

# Correspondence timeline:

## Richard Tanter complaint to the Inspector General of Intelligence and Security concerning risk of Australian complicity of Pine Gap in genocide in Gaza

### 1. Tanter to IGIS Jessup, 27 March 2024

‘I wish to make a complaint under the Inspector General of Intelligence and Security Act 1986, No. 101, 1986, concerning the propriety of activities of the Australian Signals Directorate, under Sections 4(a) and 8(2)(a) of that act.

‘The essential argument of this complaint is that unless the Australian direct and indirect military relationship to Israeli activities in the Gaza Strip specified in its Order are closely reviewed by the Inspector General of Intelligence and Security, it is not possible for the Australian government to assure the parliament and the Australian public that Australia is not complicit in plausible acts of genocide.

‘There are five elements to this argument, for which evidence will be briefly adduced below:

- ‘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 raw and processed intelligence data from Pine Gap to the United States National Security Agency
- ‘Documentation of signals intelligence cooperation agreements between the United States 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.’

‘The primary questions the IGIS is asked to address here are simple.’

- ‘To reiterate the earlier formulation, does anything the ASD has done or is doing in any way amounts to complicity in the activities set out by the Order from the International Court of Justice?
- ‘Does Pine Gap-derived intelligence forwarded to the National Security Agency do so?’

- ‘In such a case, does the government concur with such a policy?’
- ‘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?’
- ‘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?’

## 2. IGIS Jessup to Tanter, 15 April 2024

“You raised concerns about the propriety of ASD’s activities with the Joint Defence Facility Pine Gap. In particular, you stated I have a responsibility to ask whether the activities at that facility may put Australia at risk of, or constitute, complicity in any acts of genocide by Israeli forces in the Gaza Strip. In support of your complaint, you referred to Provisional measures issued by the I C J in the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel) on 26 January 2024.

“I have decided under section 11(2)(c) of the *Inspector General of Intelligence and Security Act 1986* not to inquire into this matter because I am satisfied that, having had regard to all the circumstances of the case, inquiry is not warranted.”

## 3. Tanter to Jessup, 29 April 2024

‘Thank you for your letter of 15 April with notification of your decision under section 11(2)(c) of the *Inspector General of Intelligence and Security Act 1986* to not inquire into the matters I raised in my complaint of 27 March of this year under Sections 4(a) and 8(2)(a) of that act.

‘You stated that you were satisfied that, having regard to all the circumstances of the case, an inquiry, or further inquiry, into the action is not warranted.

‘I ask that you explain the reasons that led you to that decision.

‘To what “circumstances of the case” do you refer?’

‘What circumstances of the case, other than those raised in my complaint, led you to your decision?’

‘Concerning the matters I raised in my complaint, what specific “circumstances” led to your decision to not inquire into the propriety of the activities of the Australian Signals Directorate to which I referred in my complaint.

‘Under what understanding of “propriety of particular activities” did you take this decision?’

## 4. Jessup 1 May 2024

‘Decisions made under the IGIS Act are not subject to a legal requirement so issue a statement of reasons. This is because decisions under the IGIS Act are not reviewable by the Administrative Appeals Tribunal, are exempt from the application of the *Administrative Decisions (Judicial Review) Act 1977* and there is no specific requirement under the IGIS Act to provide reasons.

‘Once I had notified you of my decision not to inquire into the matters you raised, my functions in relation to this complaint had been completed, and my relevant responsibilities had been discharged. Accordingly, I am neither required nor authorised to take any further step in relation to your complaint.’

### Relevant materials:

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, at <https://nautilus.org/wp-content/uploads/2024/03/Complaint-mss-27-March-final-v4.pdf>.

‘Pine Gap, Gaza, and genocide – is Australia culpable?’, *Webinar: Pine Gap and Gaza: Blood on Our Lands, Blood on Our Hands*, with Richard Tanter, Nasser Mashni, Barbara Flick, Kathryn Gilbey, and Peter Cronau, [RT presentation from 13.30], at <https://youtu.be/X3pqqplouD3k>.

Richard's webinar presentation slides:

<https://nautilus.org/wp-content/uploads/2024/03/PPT-27-March-Pine-Gap-Gaza-and-genocide---is-Australia-culpable.pdf>.

Richard Tanter, ‘Pine Gap implicates Australia as complicit in Israel’s genocide in Gaza’, *Pearls and Irritations*, 30 March 2024, at <https://johnmenadue.com/pine-gap-implicates-australia-as-complicit-in-israels-genocide-in-gaza/>.