

Pine Gap, Gaza, and genocide – is Australia culpable?

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Pine Gap and Gaza: Blood on Our Lands, Blood on Our Hands

27 March 2024

Desmond Ball, Bill Robinson and Richard Tanter, [The Pine Gap Project](https://nautilus.org/briefing-books/australian-defence-facilities/pine-gap/the-pine-gap-project),
<https://nautilus.org/briefing-books/australian-defence-facilities/pine-gap/the-pine-gap-project>.

Richard Tanter, [Does Pine Gap place Australia at risk of complicity in genocide in Gaza? A complaint concerning the Australian Signals Directorate to the Inspector General of Security and Intelligence](#), 27 March 2024,

<https://nautilus.org/wp-content/uploads/2024/03/Tanter-IGIS-complaint-27-March-final-docx.pdf>.



1. The International Court of Justice Order to Israel, and Australian responsibilities

ICJ Order, 26 January 2024, South Africa vs. Israel - plausibility, urgency and directions

54: ... **at least some of the rights claimed by South Africa and for which it is seeking protection are plausible.** ...

74. ... **there is urgency, in the sense that there is a real and imminent risk that irreparable prejudice** will be caused to the rights found by the Court to be plausible, before it gives its final decision.

Israel must:

78. ... **take all measures within its power to prevent the commission of all acts** within the scope of Article II of this Convention,

(a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (d) imposing measures intended to prevent births within the group....33

79. ... **take all measures within its power to prevent and punish the direct and public incitement to commit genocide** in relation to members of the Palestinian group in the Gaza Strip.

80. ... **take immediate and effective measures to enable the provision of urgently needed basic services** and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip.

81. ... must also **take effective measures to prevent the destruction and ensure the preservation of evidence** related to allegations of acts within the scope of Article II and Article III of the Genocide Convention against members of the Palestinian group in the Gaza Strip.

What Australia must do – the responsibilities of the Attorney General and the Inspector General of Intelligence and Security

- Under the 1948 United Nations Convention on the Prevention and Punishment of Genocide, **Australia has an obligation to ‘prevent and punish’ plausible or demonstrated cases of genocide.**
- **Prevention’ clearly requires consideration of plausible and imminent possibility, a possibility rendered plausible by the provision of military intelligence to Israel through Australia’s apparently unrestricted institutional and technological integration into United States-auspiced global signals intelligence networks.**
- Faced with Australia’s responsibilities under both domestic and international law, **the Attorney-General** has a responsibility to investigate **Australia’s standing in relation to possible Australian complicity in the acts of plausible genocide listed the ICJ’s order.**
- The Inspector-General of Intelligence and Security has a statutory obligation (S. to review the activities of the **Australian Signals Directorate** concerning Pine Gap, **‘to ensure that the agencies act legally and with propriety, comply with ministerial guidelines and directives, and respect human rights.’**
- The Role of the IGIS’, *Inspector General of Intelligence and Security*, at <https://www.igis.gov.au/about/the-role-of-the-igis>; and Inspector General of Intelligence and Security Act 1986, No. 101, 1986. Compilation No. 42, 12 December 202, Sections 4(a) and 8(2)(a), at <https://www.legislation.gov.au/C2004A03342/latest/downloads>.

2. Five elements contributing to risk of Australian complicity of acts specified in the ICJ Order

Five elements contributing to risk of Australian complicity of acts specified in the ICJ Order

- The technical capabilities and roles of United States geosynchronous signals intelligence satellites controlled through Pine Gap with coverage of the Gaza Strip
- The historical record of United States geosynchronous signals intelligence satellites controlled through Pine Gap in United States provision of military intelligence to Israel
- Flows of intelligence data from Pine Gap to the United States National Security Agency
- Signals intelligence cooperation agreements between the National Security Agency and the Israel Defence Force
- the absence of restrictions apropos the Gaza conflict following the ICJ Order placed
 - either by the Australian government on intelligence flows to the NSA, or
 - by the US government on NSA flows to IDF intelligence units.

3. US geosynchronous signals intelligence satellites controlled through Pine Gap with coverage of the Gaza Strip

Joint Defence Facility Pine Gap, (2022)

Photokey uses authors' identification system - first two numbers indicate years of construction. For details see Desmond Ball, Bill Robinson and Richard Tanter, [The Antennas of Pine Gap](#), Nautilus Institute, Special Reports, 22 February 2016, pp. 11-21.)

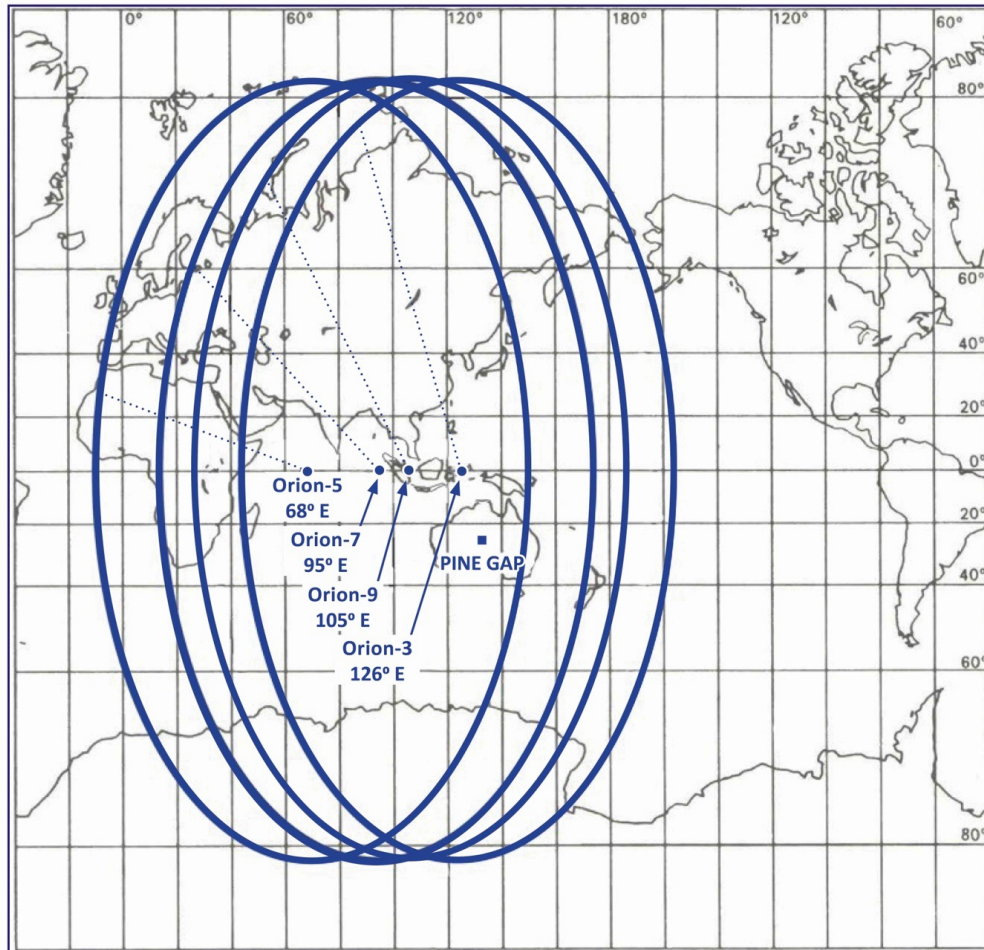
- **45 antennas in 2022**
 - 14 uncovered parabolic antennas
 - 25 confirmed covered parabolics under radomes
 - 2 helical antenna arrays
 - 3 high frequency masts
 - one Torus multibeam antenna (08-A).
- **Three surveillance systems:**
 - Control station for NSA **space-based signals intelligence satellites** (satellite command and control, processing and analyzing downlinked signals),
 - Ground station for **ground-based interception collection and analysis of foreign communications satellites downlinks**
 - **Relay Ground Station for Overhead Persistent Infra Red - OPIR) early warning satellites** – automatic operation and remotely control from US.



Coverage of U.S. Advanced Orion geosynchronous signals intelligence satellites under Pine Gap control in 2021-2022

Source: Bill Robinson and Richard Tanter, March 2024

Data source: Jonathan S. McDowell, 'Geostationary Orbit Catalog: Current orbits', *Jonathan's Space Home Page*, updated 23 February 2024, at <https://planet4589.org/space/gcat/data/derived/geotab.html>.



	Orion-5 USA 171 2003-041A	Orion-7 USA 223 2010-063A	Orion-9 USA 268 2016-036A	Orion-3 USA 110 1995-022A
Longitude, degrees east	67.97	95.46	105.03	126.07
Inclination, degrees	12.75	5.11	6.31	15.09
Date of observation	19 Sep 2022	7 Sep 2021	7 Sep 2021	17 Jan 2021

The signals interception roles of Advanced ORION satellites

TOP SECRET//SI//TALENT KEYHOLE//REL TO USA, FVEY

Site Profile G – (U) RAINFALL

(U) This site profile is to be used in conjunction with [USSID SE5330](#), "SIGINT Mission of the NSA/CSS Enterprise Radio Frequency Collection Sites," dated 14 March 2012.

ISSUE DATE: 23 August 2012

REVISED DATE:

The main target interception priorities of these satellites:

- communications of other satellite systems, including uplinks from foreign telecommunications and satellite phones;
- a wide range of microwave transmissions, including telecommunications towers through which many cell phone and internet connections are transmitted;
- air defence systems, radars and radio communications systems; and
- machine communications from computers and missile telemetry.

SECTION 2 - (U) MISSION

2.1. (S//SI//REL) The major RAINFALL mission components are:

- (U) Foreign Instrumentation Signals Intelligence (FISINT)
- (U) Electronic Intelligence (ELINT)
- (U) PROFORMA
- (U) Communications Intelligence (COMINT)
- (U) SIGINT Development (SIGDEV)/Search and Survey
- (U) Support to Military Operations (SMO)

2.2. (U//FOUO) With assigned resources, RAINFALL will:

- a. (U//FOUO) Conduct cryptologic activities in support of U.S. and Second Parties, departments, agencies, commands, and activities. Provide cryptologic service and support to authorized recipients in response to their requirements.
- b. (C//REL) Conduct COMINT, ELINT, FISINT, and PROFORMA collection, analysis, and reporting against assigned targets in accordance with (IAW) applicable USSIDs and other tasking directives in response to the guidance and tasking of the **Overhead Collection Management Center (OCMC)**.

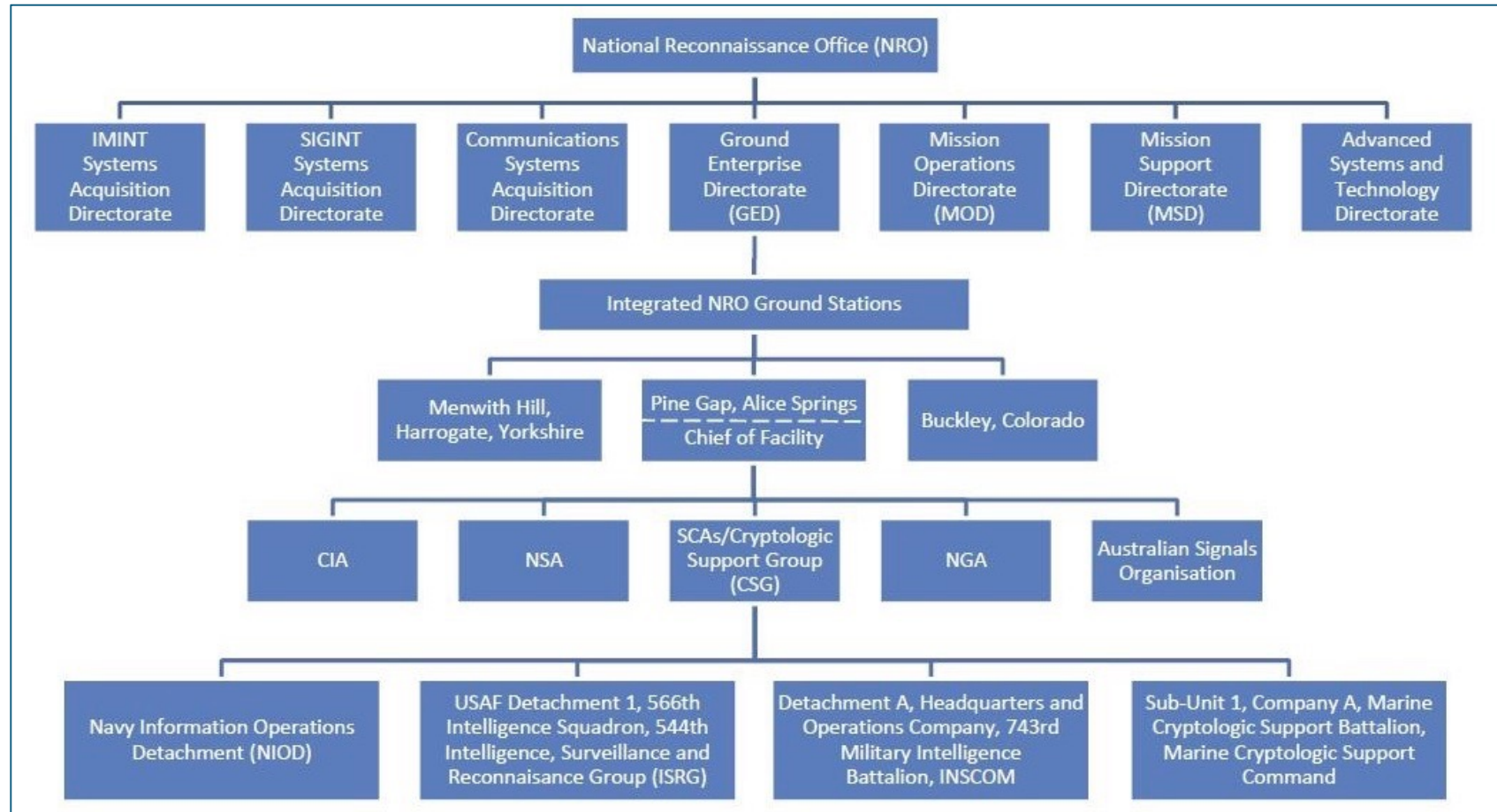
Source: National Security Agency, *Site Profile G – (U) RAINFALL*, c. 2012, published by Peter Cronau, 'The Base: Pine Gap's role in US Warfighting', *Background Briefing*, Radio National, 20 Aug 2017 through <https://live-production.wcms.abc-cdn.net.au/49d11afbd0066a76eed5a00817a71268>.

4. Who runs Pine Gap? – How ‘joint’ is the Joint Defence Facility?

If the US built Pine Gap, pays for Pine Gap, controls key decision-making at Pine Gap, and the satellites and the ground stations only function as part of a larger globally-distributed US technical and military system, and all the signals intelligence data flows to the National Security Agency, then how joint is Pine Gap?

Who runs Pine Gap?

Pine Gap higher management 2007- 2015



Source: Desmond Ball, Bill Robinson and Richard Tanter, *The Higher Management of Pine Gap*, Nautilus Institute, Special Report, 18 August 2015, p. 27, at <https://nautilus.org/wp-content/uploads/2015/11/PG-Managing-Operations-18-November-2015.v2.pdf>.

What use is 'Full knowledge and concurrence' – Australia's declared policy for control of the joint facilities – in the context of US control



Australian Signals Directorate Director Rachel Noble on Pine Gap and Gaza, Senate Estimates, 14 February 2024

Senator Ciccone (Labor): ... can officials shed some light on the public commentary regarding the operations undertaken at Pine Gap in relation to the Hamas-Israel conflict?

Ms Rachel Noble: It is, as you said, the longstanding practice of successive governments not to make public commentary about operational activities at Pine Gap, and I would add that it is a joint facility with the United States.

Senator Ciccone: Okay. I want to turn briefly to the policy of 'full knowledge and concurrence' of Australia's joint facilities. Can you outline this policy and how it operates at Pine Gap in terms of both its staffing composition and its activities?

Ms Noble: I will draw on the statement made last February by the Deputy Prime Minister, where he describes 'full knowledge and concurrence':

“Full knowledge' means Australia has a full and detailed understanding of any capability or activity with a presence on Australian territory, or making use of Australian assets.

“Concurrence' means that Australia approves of the presence of a capability or function in Australia, in support of mutually-agreed goals.”

Source: Commonwealth of Australia, Proof Committee Hansard, Senate, Estimates, Foreign Affairs, Defence and Trade Legislation Committee, 14 February 2024, pp. 105-106.

What does 'full knowledge and concurrence' mean in reality?

- Australia at Pine Gap
 - half the personnel
 - Deputy Chief of Station
 - Australian managers at every level below Chief of Station
 - Access all areas except the US national Cryptographic Room
 - Access to all raw data and processed intelligence
 - Much more 'joint' than in the early years and much more the companion station at Menwith Hill in UK today
- What does 'full knowledge and concurrence' mean in reality? Two useful non-official interpretations:
 - Journalist Graham Dobell in 2013: 'Australia must concur to the function and operation of the facility but does not have control over individual US taskings: Broad concurrence, yes. Individual veto, no.'
 - An informant familiar with Pine Gap operations: Participation in all sections of Pine Gap's operations gives Australia 'full transparency, but no control'.
- Australia, in both cases, simply does not have control over tasking schedules and satellite targeting, despite a seat at the tables that decide those schedules.

5. The historical record - Pine Gap military intelligence supplied to Israel

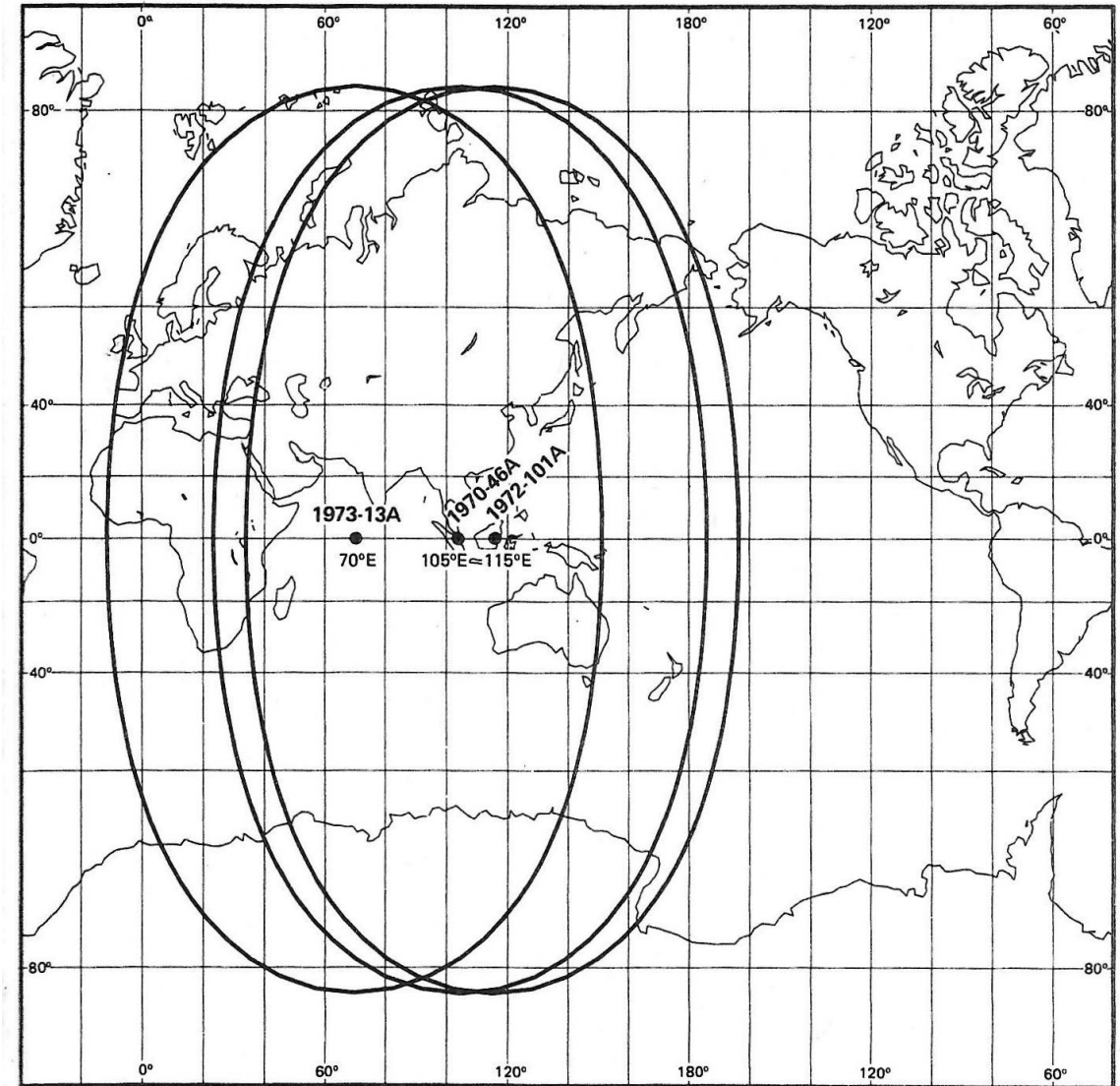
October 1973: Pine Gap-derived Rhyolite satellite intelligence passed on to Israel in the Yom Kippur War

‘In times of war or crisis, the demands and obligations of secret agreements and working practices tend readily to conflict with avowed national policies.

‘In October 1973, for example, during the Yom Kippur War in the Middle East, intelligence derived from SIGINT collected at the NRO/CIA satellite ground station in Central Australia was passed to Israel by the United States and was of great assistance to the successful Israeli break through the Egyptian lines in the Sinai; this information was passed on even though the official, declared position of the Australian government was one of “even-handedness” in the war.’

Jeffrey T. Richelson and Desmond Ball, *The Ties That Bind – Intelligence Cooperation between the UKUSA Countries*, 1985, p. 304.

Rhyolite SIGINT satellite stations, 1973-75, controlled from Pine Gap



Source: Desmond Ball, *Pine Gap: Australia and the US geostationary signals intelligence satellite program*, Allen & Unwin, 1988, p. 19 16

Former NSA senior signals intelligence analyst David Rosenberg told Peter Cronau at *Declassified Australia*, 3 November 2023

‘The Pine Gap facility is monitoring the Gaza Strip and surrounding areas with all its resources, and gathering intelligence assessed to be useful to Israel... Pine Gap has satellites overhead. Every one of those assets would be on those locations, looking for anything that could help them.

‘Pine Gap facility is monitoring the Gaza Strip and surrounding areas with all its resources, and gathering intelligence assessed to be useful to Israel.’

‘... ‘the personnel at Pine Gap are tasked to collect signals such as “command and control” centres in Gaza, with Hamas headquarters often located near hospitals, schools, and other civilian structures.

Peter Cronau, 'Targeting Palestine: Australia's Secret Support for the Israeli Assault on Gaza Through Pine Gap', *Declassified Australia*, 3 November 2024, at <https://declassifiedaus.org/2023/11/03/targeting-palestine/>.

The screenshot shows the top portion of a Wall Street Journal article. At the top, the newspaper's name 'THE WALL STREET JOURNAL.' is displayed in a large, bold, serif font. Below it, there are links for 'English Edition', 'Print Edition', 'Video', 'Audio', 'Latest Headlines', and 'More'. A navigation bar contains various categories: 'World', 'Business', 'U.S.', 'Politics', 'Economy', 'Tech', 'Finance', 'Opinion', 'Arts & Culture', 'Lifestyle', 'Real Estate', and 'Personal Finance'. Below this, there are more specific regional and topical links: 'the Middle East', 'Maps: A Widening Conflict', 'Hostages', '‘Axis of Resistance’', 'The Gaza Strip', 'Houthis & the Red Sea', and 'What Is Ha'. The article's main title is 'U.S. Relied on Intercepts in Assessing Hamas's Operations at Gaza Hospital', preceded by a blue 'EXCLUSIVE' tag and 'MIDDLE EAST' in blue. A sub-headline reads: 'Signals intelligence gathered independently of Israel was among information behind assessment that Hamas and other militants were using Al-Shifa Hospital complex'. The byline is 'By Nancy A. Youssef [Follow] and Warren P. Strobel [Follow]', with 'Updated Nov. 15, 2023 at 5:20 pm ET' below it. In the bottom right corner, there is a dark grey rectangular box with the word 'ORACLE' in white capital letters.

‘The people familiar with the matter declined to provide more details about the U.S. intelligence on Al-Shifa, but stressed it was based on multiple streams of data and was collected independently of Israel. The U.S. assessment "is U.S. information based on a variety of sources, but we are not getting into sources and methods," a U.S. official said.’

Nancy A. Youssef and Warren P. Strobel, ‘U.S. Relied on Intercepts in Assessing Hamas's Operations at Gaza Hospital; Signals intelligence gathered independently of Israel was among information behind assessment that Hamas and other militants were using Al-Shifa Hospital complex’, *Wall Street Journal*, 15 November 2023.

6. The web of intelligence cooperation agreements between the National Security Agency and the Israel National SIGINT Unit

1968	CYR Agreement – first formal intelligence exchange agreement
1973	Yom Kippur war: Rhyolite satellite SIGINT from Pine Gap enables IDF Sinai breakthrough
1988	ICE CASTLE Agreement – CYR ‘adjusted, broadened, reinforced and extended’
1996	STONE RUBY Agreement – update of ICE CASTLE
1999	Israel – US 1999 Agreement : ‘Exchanges between the DoD and IDF organisations involving only signals intelligence have been upgraded to the TOP SECRET level.’
2006	NSA, ‘Town Meeting: Coordinating the SIGINT Relationship with Israel’ : 750 NSA people who work with the ISNU; 27 face to face meetings yearly and ‘countless telephone conversations’.
2009	MOU between the NSA and the Israeli SIGINT national Unit (ISNU) pertaining to the protection of U.S. persons : regulates exchange of processed intelligence, and ‘Raw Sigint [which] includes, but is not limited to, unevaluated and unminimized transcripts, gists, facsimiles, telex, voice and Digital Network Intelligence metadata and content.’
2013	National Security Agency, ‘Information Paper: NSA Intelligence Relationship with Israel’

US – Israel intelligence exchange agreements, 1968 - 2024

Implications of the 2013 National Security Agency, [‘Information Paper: NSA Intelligence Relationship with Israel’](#)

NSA signals intelligence was to be made available to Israel en masse and in detail, including data captured by Pine Gap-controlled ORION satellites, passed on in standard operating procedure from Pine Gap to the National Security Agency, and from the NSA as a matter of course to the Israel SIGINT National Unit.

The following set of quotations from this two page document formally summarising the signals intelligence relationship makes clear its salience to the issue of possible complicity with activities discussed by the ICJ Order of 26 January.

National Security Agency, 'Information Paper: NSA Intelligence Relationship with Israel', 19 April 2013

TOP SECRET//SI//NOFORN



National Security Agency/Central
Security Service

19 April 2013

Information Paper

(TS//REL TO USA, ISR) Subject: NSA Intelligence Relationship with Israel

(U) Introduction

(TS//NF) NSA maintains a far-reaching technical and analytic relationship with the Israeli SIGINT National Unit (ISNU) sharing information on access, intercept, targeting, language, analysis and reporting. This SIGINT relationship has increasingly been the catalyst for a broader intelligence relationship between the United States and Israel. Significant changes in the way NSA and ISNU have traditionally approached SIGINT have prompted an expansion to include other Israeli and U.S. intelligence organizations such as CIA, Mossad, and Special Operation Division (SOD).

(TS//REL TO USA, ISR) What NSA Provides to ISNU

(TS//SI//REL TO USA, ISR) The Israeli side enjoys the benefits of expanded geographic access to world-class NSA cryptanalytic and SIGINT engineering expertise, and also gains controlled access to advanced U.S. technology and equipment via accommodation buys and foreign military sales.

(TS//REL TO USA, ISR) What ISNU Provides to NSA

(TS//SI//REL TO USA, ISR) Benefits to the U.S. include expanded geographic access to high priority SIGINT targets, access to world-class Israeli cryptanalytic and SIGINT engineering expertise, and access to a large pool of highly qualified analysts.

- 'NSA maintains a far-reaching technical and analytic relationship with the Israeli SIGINT National Unit (ISNU) sharing information on access, intercept, targeting, language, analysis and reporting.'
- 'This SIGINT relationship has increasingly been the catalyst for a broader intelligence relationship between the United States and Israel.'
- 'Significant changes in the way NSA and ISNU have traditionally approached SIGINT have prompted an expansion to include other Israeli and U.S. intelligence organizations such as CIA, Mossad, and Special Operation Division (SOD).'
- 'The mutually agreed upon geographic targets include the countries of **North Africa, the Middle East, the Persian Gulf, South Asia, and the Islamic republics of the former Soviet Union.**
- Within that set of countries, cooperation covers the exploitation of internal governmental, military, civil, and diplomatic communications; and external security/intelligence organizations.
- 'Regional Weapons of Mass Destruction Proliferation and "**Stateless**"/International Terrorism comprise the exchanged transnational target set.'
- 'A dedicated communications line between NSA and ISNU supports the exchange of raw material, as well as daily analytic and technical correspondence... **NSA and ISNU led their communities in the establishment of U.S. - Israeli Intelligence Community VTC connectivity that allows both sides to broaden and accelerate the pace of collaboration against targets' use of advanced telecommunications.**

7. A 'No Limits' alliance? Or two of them?

Gaza and the surrounding region now an extraordinarily powerful and contradictory strategic focus for the United States

- Three factors combine to make Gaza a very high priority US intelligence focus:
 - The globally public visibility of the severity of the conflict in Gaza,
 - United States concerns to both support the Netanyahu government and limit what it sees as that government's excesses, and
 - the risks for broader US foreign policy goals of regional escalation, all combine to make Gaza and the surrounding region an extraordinarily powerful and contradictory strategic focus for the United States.
- At the heart of those strategic concerns lies the availability of timely, reliable and usable intelligence on all the major actors
- All US signals intelligence facilities that can possibly be brought to bear will have elevated tasking schedules focusing on Gaza.
- Pine Gap will be on high alert, along with other US space- and ground-based signals intelligence facilities – and all are closely integrated with Pine Gap
- It is likely that, on the basis of what is known about the formerly secret web of US-Israel signals intelligence agreements, that Israel is pressing for its concerns to be added to those US space-based signals intelligence satellite tasking schedules – resulting on tasking demands on Pine Gap through the NSA.

The absence of restrictions on intelligence flows regarding the war in the Gaza Strip following the ICJ Order

- Suggestions of Australian complicity could be immediately avoided in two simple ways:
- The Australian government could announce that restrictions have been placed on intelligence exchanges with the National Security Agency of Pine Gap-derived materiel that may have bearing on the conflict in the Gaza Strip.
- The United States government could announce that restrictions have been placed on intelligence exchanges of materiel by the National Security Agency with Israeli intelligence agencies, including the Israel SIGINT National Unit.
- Such precautionary, temporary steps have not been announced following the ICJ Order by either government.
- It is reasonable to assume that no such restrictions have been put in place in secret. The risk of complicity remains.

8. The primary questions the Attorney General and the Inspector General of Intelligence and Security are asked to address are simple.

The primary questions the Attorney General and the Inspector General of Intelligence and Security are asked to address are simple.

1. Does anything the ASD has done or is doing at Pine Gap in any way amounts to complicity in the activities of plausible genocide set out by the Order from the International Court of Justice ?
2. Does Pine Gap-derived intelligence forwarded to the National Security Agency do so?
3. In such a case, does the government concur with such a policy?
4. And if the government does concur in such a policy, is not a veto, at least while until final judgement by the International Court of Justice, not the appropriate response?
5. If not for a plausible and urgent claim of genocide, subject to a case before the world's highest court that raises the possibility of Australian complicity, then for what would Australia ever exercise its sovereign right to veto what happens on Australian soil?

Background on Pine Gap – accessible introductions and research studies

Introductions

- Peter Cronau, [‘The Base: Pine Gap’s role in US warfighting’](#), *Background Briefing*, Radio National, ABC, 20 August 2017.
- Jackie Dent, [‘An American Spy Base Hidden in Australia’s Outback’](#), *New York Times*, 23 November 2017.
- Richard Tanter, [‘Our poisoned heart: the transformation of Pine Gap’](#), *Arena Magazine*, No. 144, October 2016.
- Kieran Finnane, [‘Big Ideas: Pine Gap and the protest by the "peace pilgrims”’](#), ABC Radio National, 4 November 2020.
- Richard Tanter, [‘Possibilities and effects of a nuclear missile attack on Pine Gap’](#), *Briefing Book: Australian Defence Facilities*, Nautilus Institute, 30 October 2013
- Erwin Chlanda, [‘Pine Gap’s new role as a war fighting command centre’](#), *Alice Springs News*, 22 June 2018.
- Richard Tanter, [‘Dangerous liaisons: Pine Gap is key to America’s nuclear war apparatus. Part 3’](#), *Pearls & Irritations*, 13 November 2021
- Richard Tanter, ‘An Australian pathway through Pine Gap to the nuclear ban treaty’, *Pearls & Irritations*, 5 August 2019; *Alice Springs News*, 6 August 2019; [[extended and footnoted version](#) here].
- Kieran Finnane, *Peace Crimes*, (University of Queensland Press, 2020)

Research papers:

- [‘The Pine Gap Project’](#) – eight research papers and other materials by Desmond Ball, Bill Robinson and Richard Tanter
- Desmond Ball, Bill Robinson and Richard Tanter, [‘The Antennas of Pine Gap’](#), Nautilus Institute, Special Reports, 22 February 2016