



AUSTRALIAN MUSLIM ADVOCACY NETWORK

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The Hon. Scott Morrison MP  
Prime Minister of Australia  
Australian Parliament House  
CANBERRA ACT

19 May 2021

Dear Prime Minister

**Re: Australian Government's position on State of Israel**

The Australian Muslim Advocacy Network (AMAN) is a law-based advocacy and policy development body working to secure the physical and psychological security of Australian Muslims.

To date, our organisation has largely focused on domestic issues. However, the situation unfolding in Palestine and response from the Australian Government and Federal Opposition are deeply concerning and profoundly impacting on the psychological well-being and security of many Australian Muslims, many Australians of Palestinian origin, as well as many Australians from the broader community.

The unprovoked Israeli state violence on peaceful worshippers in the Al-Aqsa Mosque, on the holiest nights of Ramadan, was particularly painful for Australian Muslims, as was the media and our government's scarce attendance to it. It left many feeling very helpless. For many Muslims the footages coming out from the Mosque echoed the violence of the Christchurch massacre on peaceful worshippers, and no doubt, it would have been celebrated by anti-Muslim groups and individuals the world over.

The harrowing scenes of children and families murdered by the Israeli military (61 children as we write this letter) renders government statements of unconditional support for Israel deeply insensitive, out of touch, lacking fundamental respect and empathy, and discriminatory against fellow Australians.

There are many Australian Palestinians who have families that have been affected by this violence. Such political positions nullify their human dignity and security.

This continuous devaluation of Palestinian and Muslim lives is particularly deeply disturbing in light of the Christchurch massacre and the rise of racist nationalist threats in Australia.

Complaint

We now submit this complaint to the Australian Government.

In reference to the abovementioned matter, the following legal context is provided:



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1. Israel cannot simultaneously exercise extreme control over territory it occupies and militarily attack that territory. As the occupying force, it has a legal obligation to protect the populations living under occupation.
2. The State of Israel faces contemporaneous and substantiated allegations of crimes against humanity, namely apartheid and persecution, in contravention of the Rome Statute. For an explanation of these violations, see the *Human Rights Watch* report released in April 2021.
3. For decades, Israel has violated international human rights law, humanitarian law, and numerous United Nations resolutions. There are too many to list here. A list we sent to the Australian Government in 2014 is contained in Annexure A.
4. In March 2021, the International Criminal Court Office of Prosecutor announced the opening of a formal investigation into the situation in Palestine and numerous alleged war crimes. For decades, Israel has used excessive and vastly disproportionate force to quell protests, disturbances and impose military control, amounting to war crimes. For example, *Yesh Din*, *Breaking the Silence* and *PHRI's* Report contains extensive former IDF testimonies on the use of home invasions, terrorising physical violence and humiliation on Palestinian families, including disabled people.
5. Israel's Defence Force continues to indiscriminately kill civilians at a more disproportionate and prolific scale than Hamas, while its Government possesses a much greater capability and capacity to avoid civilian and infrastructure harm.
6. Israel has never supplied clear or verifiable evidence that justifies the mass murder of civilians or destruction of civilian infrastructure, which it has claimed has terrorist links.

It is clear that the Australian Government is ignoring humanitarian legal norms to maintain allegiance with the US and Israel at all costs. This position is confirmed by Australia's official denial of the State of Palestine and from the Government's language describing Israel's actions as 'unquestionably' 'self-defence' in contrast with correct legal advice and positions stipulated by the International Committee of the Red Cross.

By these comments, it is also construed that the Australian Government does not consider murdered and maimed Palestinian non-combatant lives as equivalent to that of Israelis. Nor does it take into consideration further war crimes or apartheid enacted by Israel. Your stance has dehumanised Palestinians and thus injured Australians of Palestinian origin, of both Islamic and Christian traditions. Their peoples' deaths and sufferings are rendered invisible and of no significance.

You will know of the severe imbalance in loss of Palestinian life and infrastructure borne out by the statistics over decades. We submit that this humanitarian analysis cannot be forsaken for political assessments that selectively evaluate actions of Hamas, which is not the Palestinian people.

This political position does not reflect Australian public opinion. Surveys show there is strong support for the Australian Government to take a stricter stance on Israel.

Nor is this congruent with the aims of supporting social cohesion, security, or respect for human rights within Australia.



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Expressing concern for one or 'both sides' does not meet Australia's obligations for a humanitarian response. Merely repeating your support for a two-state solution and peace process does not meet Australia's obligations for a humanitarian response.

The following responses, when taken together, are in-line with humanitarian principles:

1. Calling for strict implementation of the principle of proportionate response together with the avoidance of civilian and civilian infrastructure harm.
2. Emphasising the legal obligations and responsibilities of an occupying power.
3. Rejecting all illegal settlements built upon occupied territory and the transfer of population to those occupied territories.
4. Refusing to support military occupation that enables apartheid or persecution, recognising that apartheid laws not only apply to occupied territories but also to Arab Israeli citizens.

We are seeking your unambiguous support of the above principles.

We also call on the Australian Government to desist from characterising Israel's violence in terms of Israel's 'right to self-defence'. It is not legally or ethically appropriate in a military occupation context or in light of humanitarian evidence.

If Australian leaders are to be agents of peace, they will need to first and foremost, be informed by international humanitarian and human rights legal advice.

We look forward to just and fair action from our government so that history will not judge Australia harshly when peace returns to Palestine and Israel, insha'Allah.

Yours sincerely



Rita Jabri-Markwell  
Advisor

**On behalf of the AMAN Board**

**Dr Mustafa Ally OAM**  
**Kemal Omar**  
**Professor Mohamad Abdalla**  
**Adel Salman**



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## ANNEXURE A

In 2014, an AMAN letter was sent to yourself and all federal members of Parliament noting the following transgressions by the State of Israel.

1. Violation of customary law, human rights norms (A/RES/194/III, § 11 and customary IHL as codified by the ICRC in 2005, Rule 132, International Covenant on Civil and Political Rights Art. 12(2)) by prohibiting the return of Palestinian refugees to their homes.
2. Violation of the Security Council (UNSC) Resolutions requiring Israel to withdraw from the Occupied Territory (87 resolutions to this day) and the UN Charter which obliges the Member States to “carry out the decisions of the Security Council” (Art. 25).
3. Violation of the Palestinian people’s right to their natural resources and wealth through the Israeli use of Palestinian agricultural land, the exploitation of Palestinian water reserves and preventing Palestinian access to more than 10% of their safe drinking water reserves (A/RES/64/292).
4. The establishment of Israeli settlements (4th 1949 Geneva Convention (GC), Art. 49 and 147), the expulsions of Palestinians from their territory (id.).
5. The demolitions and expropriations of Arab houses and lands situated in the occupied country (1907 Hague Regulations, Art. 46 and 55).
6. Military attacks against civilians, indiscriminate and disproportionate attacks against Gaza and Palestinian refugees camps (customary international humanitarian law, ICRC Compendium Rules 1 and 14).