

# ISRAELI-PALESTINIAN DEVELOPMENTS

## ISSUES

Closing WCK investigation/Zomi Frankcom; s 22(1)(a)(ii)

### Israel closing investigation on strikes against World Central Kitchen / Zomi Frankcom

- Australia is outraged the Israeli Government has decided not to pursue criminal proceedings against those responsible for killing Zomi Frankcom and her World Central Kitchen colleagues.
- Israel's announcement of this decision on World Humanitarian Day was especially insulting to Zomi's loved ones humanitarian and all Australians.
- The decision falls far short of the accountability we expect
  - democracies seek and accept higher standards.
- The Australian Government will not stop pressing Israel for justice for Zomi and her colleagues.
- Earlier today, I (FM Wong) summonsed the Israeli Ambassador to express my outrage at the Israeli Government's decision
  - and stated it falls short of providing the accountability Australians expect.
- I assured him that Australia will continue to press Israel for justice.

s 22(1)(a)(ii) – this section, together with the following pages (2-9) are irrelevant and have been removed.

## BACKGROUND

### **Israel closing investigation on strikes against World Central Kitchen**

On 19 August 2026 (World Humanitarian Day), the Israel Defence Forces (IDF) announced that it would not be pursuing criminal proceedings against the personnel responsible for the strike on a World Central Kitchen (WCK) convoy in Gaza, that killed Zomi Frankcom in April 2024. The IDF announced it had completed reviews of 150 incidents of troop conduct in Gaza and made decisions on five cases, including the 1 April 2024 attack. It said it had launched criminal investigations into two attacks on Palestinians, but not into the WCK attack.

s 22(1)(a)(ii) – this section, together with the following pages (11-14) are irrelevant and have been removed.









s 47C, s 47E(d)

## Background

Zomi Frankcom, an Australian humanitarian aid worker, was killed while working for World Central Kitchen in Gaza on 1 April 2024.

On 19 August 2026, World Humanitarian Day, Zomi Frankcom's family announced the establishment of the Zomi Frankcom Humanitarian Award.

Extract from Israel Defence Force statement entitled "Criminal Investigation Decisions Regarding 5 Incidents Examined by the General Staff Fact-Finding and Assessment Mechanism (FFAM)"

For more than a thousand days, the IDF has been conducting intensive combat across numerous fronts, carrying out a wide range of military missions in an exceptionally complex operational reality. As part of the IDF's obligations under international law and Israeli domestic law, the IDF examines exceptional incidents that occurred during combat.

Several years ago, pursuant to a decision made by the Government of Israel, the General Staff Fact-Finding and Assessment Mechanism (FFAM) was permanently established within the IDF for the purpose of examining exceptional operational incidents.

The FFAM's role is to conduct factual assessments of exceptional operational incidents, while using a range of tools and methodologies.

The FFAM's factual assessments assist IDF commanders in making command decisions regarding relevant consequences of an incident and serve the Military Prosecution when deciding whether to initiate a criminal investigation of an incident.

Since the beginning of the war, the FFAM has completed the review of approximately 150 incidents and transferred them to the Military Prosecution for examination. Recently, the Military Prosecution has made decisions as set forth below in five incidents.

### 1. The Deaths of Seven World Central Kitchen (WCK) Employees and Damage to its Vehicles in Deir al-Balah, April 2024

On April 1, 2024, during a WCK operation to transfer humanitarian aid in the Gaza Strip, fire was directed at vehicles belonging to the organization, resulting in the deaths of seven of its employees. The findings of the examination indicate that, on that day, IDF troops identified a gunman on a truck in the humanitarian aid convoy while it was on a route to a warehouse for the unloading of the aid. The troops also identified vehicles surrounding the trucks in a manner that, in their assessment, and based on accumulated operational experience, corresponded to a scenario in which the Hamas terrorist organization had taken control of the convoy.

The examination further found that WCK employees had hired an armed security force to accompany the convoy until the completion of the operation in order to protect it from seizure by armed actors in Gaza. This was done due to the convoy's delayed departure, during nighttime hours, from the pier at which the aid had been collected, toward the warehouse where the aid was to be unloaded. The presence of this armed security force in the organization's vehicles was not coordinated with IDF

authorities.

After the convoy arrived at the designated warehouse and unloaded the aid, several individuals were mistakenly – as later became apparent – identified as armed persons. Those individuals entered vehicles that began travelling south from the warehouse, deviating from the route that the organization had coordinated in advance with the IDF. Accordingly, and in light of the assessment that Hamas operatives had taken control of the convoy before its arrival at the warehouse, the IDF mistakenly believed that the vehicles contained Hamas military operatives and therefore struck the vehicles.

The examination also found that, during the sequence of events described above, IDF personnel attempted to contact WCK representatives in order to verify their assessment that the people in the vehicles were indeed not members of WCK. These attempts, made during the approximately half-hour period in which the convoy vehicles were tracked on the understanding that they contained Hamas operatives, were unsuccessful.

After the findings of the initial examination were presented to the previous Chief of the General Staff, shortly after the incident, and in light of the grave consequences of the incident, he decided to remove from their positions the Brigade Humanitarian Assistance Officer (an officer with the rank of Major), and the Brigade Chief of Staff (a reserve officer with the rank of Colonel). Additionally, the Brigade Commander (an officer with the rank of Colonel), the Commander of the 162nd Division (an officer with the rank of Brigadier General), and the Commander of the Southern Command (an officer with the rank of Major General), were formally reprimanded.

In light of prior professional familiarity with one of the individuals involved in the incident, the Military Advocate General (MAG) refrained from personally making the decision in this case. The decision was therefore made by the Chief Military Prosecutor in the MAG Corps.

Following review of all findings of the factual assessment, it was determined that, notwithstanding serious failures in the process that led to the assessment that Hamas operatives were travelling in the vehicles, the decisions of the commanders did not raise reasonable suspicion of criminal misconduct. This conclusion was reached in view of the sequence of suspicious indicators and the totality of the operational circumstances.

Accordingly, it was determined that there is no reasonable suspicion of criminal misconduct that would justify the opening of a criminal investigation or the taking of additional measures against any of those involved in the incident, beyond those described above.

s 33(a)(iii)











s 22(1)(a)(ii)

## Background

### *Zomi Frankcom*

On 19 August, Israel announced the conclusion of its investigation into the killing of Zomi Frankcom and her World Central Kitchen colleagues [1 April 2024]. Overnight (19 Aug Israel time), s 33(a)(iii)

s 33(a)(iii)

s 33(a)(iii)

s 22(1)(a)(ii)



s 22(1)(a)(ii) – this section, together with the following pages (31-36) are irrelevant and have been removed.













s 22(1)(a)(ii)

**Senator the Hon Penny Wong**

s 33(a)(iii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

## **Background**

### *Zomi Frankcom*

On 19 August, Israel announced it would not pursue criminal proceedings following its investigation of the 1 April 2024 IDF strike that killed Zomi Frankcom and her colleagues. The IDF said 'notwithstanding serious failures in the process that led to the assessment that Hamas operatives were travelling in the vehicles, the decisions of the commanders did not raise reasonable suspicion of criminal misconduct'. On 20 August, Israeli Ambassador Newman told media 'One cannot attack findings of a court if the findings are not suitable to one's political agenda... the court came to the conclusion after two years of independent research, that there's no criminal liability. We must respect that, as we do in every case of investigation.'

s 33(a)(iii)









s 33(a)(iii) – this page, together with the following pages (50-53) are irrelevant and have been removed.



## Background

Zomi Frankcom, an Australian humanitarian worker, was killed by an IDF strike while working for World Central Kitchen (WCK) in Gaza on 1 April 2024.

On 19 August 2026, the IDF released a statement on the conclusion of its 'Fact-Finding and Assessment Mechanism' (FFAM) about five specific operational incidents, including the killing of Zomi Frankcom. The announcement said the IDF would launch criminal investigations into two incidents, but not the WCK strike. On WCK, the investigation concluded that 'notwithstanding serious failures in the process that led to the assessment that Hamas operatives were travelling in the vehicles, the decisions of the commanders did not raise reasonable suspicion of criminal misconduct'.

On 19 August, WCK released a statement saying 'We strongly condemn the Israeli military prosecutor's account of the deaths of our seven colleagues on April 1, 2024. And we fundamentally disagree with their decision about criminal investigations into the IDF airstrikes that killed our team. There has never been any excuse or justification for the attacks, and there is nothing in this account that does so. The decision is inconsistent with the full truth and deeply offensive.'

On 20 August, Ambassador Newman told media that the IDF prosecutor's findings were the result of a 'thorough investigation by an independent authority', and that. He said '[the IDF soldiers] genuinely thought there were Hamas people on the convoy (that) had taken control of the convoy, so there was no criminal liability. One has to respect international bodies that work according to law and evidence and come to a conclusion. One cannot judge a conclusion and say it's unright [sic] or unjustified just because it doesn't tally with what I want... We care but in the end one must also understand that not every case where someone dies is a casualty it means that there's criminal liability. One cannot attack findings of a court if the findings are not suitable to one's political agenda.'

When asked for a message for the Frankcom family, Ambassador Newman said 'We express deep sorrow with the family, and every loss of innocent life is a tragedy... Israel is full of sorrow and solidarity with the family, but it was not intentional ... there was no intentional attack on the workers, on Zomi' – a 'combination of circumstances' led to a 'genuine mistake'. He expressed a willingness to meet the Frankcom family, if they wanted to.

In response to a question, Ambassador Newman said he was unsure whether there were any appeal options.

On 20 August, UN expert Chris Sidoti told ABC Radio National called for the Australian Government to expel Israeli Ambassador Newman and refer the Frankcom case to the International Criminal Court.

On 20 August, Senator Paterson told media that Zomi Frankcom should never have been killed. He said 'it's a tragedy that she was [killed] and it is incredibly concerning to hear this news out of Israel... I look forward to receiving a full briefing to understand why this decision was made and the nature of the decision.'

**20 August FM media release**

*Australia is outraged the Israeli Government has decided not to pursue criminal proceedings against those responsible for killing Zomi Frankcom and her World Central Kitchen colleagues.*

*The Australian Government learned of Israel's decision late last night, moments before it was announced, on World Humanitarian Day - which is especially insulting to Zomi's loved ones, humanitarians and all Australians.*

*Zomi represented the best of Australia. Her courage deserves to be celebrated. Her family deserves justice.*

*This decision falls far short of the accountability we expect.*

*This is despite Israel Defense Forces admissions that the IDF strikes on Zomi and her colleagues' vehicles were the result of serious failures to follow IDF procedures, mistaken identification and errors in decision-making.*

*This was confirmed by Special Adviser Air Chief Marshal Mark Binskin's report.*

*Democracies seek and accept higher standards. The Australian Government will not stop pressing Israel for justice for Zomi and her colleagues.*

*I will call in Israel's Ambassador to Australia Hillel Newman and have directed Australia's Ambassador to Israel to convey our views directly to Israel as the Australian Government considers next steps.*

**19 August IDF statement**

*The Deaths of Seven World Central Kitchen (WCK) Employees and Damage to its Vehicles in Deir al-Balah, April 2024*

- *On April 1, 2024, during a WCK operation to transfer humanitarian aid in the Gaza Strip, fire was directed at vehicles belonging to the organization, resulting in the deaths of seven of its employees.*
- *The findings of the examination indicate that, on that day, IDF troops identified a gunman on a truck in the humanitarian aid convoy while it was on a route to a warehouse for the unloading of the aid. The troops also identified vehicles surrounding the trucks in a manner that, in their assessment, and based on accumulated operational experience, corresponded to a scenario in which the Hamas terrorist organization had taken control of the convoy.*
- *The examination further found that WCK employees had hired an armed security force to accompany the convoy until the completion of the operation in order to protect it from seizure by armed actors in Gaza. This was done due to the convoy's delayed departure, during nighttime hours, from the pier at which the aid had been collected, toward the warehouse where the aid was to be unloaded. The presence of this armed security force in the organization's vehicles was not coordinated with IDF authorities.*
- *After the convoy arrived at the designated warehouse and unloaded the aid, several individuals were mistakenly – as later became apparent – identified as armed persons. Those individuals entered vehicles that began travelling south from the warehouse, deviating from the route that the organization had coordinated in advance with the IDF.*
- *Accordingly, and in light of the assessment that Hamas operatives had taken control of the convoy before its arrival at the warehouse, the IDF mistakenly believed that the vehicles contained Hamas military operatives and therefore struck the vehicles.*
- *The examination also found that, during the sequence of events described above, IDF personnel attempted to contact WCK representatives in order to verify their assessment that the people in the vehicles were indeed not members of WCK. These attempts, made during the approximately half-hour period in which the convoy vehicles were tracked on the understanding that they contained Hamas operatives, were unsuccessful.*
- *After the findings of the initial examination were presented to the previous Chief of the General Staff, shortly after the incident, and in light of the grave consequences of the incident, he decided to remove from their positions the Brigade Humanitarian Assistance Officer (an officer with the rank of Major), and the Brigade Chief of Staff (a reserve officer with the rank of Colonel). Additionally, the Brigade Commander (an officer with the rank of Colonel), the Commander of the 162nd Division (an officer with the rank of Brigadier General), and the Commander of the Southern Command (an officer with the rank of Major General), were formally reprimanded.*
- *In light of prior professional familiarity with one of the individuals involved in the incident, the Military Advocate General (MAG) refrained from personally making the decision in this case. The decision was therefore made by the Chief Military Prosecutor in the MAG Corps.*

- *Following review of all findings of the factual assessment, it was determined that, notwithstanding serious failures in the process that led to the assessment that Hamas operatives were travelling in the vehicles, the decisions of the commanders did not raise reasonable suspicion of criminal misconduct. This conclusion was reached in view of the sequence of suspicious indicators and the totality of the operational circumstances.*
- *Accordingly, it was determined that there is no reasonable suspicion of criminal misconduct that would justify the opening of a criminal investigation or the taking of additional measures against any of those involved in the incident, beyond those described above.*



s 33(a)(iii)

s 22(1)(a)(ii)