



## **Inquiry into Australia's sanctions regime**

The Australian Jewish Association (AJA) is a centre-right, membership-based, national organisation for the Jewish community. AJA engages with politicians, media and other stakeholders in the interests of our members and the wider Jewish community. AJA has become the largest Australian Jewish organisation on social media, as the community has 'voted with its clicks'.

### **Background - Targeting an ally**

On 23 July 2024, the Albanese Government imposed sanctions on seven Israeli citizens under Australia's 'autonomous sanctions' regime, which targets human rights abuses.

This is reportedly the first time in Australia's history where the government has sanctioned citizens of Israel as well as an unprecedented use of Australia's sanctions regime to specifically target citizens of a Western democracy with its own robust legal system.

It is a gross deviation from the intended purpose of the sanctions regime and stands in sharp contrast with the failure of the Albanese Government to impose any 'Magnitsky style' sanctions on citizens from major human rights abusers, like China.

*b) consideration of the evidence on how sanctions regimes are targeting and addressing behaviour of designated individuals and entities*

*f) consideration of methods to assess the effectiveness of sanctions decisions and/or the extent to which sanctions are having the intended impact, and recommend any improvements*

The sanctioned individuals have no obvious nexus to Australia, making the sanctions ineffective.

The sanctions imposed on the seven Israelis are different to previous such sanctions imposed by Australia, in that the targeted individuals are not politicians, military leaders, warlords, oligarchs or media owners. They appear to be shepherds and small farmers, unlikely to travel to or have a connection with Australia.

There has been no indication that the Israeli Government has altered or will alter any policy, as a result of these sanctions.

The sanctions are unlikely to have any impact on either the individuals or the policies of the State of Israel.

### **Double Standard**

The Albanese Government has exclusively applied these sanctions to Jews in Judea/Samaria (West Bank). There have been no such sanctions imposed on members of other groups in that area.

There are rare, isolated instances of violence carried out by Jews in the area. These are condemned across the political spectrum in Israel and promptly investigated by authorities. Incidents, already rare, have been declining sharply in recent times.<sup>1</sup>

<sup>1</sup> <https://www.israelhayom.com/2023/12/26/idf-confirms-nationalistic-crime-perpetrated-by-settlers-drops-dramatically/>

These incidents pale, in comparison to the thousands of terrorist and violent acts committed by Palestinian Arabs in that area since October 7. Many of these acts have been carried out by members of groups which are proscribed terrorist organisations in Australia such as Hamas and Palestinian Islamic Jihad. The Government has chosen not to sanction any of the Palestinian Arab perpetrators. The double standard is glaring.

In addition, numerous employees of the Palestinian Authority have engaged in terrorist acts, as have members of groups associated with senior Palestinian Authority politicians such as Fatah and the Al Aqsa Martyrs brigades. Just one example is a double car-bombing on 1 September 2024<sup>2</sup>.

The Palestinian Authority pays terrorists in prison and the families of deceased terrorists as a reward for carrying out attacks. The more Jews they murder, the higher the payment. This is the notorious so-called "Pay for Slay" programme.

Instead of sanctions, the Federal Government provides taxpayer-funded scholarships to employees of the Palestinian Authority to come to Australia and study.

This double standard is evident in the way in which Australia applies sanctions against citizens of many other countries. One example is Lebanon, where Hezbollah, proscribed as a terrorist organisation by Australia, has tens of thousands of members and plays a major role in the country. Shockingly, Australia has now sanctioned more people in Israel than Lebanon.

There are many countries where horrific human rights violations are occurring. One example is China's treatment of its Muslim Uighur population. Australia has not imposed any 'Magnitsky style' sanctions on China.

The Government should explain why it is overlooking egregious human rights abuses in other countries and instead focusing disproportionately on the only Jewish State.

### **Overstepping Australia's role**

The Government has been unclear about what evidence it has relied on, what criteria it has applied and whether the individuals have been charged or convicted of an offence.

Some of the individuals targeted, deny committing any crime.<sup>3</sup>

The Government has not provided detailed information about what it is accusing each of these individuals of and how it came to this conclusion. It should explain why it has applied such a different threshold when dealing with Israelis compared to citizens of other nations.

Most importantly, the Albanese Government has not explained why it is interfering in and undermining the legal system of an ally and democracy. The Israeli legal system is recognised as one of the most robust in the world. A former Prime Minister and President have been convicted of charges and imprisoned. The Supreme Court frequently rules against the Government. The Government has not explained why it feels that the Israeli legal system is incapable of handling the individuals Australia is sanctioning.

### **Damaging social cohesion**

The sanctions were the latest in a series of hostile acts toward Israel, since the election of the Albanese Government including the 'unrecognition' of parts of Jerusalem as Israel's capital, the redefining of land as 'occupied territories', changes to long-established UN votes, and numerous unfriendly statements.

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<sup>2</sup> <https://www.jns.org/fatah-terror-faction-claims-double-car-bombing-in-judea/>

It is reasonable to see these sanctions as a political action. It has been suggested to AJA that they were implemented to secure votes, particularly in seats where Muslim community candidates are challenging Labor on its Middle East policies. If this played a role, it is extremely disappointing.

Australian Jews are facing a surge of antisemitism. When the Australian Government holds Jews and the Jewish State to a different standard, it can contribute to the spread of antisemitism.

### **Putting Australian citizens at risk**

The implication that the Australian Government is permitted to act and intervene in the internal legal affairs of an allied democracy with a robust legal system provides a strong argument for nations who may consider sanctioning Australian citizens.

There are numerous examples where other nations may feel that the Australian legal system has not delivered a satisfactory outcome. Using the logic which the Albanese Government used against Israel, these nations should feel justified in targeting Australian citizens with sanctions. This may include members of the Australian Defence Forces who serve overseas and other Australian citizens.

As one example of many, images of the antisemitic riot at the Sydney Opera House were broadcast around the world yet many were angry that the NSW Police did not charge those responsible. Under Labor's logic, another nation may be justified in carrying out its own investigation and imposing sanctions.

### **Recommendations**

Sanctions should be used against individuals who carry out egregious human rights abuses and whose own nations do not have a robust legal system to handle their own affairs.

Sanctions should be imposed on terrorists, like those in Hamas, Hezbollah and the Palestinian Authority.

Australia's sanctions regime should not be misused for political gain.

Australia's sanctions regime should not be focused on Western democracies with robust legal systems, like Israel.

When targeted at dictatorships and rogue regimes who commit serious human rights abuses, sanctions have the potential to have a positive impact. When misused to target the citizens of an allied democracy, with a robust legal system, and/or for political purposes, sanctions are ineffective and seriously damaging to Australia's standing.

We welcome to opportunity to speak further about these matters

Sincerely,

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President

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