

DFAT DECLASSIFIED
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SLA Lead: 6 DPRK: Possible breaches of UN sanctions

s22(1)(a)(ii)

What is Australia doing about the possible breaches of UN sanctions by Australian companies seeking to undertake mining operations in the DPRK?

- . Australia takes its international legal obligations to implement United Nations sanctions on the DPRK seriously.
- . DFAT made two referrals to the Australian Federal Police in 2015 (one in March and one in August) regarding possible breaches of DPRK sanctions by Australian companies associated with a sub-licence to conduct mining operations in the DPRK
 - any questions about these investigations should be referred to the AFP.

s22(1)(a)(ii)

- . The Australian companies mentioned in the ABC story, s47E(d) announced publicly in late 2014 that they would not be pursuing activities associated with the DPRK mining sub-licence.
- . Sanctions offences are punishable by substantial fines and, for individuals, up to 10 years imprisonment.

s22(1)(a)(ii)

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s22(1)(a)(ii)

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s22(1)(a)(ii)

Background

On 7 April 2016, the ABC ran a story suggesting breaches of UN sanctions by two Australian companies, s47E(d)

given their involvement in mining activities in the DPRK. s22(1)(a)(ii)

s22(1)(a)(ii)

s47E(d), 33(a)(iii)

s47E(d) DFAT referred s47E to the AFP on 27 March 2015 for possible breaches of Australian sanctions laws. s47E(d)

A further company, s47E(d)

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s22(1)(a)(ii) was referred to the AFP on 27 August 2015 for possible breaches of Australian sanctions laws.

Both s47E(d) publicly renounced their DPRK operations in late 2014.
s22(1)(a)(ii)

Division: Legal Division	
Prepared by:	Cleared by Branch/Division Head:
s22(1)(a)(ii) SAN Section	Emil Stojanovski, A/g AS TSB
Phone xs22(1)(a)(ii)	Phone x 2922
Version 4, 18/05/2017	Version 4, 18/05/2017

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1. DPRK sanctions issues

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

- . DFAT made two referrals to the Australian Federal Police in 2015 (one in March and one in August) regarding possible breaches of DPRK sanctions by Australian companies associated with a sub-licence to conduct mining operations in the DPRK
 - any questions about these investigations should be referred to the AFP.

s22(1)(a)(ii)

- . The Australian companies mentioned in the ABC story, s47E(d) s47E(d) announced publicly in late 2014 that they would not be pursuing activities associated with the DPRK mining sub-licence.

s22(1)(a)(ii)

s22(1)(a)(ii)

Background

On 7 April 2016, the ABC ran a story suggesting breaches of UN sanctions by two Australian companies, s47E(d) given their involvement in mining activities in the DPRK. s22(1)(a)(ii)
s22(1)(a)(ii)

s47E(d), 33(a)(iii)

s47E(d) DFAT referred s47E(d) to the AFP on 27 March 2015 for possible breaches of Australian sanctions laws.
s47E(d)

A further company, s47E(d) was referred to the AFP on 27 August 2015 for possible breaches of Australian sanctions laws. Both s47E(d) publicly renounced their DPRK operations in late 2014.
s22(1)(a)(ii)

s22(1)(a)(ii)

Division: Legal Division	
Prepared by: s22(1)(a)(ii) SAN Section	Cleared by Branch/Division Head: Emil Stojanovski, A/g AS TSB
Phone s22(1)(a)(ii)	Phone x 2922
Version 4, 18/05/2017	Version 4, 18/05/2017

Sanctions Enforcement and Prosecutions

Talking Points

s22(1)(a)(ii)

DFAT referrals to AFP regarding mining licences in North Korea

- DFAT can confirm that it has received advice from the AFP regarding two referrals that it made to the AFP in 2015.
- DFAT is unable to comment on the outcomes of these kinds of investigations.
- Enquiries regarding AFP investigations should be directed to the AFP.

s22(1)(a)(ii)

s22(1)(a)(ii)

Background

DPRK

s22(1)(a)(ii)

s22(1)(a)(ii)

ABC reports on potential breaches of UN sanctions by Australian mining companies

On 7 April 2016, the ABC ran a story suggesting breaches of UN sanctions by two Australian companies, s47E(d) related to their involvement in mining activities in the DPRK. s22(1)(a)(ii)
s22(1)(a)(ii)

For background only:

DFAT referred s47E(d) to the AFP in March 2015 for possible breaches of Australian sanctions laws. s47E(d), 33(a)(iii)

DFAT also referred a further company, s47E(d) to the AFP on 27 August 2015 for possible breaches of Australian sanctions laws.

The AFP advised in October 2017 that it had 'finalised' its investigation into the referrals and that 'the outcome of the AFP's investigation has not afforded sufficiency of evidence to support the commencement of proceedings'. The AFP has also advised that it would need to re-evaluate the matters if additional evidence becomes available to DFAT.

s22(1)(a)(ii)

s22(1)(a)(ii)

Division: Legal Division	
Prepared by: SAN	Cleared by: [Justin Whyatt, AS TSB]
Ext: s22(1)(a)(ii)	Ext: 2622
Date: 28/02/18	Date: 28/2/18

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DPRK – Possible breaches of UN sanctions

s22(1)(a)(ii)

What is Australia doing about the possible breaches of UN sanctions by Australian companies seeking to undertake mining operations in the DPRK?

- . Australia takes its international legal obligations to implement United Nations sanctions on the DPRK seriously
- . DFAT made two referrals to the Australian Federal Police in 2015 (one in March and one in August) regarding possible breaches of DPRK sanctions by Australian companies associated with a sub-licence to conduct mining operations in the DPRK
 - while these matters are investigated it would not be appropriate for me to comment further
 - although needless to say, DFAT will continue to support the AFP with its criminal investigations.

s22(1)(a)(ii)

- . The Australian companies mentioned in the ABC story, s47E(d) s47E(d) announced publicly in late 2014 that they would not be pursuing activities associated with the DPRK mining sub-licence
- . s22(1)(a)(ii)

s22(1)(a)(ii)

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Additional Estimates: 11 February 2016

D-1 DPRK

s22(1)(a)(ii)

Background

On 7 April 2016, the ABC ran a story suggesting breaches of UN sanctions by two Australian companies, s47E(d) given their involvement in mining activities in the DPRK. s22(1)(a)(ii) s22(1)(a)(ii)

s47E(d), 33(a)(iii)

Additional Estimates: 11 February 2016

D-1 DPRK

s47E(d), 33(a)(iii)

s47E(d) DFAT referred s47E(d) to the AFP on 27 March 2015 for possible breaches of Australian sanctions laws. s47E(d), 33(a)(iii)

A further company, s47E(d) was referred to the AFP on 27 August 2015 for possible breaches of Australian sanctions laws.

Both s47E(d) publicly renounced their DPRK operations following DFAT's involvement in their affairs in late 2014.

s22(1)(a)(ii)

Additional Estimates: 11 February 2016

D-1 DPRK

Prepared by:	Cleared by:
s22(1)(a)(ii) SAN	Justine Braithwaite, AS TSB
Phone: s22(1)(a)(ii)	Phone: x3121
Date: 27 April 2016	Date: 29 April 2016
Consultation: NAD	

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2(C) DPRK – Possible breaches of UN sanctions

s22(1)(a)(ii)

What is Australia doing about the possible breaches of UN sanctions by Australian companies seeking to undertake mining operations in the DPRK?

s22(1)(a)(ii)

- DFAT made two referrals to the Australian Federal Police in 2015 (one in March and one in August) regarding possible breaches of DPRK sanctions by Australian companies associated with a sub-licence to conduct mining operations in the DPRK
 - while these matters are investigated it would not be appropriate for me to comment further
 - although needless to say, DFAT will continue to support the AFP with its criminal investigations.

s22(1)(a)(ii)

- The Australian companies mentioned in the ABC story, s47E(d) and s47E(d) announced publicly in late 2014 that they would not be pursuing activities associated with the DPRK mining sub-licence

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

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Background

On 7 April 2016, the ABC ran a story suggesting breaches of UN sanctions by two Australian companies, s47E(d) given their involvement in mining activities in the DPRK. s22(1)(a)(ii) s22(1)(a)(ii)

s47E(d), 33(a)(iii)

s47E(d) DFAT referred s47E(d) to the AFP on 27 March 2015 for possible breaches of Australian sanctions laws. s47E(d), 33(a)(iii)

A further company, s47E(d) was referred to the AFP on 27 August 2015 for possible breaches of Australian sanctions laws.

Both s47E(d) publicly renounced their DPRK operations following DFAT's involvement in their affairs in late 2014. s22(1)(a)(ii)

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s22(1)(a)(ii)

Division: Legal Division	
Prepared by:	Cleared by Branch/Division Head:
s22(1)(a)(ii) SAN Section	Justine Braithwaite, AS TSB
Version 1, 04/10/2016	

Thanks for your email.

s47E(d)

If you have any queries, please let me know.

Best wishes,

s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade

Sanctions Section (SAN)	E s22(1)(a)(ii)
Sanctions, Treaties and Transnational Crime	T
Legal Branch (TSB)	
Legal Division (LGD)	W www.dfat.gov.au/sanctions

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From: s22(1)(a)(ii)
Sent: Friday, 15 April 2016 2:45 PM
To: s22(1)(a)(ii)
Subject: s47E(d)

~~[DLM - Sensitive: Legal] [SEC - UNCLASSIFIED]~~

~~UNCLASSIFIED~~

s47E(d)


Regards

s22(1)(a)(ii)



s22(1)(a)(ii)
HEAD OFFICE INVESTIGATIONS
CANBERRA OFFICE
Tel s22(1)(a)(ii)
www.afp.gov.au

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent:  Tuesday, 13 March 2018 9:40 AM
To: s22(1)(a)(ii)
Subject: 47E(d) potential breach of Charter of the United Nations (Sanctions – Democratic People's Republic of Korea) Regulations 2008 [~~SEC=UNCLASSIFIED, CAVEAT=SENSITIVE:LEGAL~~]
[~~SEC=UNCLASSIFIED~~]

~~UNCLASSIFIED~~

From: s22(1)(a)(ii)
Sent: Thursday, 27 August 2015 2:38 PM
To: 'AOCC-Client-Liaison' <AOCC-Client-Liaison@afp.gov.au>
Subject: 47E(d) potential breach of Charter of the United Nations (Sanctions – Democratic People's Republic of Korea) Regulations 2008 [~~SEC=UNCLASSIFIED, CAVEAT=SENSITIVE:LEGAL~~]

Dear colleagues,

Please find attached a referral from DFAT for a potential breach of the *Charter of the United Nations (Sanctions – Democratic People's Republic of Korea) Regulations 2008* by 47E(d)

If you have any questions, please don't hesitate to contact us.



47E(d)

Australian Federal
Police refe...

DOC040.PDF

Kind regards,
s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade

Sanctions Section (SAN) E | s22(1)(a)(ii)
Sanctions, Treaties and Transnational Crime T |
Legal Branch (TSB)
Legal Division (LGD) W | www.dfat.gov.au/sanctions

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AFP

AUSTRALIAN FEDERAL POLICE

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23 October 2017

s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221

Dear s22(1)(a)(ii)

I refer to your predecessor s22(1)(a)(ii) correspondence to the Australian Federal Police (AFP) dated 27 March and 20 August 2015 regarding allegations of breaches of United Nations sanctions by Australian companies 47E(d) respectively. As you are aware, these matters were evaluated and subsequently referred to AFP Head Office Investigations for investigation.

The AFP has undertaken a thorough investigation of these matters, however, on this occasion the outcome of the AFP's investigation has not afforded sufficiency of evidence to support the commencement of proceedings against any person or body corporate for a contravention of section 27 of the *Charter of the United Nations Act 1945*.

All reasonable avenues of enquiry have now been exhausted and the investigations have been finalised. Should evidence become available to the Department of Foreign Affairs and Trade, the AFP would be pleased to re-evaluate these matters.

Should you wish to discuss this matter further you can contact me on telephone s22(1)(a)(ii) or email s22(1)(a)(ii)

Thank you for referring these matters to the AFP.

Yours sincerely

s22(1)(a)(ii)

Detective Superintendent
Coordinator Head Office Investigations
Crime Operations

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CRIME OPERATIONS

GPO Box 401 Canberra City ACT 2601
www.afp.gov.au
ABN 17 804 931 143

Our Ref: 5777730/5850714

1 March 2017

s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221

Dear s22(1)(a)(ii)

I refer to your predecessor s22(1)(a)(ii) correspondence to the Australian Federal Police (AFP) dated 27 March and 20 August 2015 regarding allegations of breaches of United Nations sanctions by Australian company^{47E(d)}. As you are aware, these matters were evaluated and subsequently referred to AFP Head Office Investigations for investigation.

The AFP has undertaken a thorough investigation of these matters, however, on this occasion the outcome of the AFP's investigation has not afforded sufficiency of evidence to support the commencement of proceedings against any person or body corporate for a contravention of section 27 of the *Charter of the United Nations Act 1945*.

All reasonable avenues of enquiry have now been exhausted and the investigations have been finalised. Should further evidence become available to DFAT, the AFP would be pleased to re-evaluate these matters.

Should you wish to discuss this matter further you can contact me on telephone s22(1)(a)(ii) or email s22(1)(a)(ii)

Yours sincerely

s22(1)(a)(ii)

Detective Superintendent
Coordinator Head Office Investigations
Crime Operations



REFERRAL TO THE AFP

**TO: The Coordinator
Operations Monitoring Centre
Australian Federal Police**

Refer to the AFP Website for location details
(<http://www.afp.gov.au/contact.aspx>)

Investigation (part A)

Search Warrant Assistance (part A&C)

Proceeds of Crime (part A&B)

Forensic Assistance (part A&D)

Pre Referral Advice

PART A – REQUEST FOR INVESTIGATION

Refer to the AFP Website for information relating to referring matters to the AFP.
(<http://www.afp.gov.au/what-we-do/referrals.aspx>)

CONTACT DETAILS

Referring Agency:	DFAT
Agency Reference Number / Operation Name:	s47E(d)
Referring Officer/ Case Officer Contact:	Name: s22(1)(a)(ii) Telephone: s22(1)(a)(ii) Address: R G Casey Building John McEwen Crescent Barton ACT 0221 Email: sanctions@dfat.gov.au
Date of Referral:	27 March 2015

REFERRAL DETAILS

s47E(d)

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s47E(d)

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Approved by: s22(1)(a)(ii)

Director Sanctions

Date: 27 March 2015



REFERRAL TO THE AFP

**TO: The Coordinator
Operations Monitoring Centre
Australian Federal Police**

Refer to the AFP Website for location details
(<http://www.afp.gov.au/contact.aspx>)

Investigation (part A)	<input checked="" type="checkbox"/>	Search Warrant Assistance (part A&C)	<input type="checkbox"/>
Proceeds of Crime (part A&B)	<input type="checkbox"/>	Forensic Assistance (part A&D)	<input type="checkbox"/>
Pre Referral Advice	<input type="checkbox"/>		

PART A – REQUEST FOR INVESTIGATION

Refer to the AFP Website for information relating to referring matters to the AFP.
(<http://www.afp.gov.au/what-we-do/referrals.aspx>)

CONTACT DETAILS	
Referring Agency:	DFAT
Agency Reference Number / Operation Name:	s47E(d)
Referring Officer/ Case Officer Contact:	Name: s22(1)(a)(ii) Telephone: s22(1)(a)(ii) Address: R G Casey Building John McEwen Crescent Barton ACT 0221 Email: sanctions@dfat.gov.au
Date of Referral:	20 August 2015

s47E(d)

s47E(d)

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s47E(d)

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s47E(d)

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Approved by: s22(1)(a)(ii)

Director Sanctions

Date: 27 August 2015

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Wednesday, 25 October 2017 11:52 AM
To: s22(1)(a)(ii)
Cc:
Subject: RE: Sanctions Matters - DPRK [~~DLM-For Official Use Only~~]
Attachments: Letter of finalisation.pdf

~~For Official Use Only~~

Good afternoon s22(1)(a)(ii)

Please find attached letter regarding the finalisation of both sanctions matters pertaining to s47E(d)

Regards

s22(1)(a)(ii)

HEAD OFFICE INVESTIGATIONS
CANBERRA OFFICE
Tel s22(1)(a)(ii)
www.afp.gov.au



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s22(1)(a)(ii)

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Tuesday, 8 August 2017 3:07 PM
To: s22(1)(a)(ii)
Cc:
Subject: AFP Investigation s22(1)(a)(ii) ~~M=For-Official-Use-Only~~

~~For Official Use Only~~

Good afternoon s22(1)(a)(ii)

I refer to the matters DFAT referred to the Australian Federal Police (AFP), dated 27 March 2015 and 20 August 2015, regarding allegations of breaches of United Nations sanctions by Australian company s47E(d)

As you are aware on 9 March 2017, the AFP advised DFAT that the matters were finalised. I note that a request to re-consider the finalisation of these matters was sought by DFAT on 10 March 2017, s47E(d)
The AFP agreed to this s47E(d)

47E(d), 33(a)(iii)

Should you wish to discuss further, I can be contacted on the details below.

Regards,

s22(1)(a)(ii)
COORDINATOR HEAD OFFICE INVESTIGATIONS
CRIME OPERATIONS
Tel s22(1)(a)(ii) Mob s22(1)(a)(ii)
www.afp.gov.au



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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Friday, 10 March 2017 3:35 PM
To: s22(1)(a)(ii) Braithwaite, Justine
Subject: FW: URGENT:47E(d)
47E(d) [~~DLM-For Official Use Only~~]

~~For Official Use Only~~

From: s22(1)(a)(ii)
Sent: Friday, 10 March 2017 3:21 PM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: 47E(d)
Official Use Only

[~~DLM-For-~~

~~For Official Use Only~~

Afternoon s22(1)(a)(ii)
47E(d)

Regards,
s22(1)(a)(ii)



s22(1)(a)(ii)
COORDINATOR - HEAD OFFICE INVESTIGATIONS
CRIME OPERATIONS
Tel s22(1)(a)(ii) Mob s22(1)(a)(ii)
www.afp.gov.au

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s22(1)(a)(ii)

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s22(1)(a)(ii)

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s22(1)(a)(ii)

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Tuesday, 31 January 2017 1:40 PM
To: s22(1)(a)(ii)
Cc:
Subject: RE: DPRK sanctions matters [~~SEC=UNCLASSIFIED~~]

~~UNCLASSIFIED~~

Good afternoon s22(1)(a)(ii)
s47E(d), 33(a)(iii)

Regards,

s22(1)(a)(ii)



s22(1)(a)(ii)
HEAD OFFICE INVESTIGATIONS
CANBERRA OFFICE
Tel s22(1)(a)(ii) Ext s22(1)(a)(ii)
www.afp.gov.au

~~UNCLASSIFIED~~

From: s22(1)(a)(ii)
Sent: Friday, 13 January 2017 1:03 PM
To: s22(1)(a)(ii)
Cc:
Subject: DPRK sanctions matters [~~SEC=UNCLASSIFIED~~]

~~UNCLASSIFIED~~

Good afternoon s 22(1)(a)(ii)
s47E(d)

Kind regards

s22(1)(a)(ii)



s22(1)(a)(ii)
HEAD OFFICE INVESTIGATIONS
CANBERRA OFFICE
Tel s22(1)(a)(ii) Ext s22(1)(a)(ii)
www.afp.gov.au

~~UNCLASSIFIED~~

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Friday, 13 January 2017 1:03 PM
To: s22(1)(a)(ii)
Cc:
Subject: DPRK sanctions matters [~~SEC-UNCLASSIFIED~~]

~~UNCLASSIFIED~~

Good afternoon s22(1)(a)(ii)
s47E(d), 33(a)(iii), 42

Kind regards

s22(1)(a)(ii)



s22(1)(a)(ii)
HEAD OFFICE INVESTIGATIONS
CANBERRA OFFICE
Tel s22(1)(a)(ii)
www.afp.gov.au

~~UNCLASSIFIED~~

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AFP Web site: <http://www.afp.gov.au>

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Thursday, 1 September 2016 2:48 PM
To: s22(1)(a)(ii)
Subject: 47E(d) [~~DLM-Sensitive:Legal~~] [~~SEC-UNCLASSIFIED~~]
[~~SEC-PROTECTED, DLM-Sensitive:Legal~~]

~~PROTECTED, Sensitive:Legal~~

Good mornings22(1)(a)(ii)
s22(1)(a)(ii)

s47E(d), 42

s47E(d)

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s47E(d)

Kind regards

s22(1)(a)(ii)



s22(1)(a)(ii)
HEAD OFFICE INVESTIGATIONS
CANBERRA OFFICE
Tel s22(1)(a)(ii)
www.afp.gov.au

~~PROTECTED, Sensitive:Legal~~

From: s22(1)(a)(ii)

Sent: Wednesday, 31 August 2016 3:41 PM

To: s22(1)(a)(ii)

Cc:

Subject: 47E(d)

~~DLM-Sensitive:Legal~~

~~[DLM-Sensitive:Legal] [SEC-UNCLASSIFIED] [SEC-PROTECTED]~~

~~PROTECTED~~

~~Sensitive:Legal~~

s22(1)(a)(ii)

Thanks for taking the time to meet last week.

s47E(d)

Kind regards,

s22(1)(a)(ii)

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Director | Sanctions Section
Legal Division
Department of Foreign Affairs and Trade
Phone s22(1)(a)(ii)

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From: s22(1)(a)(ii)

Sent: Thursday, 11 August 2016 11:34 AM

To: s22(1)(a)(ii)

Cc:

Subject: s47E(d)

~~DLM=Sensitive:Legal]~~

~~[SEC=UNCLASSIFIED] [SEC=PROTECTED,~~

~~PROTECTED~~

~~Sensitive:Legal~~

s22(1)(a)(ii)

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Wednesday, 13 July 2016 1:56 PM
To: s22(1)(a)(ii)
Cc:
Subject: s47E(d)
~~DLM-Sensitive:Legal~~

~~[DLM-Sensitive:Legal] [SEC=UNCLASSIFIED] [SEC=PROTECTED,~~

~~PROTECTED~~
~~Sensitive:Legal~~

Hj s22(1)(a)(ii)

Thanks for your email.

Best wishes,
s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade

Sanctions Section (SAN)	E s22(1)(a)(ii)
Sanctions, Treaties and Transnational Crime	T
Legal Branch (TSB)	
Legal Division (LGD)	W www.dfat.gov.au/sanctions

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From: s22(1)(a)(ii)
Sent: Tuesday, 12 July 2016 11:05 AM
To: s22(1)(a)(ii)
Subject: s47E(d) ~~[DLM-Sensitive:Legal] [SEC-UNCLASSIFIED]~~

UNCLASSIFIED

Hi s22(1)(a)(ii)

s47E(d)

s22(1)(a)(ii)



s22(1)(a)(ii)
 HEAD OFFICE INVESTIGATIONS
 CANBERRA OFFICE
 Tel s22(1)(a)(ii)
www.afp.gov.au

UNCLASSIFIED

From: s22(1)(a)(ii)
Sent: Tuesday, 12 July 2016 10:29 AM
To: s22(1)(a)(ii)
Cc:
Subject: s47E(d) ~~[DLM-Sensitive:Legal] [SEC-UNCLASSIFIED]~~

UNCLASSIFIED

Hi s22(1)(a)(ii)

Thanks for your email.

s47E(d), 33(a)(iii), 33(b)

Kind regards,

s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade

Sanctions Section (SAN)	E s22(1)(a)(ii)
Sanctions, Treaties and Transnational Crime Legal Branch (TSB)	T
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s22(1)(a)(ii)

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s22(1)(a)(ii)

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DFAT DECLASSIFIED
COPY ISSUED UNDER FOI ACT 1982

From: s22(1)(a)(ii)
Sent: Friday, 15 April 2016 2:16 PM
To: s22(1)(a)(ii)
Cc: |
Subject: s47E(d)

[DLM - Sensitive Legal]

~~Sensitive: Legal~~

s47E(d)

DFAT DECLASSIFIED
COPY ISSUED UNDER FOI ACT 1982

Best wishes,
s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade

Sanctions Section (SAN)	E s22(1)(a)(ii)
Sanctions, Treaties and Transnational Crime	T
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s22(1)(a)(ii)

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86
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s22(1)(a)(ii)

DFAT DECLASSIFIED
COPY ISSUED UNDER FOI ACT 1982

From: s22(1)(a)(ii)
Sent: Tuesday, 22 March 2016 2:18 PM
To: s22(1)(a)(ii)
Subject: s47E(d)

[SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon s22(1)(a)(ii)

s47E(d)

Kind regards

s22(1)(a)(ii)



HEAD OFFICE INVESTIGATIONS
CANBERRA OFFICE
s22(1)(a)(ii)
www.afp.gov.au

~~UNCLASSIFIED~~

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Wednesday, 1 April 2015 1:27 PM
To: 'AOCC-Client-Liaison'
Subject: RE: DFAT referral s47E(d) breach of Australian sanction laws
~~[SEC=UNCLASSIFIED, CAVEAT=SENSITIVE:LEGAL] [SEC=UNCLASSIFIED]~~

Many thanks s22(1)(a)(ii)

Kind regards,
s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade

Sanctions Section (SAN) E | s22(1)(a)(ii)
Sanctions, Treaties and Transnational Crime T |
Legal Branch (TSB)
Legal Division (LGD) W | www.dfat.gov.au/sanctions

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From: AOCC-Client-Liaison [mailto:AOCC-Client-Liaison@afp.gov.au]
Sent: Wednesday, 1 April 2015 12:06 PM
To: s22(1)(a)(ii)
Cc: AOCC-Client-Liaison
Subject: RE: DFAT referral s47E(d) breach of Australian sanction laws ~~[SEC=UNCLASSIFIED, CAVEAT=SENSITIVE:LEGAL] [SEC=UNCLASSIFIED]~~

UNCLASSIFIED

Dears s22(1)(a)(ii)

Please be advised this referral is currently under evaluation by our Special References team.

We will be in contact once the evaluation is completed.

Kind regards,

s22(1)(a)(ii)



s22(1)(a)(ii)
FEDERAL AGENT
OPERATIONS SUPPORT
s22(1)(a)(ii)
www.afp.gov.au

UNCLASSIFIED

From: s22(1)(a)(ii)
Sent: Friday, 27 March 2015 1:24 PM
To: AOCC-Client-Liaison

Subject: DFAT referral -s47E(d) breach of Australian sanction laws [~~SEC UNCLASSIFIED~~,
~~CAVEAT-SENSITIVE-LEGAL~~]

Dear colleagues,

Please find attached a DFAT referral in respect of a suspected breach of Australian sanctions laws for the attention of the AFP Special Referrals team.

Please feel free to contact us if you have any questions.

Yours sincerely,
s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade

Sanctions Section (SAN)	E
	s22(1)(a)(ii)
Sanctions, Treaties and Transnational Crime Legal Branch (TSB)	T
Legal Division (LGD)	W www.dfat.gov.au/sanctions

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Thursday, 27 August 2015 3:28 PM
To: 'AOCC-Client-Liaison'
Subject: RE: Referral -s47E(d) potential breach of Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) Regulations 2008 [~~SEC=UNCLASSIFIED, CAVEAT-SENSITIVE-LEGAL~~] [~~SEC=UNCLASSIFIED~~]

Many thanks s22(1)(a)(ii)

Kind regards,
s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade

Sanctions Section (SAN) E | s22(1)(a)(ii)
Sanctions, Treaties and Transnational Crime T |
Legal Branch (TSB)
Legal Division (LGD) W | www.dfat.gov.au/sanctions

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From: s22(1)(a)(ii) **On Behalf Of** AOCC-Client-Liaison
Sent: Thursday, 27 August 2015 3:24 PM
To: s22(1)(a)(ii)
Subject: RE: Referral -s47E(d) potential breach of Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) Regulations 2008 [~~SEC=UNCLASSIFIED, CAVEAT-SENSITIVE-LEGAL~~] [~~SEC=UNCLASSIFIED~~]

~~UNCLASSIFIED~~

Good afternoon s22(1)(a)(ii)

Reference is made to your referral dated 27 August 2015 to the Australian Federal Police (AFP).

Please be advised this matter has been forwarded to the appropriate area for evaluation. A member of the AFP will be in contact with you as soon as possible to advise the best course of action in relation to this matter.

Regards,

s22(1)(a)(ii)



s22(1)(a)(ii)
A/TEAM LEADER, AOCC CLIENT LIAISON TEAM
OPERATIONS SUPPORT
Tel s22(1)(a)(ii)
www.afp.gov.au

~~UNCLASSIFIED~~

From: s22(1)(a)(ii)

Sent: Thursday, 27 August 2015 2:38 PM

To: AOCC-Client-Liaison

Subject: Referral s47E(d) potential breach of Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) Regulations 2008 ~~[SEC – UNCLASSIFIED, CAVEAT – SENSITIVE-LEGAL]~~

Dear colleagues,

Please find attached a referral from DFAT for a potential breach of the *Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) Regulations 2008* by s47E(d)

If you have any questions, please don’t hesitate to contact us.

Kind regards,

s22(1)(a)(ii)

Assistant Director, Legal
Department of Foreign Affairs and Trade

Sanctions Section (SAN)

E
| s22(1)(a)(ii)

Sanctions, Treaties and Transnational Crime Legal
Branch (TSB)

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Department of Foreign Affairs and Trade

Minute

DFAT - DECLASSIFIED
COPY ISSUED UNDER FOI ACT 1982

File no: 15/19788
Date: 19 February 2016

TO. Justine Braithwaite, Assistant Secretary Sanctions Treaties and Transnational
Crime Legal Branch
Through. s22(1)(a)(ii) Director Sanctions
FM. s22(1)(a)(ii) Assistant Director Sanctions

**POTENTIAL SANCTIONS BREACHES BY AUSTRALIAN COMPANIES INVOLVED IN
ACTIVITIES IN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA)**

s22(1)(a)(ii)

2. DFAT Sanctions Section (SAN) became aware of the activities of the companies and people raised in the ABC 7.30 Report for almost two years and took remedial action shortly after becoming aware of the issue. **Attachment A** summarises the background and compliance actions taken by SAN in relation to this issue, noting that this is the largest and most complex sanctions compliance issue undertaken by SAN. The successful impact of DFAT's assessment and treatment of the activities is outlined below.

s47E(d), 33(a)(iii)

3. s47E(d), 33(a)(iii)

4. s47E(d), 33(a)(iii)

~~PROTECTED Sensitive:Legal~~⁷⁴

s47E(d), 33(a)(iii)

5. s47E(d) DFAT's assessment of the situation resulted in the referral of two companies to the AFP for criminal investigation of suspected breaches of Australian sanction laws. s47E(d)
s47E(d)

6. s47E(d)

Australian companies, s47E(d) two publicly announced that they would not be continuing with their DPRK mining activities. s47E(d)

7. s47E(d), 33(a)(iii)

8.

9. s33(a)(iii), 47E(d)

Recommendation

10. For the above reasons, I recommend that you:

sign and date your decision

(a) note the actions taken by DFAT in relation to the suspected breaches of Australian sanctions law and the effects of DFAT's actions. noted / please discuss

Katrina Cooper
Senior legal Advisor

~~PROTECTED Sensitive:Legal~~