) @homeaffairs.gov.au; Media AGD <media@ag.gov.au>
Subject: Final Talking Points - Australian citizens serving with the IDF [SEC=OFFICIAL]

OFFICIAL

Good afternoon,

Thank you all for your input for the TPs regarding Australian Citizens in the IDF.

The final version is attached for your reference.

Warm regards,

[Redacted] s 22(1)(a)(ii)

AGD media team
media@ag.gov.au

s 22(1)(a)(ii)

Indigenous signature block 3



OFFICIAL

From: Media AGD <media@ag.gov.au>

Sent: Thursday, 21 December 2023 2:44 PM

To: media@homeaffairs.gov.au; medi@dfat.gov.au; media@afp.gov.au

Cc: Media AGD <media@ag.gov.au>

Subject: Seeking input: Talking Points - Australian citizens serving with the IDF [SEC=OFFICIAL]

OFFICIAL

Good afternoon,

For review and input, TPs about Australian Citizens serving in the IDF.

These TPs have been prepared ahead of the expected release on Friday 22 December of the attached letter from the Australian Centre for International Justice.

Could you please come back to me with any input or changes by COB today (Thursday 21 December)

Sincere apologies for the short turnaround time.

Thank you!

Warm regards,

s 22(1)(a)(ii)

AGD media team

media@ag.gov.au

s 22(1)(a)(ii)

Indigenous signature block 3



OFFICIAL

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of

information in the e-mail or attachments.

THE DOCUMENT IS RELEASED BY
THE AUSTRALIAN FEDERAL POLICE
UNDER THE FREEDOM OF INFORMATION ACT 1982



TALKING POINTS

Subject	Australian citizens serving with the IDF	
Date	21 December 2023	
Type	Ministerial	
AGD Media: 02 6141 2500	Email: media@ag.gov.au	

TALKING POINTS

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

BACKGROUND

- Part 5.5 of the Criminal Code prohibits Australian citizens and residents, and holders of Australian visas from engaging in hostile activities overseas unless serving in or with the armed forces of a foreign country.
- It is an offence to:
 - enter a foreign country with an intention to engage in a hostile activity, unless serving in or with the armed forces of the government of a foreign country
 - prepare to enter, or to prepare another person to enter, a foreign country with an intention to engage in a hostile activity, or
 - recruit persons to join an organisation engaged in hostile activities, or recruit persons to serve in or with an armed force in a foreign country.
- Foreign incursions offences carry penalties of up to life imprisonment. The recruitment offences carry penalties of up to 25 years imprisonment.
- Under Part 5.5 of the Criminal Code, 'engaging in a hostile activity against the government of a foreign country' means doing an act with the intention of achieving one or more of the following aims:
 - overthrowing a government of a foreign country by force or violence
 - causing the public in the foreign country to be in fear of suffering death or injury
 - causing the death or injury of a person who is the head of a state or holds or performs duties of public office, or
 - unlawfully destroying or damaging property belonging to the government of the foreign country.
- Under s119.8 of the Criminal Code, the Attorney-General, as the Minister responsible for the Australian Federal Police, can declare that foreign incursions activities (recruitment and hostile activities) do not apply to service with a specified armed force, where this is in the interests of Australia's defence or international relations. This would permit a person to serve with a specified armed force. A declaration under this provision has never been made.

CLEARANCE:

Drafted by	Title	Contact details
s 22(1)(a)(ii)	Director, Counter Terrorism, Policy and Engagement	s 22(1)(a)(ii)

Cleared by	Title	Contact details
s 22(1)(a)(ii)	A/g AS Security Law and Policy	s 22(1)(a)(ii)

THE DOCUMENT IS RELEASED BY
THE AUSTRALIAN FEDERAL POLICE
UNDER THE FREEDOM OF INFORMATION ACT 1982

From: s 22(1)(a)(ii)
To: RE: IDF recruitment in Australia [SEC=OFFICIAL:Sensitive]
Subject: Thursday, 10 July 2025 1:28:28 PM
Date: image002.png
Attachments: image001.gif

OFFICIAL: Sensitive

This s 22(1)(a)(ii)h appreciated!

s 22(1)(a)(ii)
DOMESTIC CT STRATEGY & COORDINATION
COUNTER TERRORISM & SPECIAL INVESTIGATIONS COMMAND
Tel: s 22(1)(a)(ii) Es 22(1)(a)(ii)

Australian Federal Police



The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.

From: s 22(1)(a)(ii) @afp.gov.au>
Sent: Thursday, 10 July 2025 1:19 PM
To: s 22(1)(a)(ii) @afp.gov.au>
Cc: s 22(1)(a)(ii) @afp.gov.au>
Subject: FW: IDF recruitment in Australia [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

s 22(1)(a)(ii)

In case required, please see previously cleared TPs for the potential war crimes angle re Australians fighting in the IDF, s 22(1)(a)(ii) consideration.

s 22(1)(a)(ii)

If asked: Re: allegations of war crimes by Australian citizens serving in the Israeli Defence Force

- The AFP is aware of allegations of the commission of war crimes by Australian citizens.
- The AFP cautions all Australian who seek to engage in hostilities overseas to carefully consider their legal obligations and ensure their conduct does not constitute a criminal offence.
- Allegations of Commonwealth offences should be reported to the AFP.
- The AFP works closely with foreign law enforcement agencies and international bodies to support investigations into allegations of Commonwealth offences occurring in foreign jurisdictions.

Kind regards,

s 22(1)(a)(ii)
A/SNR TL SPECIAL INVESTIGATIONS STRATEGY & COORDINATION TEAM
CT & SPECIAL INVESTIGATIONS COMMAND
Tel: s 22(1)(a)(ii) Es 22(1)(a)(ii)

Australian Federal Police



The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.

From: s 22(1)(a)(ii) @afp.gov.au>
Sent: Thursday, 10 July 2025 11:26 AM
To: s 22(1)(a)(ii) @afp.gov.au>
Cc: s 22(1)(a)(ii) @afp.gov.au>
Subject: FW: IDF recruitment in Australia [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Good morning team,

CLT are seeking advice/TPs for external use (specifically for a meeting being held next week) on what the AFP are doing regarding allegations that IDF are recruiting in Australia, full details below.

CTSC will pull together some points from our side of the house, but grateful for any points you may be able to provide from a SI perspective to assist with a more wholistic CTSI response.

CTSC will compile and clear through s 22(1)(a)(ii) will review and discuss with Commanders if required. Grateful for input **by COB today, if possible**, this will provide Claire an opportunity to review and raise at the Exec meeting tomorrow morning if required.

Happy to discuss.

Kind regards

s 22(1)(a)(ii)

DOMESTIC CT STRATEGY & COORDINATION
COUNTER TERRORISM & SPECIAL INVESTIGATIONS COMMAND
Tel: s 22(1)(a)(ii) Ext 22(1)(a)(ii)

Australian Federal Police



The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.

From: s 22(1)(a)(ii) @afp.gov.au
Sent: Wednesday, 9 July 2025 1:50 PM
To: s 22(1)(a)(ii) @afp.gov.au
Subject: FW: IDF recruitment in Australia [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Good afternoon,

Please see the below correspondence.

Are you able to advise if CTSI (or the AFP more broadly) have a response for what action is being taken regarding allegations the IDF are recruiting in Australia?

Regards,

D/A/SGT s 22(1)(a)(ii)
COMMUNITY LIAISON TEAM COORDINATION
COUNTER TERRORISM & SPECIAL INVESTIGATIONS COMMAND
Tel: s 22(1)(a)(ii) Ext 22(1)(a)(ii)

Australian Federal Police



The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.

From: s 22(1)(a)(ii) @afp.gov.au
Sent: Monday, 7 July 2025 3:08 PM
To: s 22(1)(a)(ii) @afp.gov.au
Cc: s 22(1)(a)(ii) @afp.gov.au; s 22(1)(a)(ii) @afp.gov.au
Subject: IDF recruitment in Australia [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

s 22(1)(a)(ii)

There are a number of questions circulating within the s 47E(d) in relation to the recruitment of Australian Citizens (in Australia) to serve with the IDF.

IR 1201746 Refers (including the attached)

Community contact provided the attached news article citing allegations regarding the active recruitment for the Israel Defence Force (IDF) within Australia. Community contact drew attention to the below declaration, based on their understanding of the exceptions within the legislation (s119.7

Criminal Code Act 1995):

"Unless there has been a specific declaration stating it is not an offence to recruit for the Israel Defence Force recruitment to a foreign armed force is a criminal offence under Australian law, and the Australian Federal Police should be investigating anyone allegedly involved in recruitment for a foreign armed force."

It is likely the topic of IDF recruitment in Australia may be raised at next week's s 47E(d). Obviously CLT will encourage any reporting to be submitted via the NSH, but when directly asked what the AFP position is in relation to IDF recruitment, do we have an answer at this time? It's reasonable that community would expect an AFP member would have an awareness as to whether the AFP Minister has permitted the recruitment in Australia of persons to the IDF re s119.8(2) below.

(2) The AFP Minister may, by legislative instrument, declare that section 119.7 does not apply to a specified person or class of persons in any circumstances or specified circumstances if the AFP Minister is satisfied that it is in the interests of the defence or international relations of Australia to permit the recruitment in Australia of that person or class of persons to serve in those circumstances in or with:

- (a) a specified armed force in a foreign country; or
- (b) a specified armed force in a foreign country in a specified capacity.

Is there further guidance re the above available to CLT's? It does not appear to be provided in the TP's.

Would be grateful for any advice prior to next week's meeting to ensure CLT can provide the most appropriate response/comment.

Many Thanks s 22(1)(a)(ii)

From: s 22(1)(a)(ii) @afp.gov.au
Sent: Tuesday, 6 May 2025 3:30 PM
To: s 22(1)(a)(ii) @afp.gov.au
Subject: FW: s 22(1)(a)(ii) - Hamas-Israel Conflict - v43 [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

The Attorney-General may permit recruitment of a person or class of persons to serve with an armed force of a foreign country if it is in the interests of the defence or international relations of Australia. It is not an offence under Part 5.5 for an Australian to join the armed forces of a foreign country.

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

THE DOCUMENT IS RELEASED BY
THE AUSTRALIAN FEDERAL POLICE
UNDER THE FREEDOM OF INFORMATION ACT 1982

OFFICIAL
Australian Federal Police
Senate Estimates Brief
Additional Estimates Hearing – February 2025

Brief Number: SB24-000301

Brief title: War Crimes – Counter Terrorism and Special Investigations Command

Responsible Deputy: Deputy Commissioner National Security Krissy Barrett

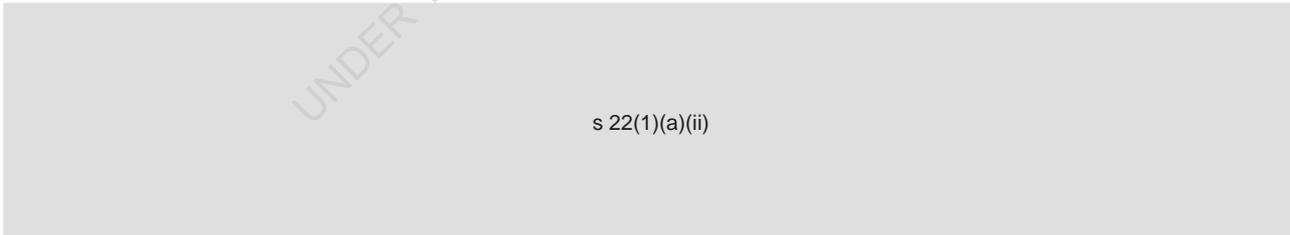


s 22(1)(a)(ii)

Contents

s 22(1)(a)(ii)

If asked: Re: allegations of war crimes by Australian citizens serving in the Israeli Defence Force.....3



s 22(1)(a)(ii)

SES2 clearing officer: AC Stephen Nutt, Counter Terrorism and Special Investigations: s 22(1)(a)(ii)

SES1 clearing officer: Commander Matthew Gale, Special Investigations: s 22(1)(a)(ii)

OFFICIAL

THE DOCUMENT IS RELEASED BY
THE AUSTRALIAN FEDERAL POLICE
UNDER THE FREEDOM OF INFORMATION ACT 1982

OFFICIAL
Australian Federal Police
Senate Estimates Brief
Additional Estimates Hearing – February 2025

Brief Number: SB24-000301

If asked: Re: allegations of war crimes by Australian citizens serving in the Israeli Defence Force

- The AFP is aware of allegations of the commission of war crimes by Australian citizens.
- The AFP cautions all Australian who seek to engage in hostilities overseas to carefully consider their legal obligations and ensure their conduct does not constitute a criminal offence.
- Allegations of Commonwealth offences should be reported to the AFP.
- The AFP works closely with foreign law enforcement agencies and international bodies to support investigations into allegations of Commonwealth offences occurring in foreign jurisdictions.

s 22(1)(a)(ii)

THE DOCUMENT IS RELEASED BY
THE AUSTRALIAN FEDERAL POLICE
UNDER THE FREEDOM OF INFORMATION ACT 1982

SES2 clearing officer: AC Stephen Nutt, Counter Terrorism and Special Investigations: s 22(1)(a)(ii)
SES1 clearing officer: Commander Matthew Gale, Special Investigations: s 22(1)(a)(ii)

OFFICIAL

THE DOCUMENT IS RELEASED BY
THE AUSTRALIAN FEDERAL POLICE
UNDER THE FREEDOM OF INFORMATION ACT 1982