

**Australian Terrorism Suspect Protocol – Working Group**

**Friday 22 November 2013  
11.00am**

s.22

**RG Casey Building**

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DFAT advised that the meeting had been called on account of developments in the Yemen cases (Havard and bin John) s.33 (a) (i)

s.33 (a) (iii) & (b)

an explosion in Hadramawt Province, Yemen, had resulted in five deaths. Of the five killed, two were believed to be Australian nationals, Christopher Havard and Muslim bin John.

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s.33 (a) (iii) & (b)

s.33 (b)

it may be some time before the deaths could be confirmed, if they could be confirmed at all. s.33 (a) (iii)

s.33 (a) (i) assessed the report, including the death of Havard and bin John, to be plausible.

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s.22 [redacted]

s.22 [redacted]

s.22 [redacted]

s.22 [redacted]

s.22 [redacted]

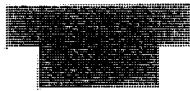
s.22 [redacted]

s.22 [redacted]

s.22 [redacted] the report was unconfirmed and uncorroborated. s.22 [redacted]

s.22 [redacted]





Attendees

DFAT

s.22 [Redacted]

AGD

s.22 [Redacted]

AFP

[Redacted]

PM&C

11. s.22 [Redacted] Senior Adviser Counter-Terrorism and Border Protection Policy

Defence

s.22 [Redacted]



s. 22

Subject:

FW: Protocol Case - Yemen

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Sent: Friday, 22 November 2013 3:15 PM

To: McCarthy, Margot; Shearer, Andrew

Cc: Sadleir, Richard; Smalley, Simon

Wood, Lynette

Subject: RE: Protocol Case - Yemen

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s. 22

Andrew / Margot

s. 33 (a) (iii) & (b)

there was an explosion in Hadramawt Governorate, Yemen, on 19 November 2013.

The explosion killed five al-Qa'ida in the Arabian Peninsula (AQAP) operatives, including two Australians

s. 33 (a) (ii)

the information is plausible and the two Australians are likely Christopher Havard and Muslim bin John (a dual

Australian - New Zealand citizen)

s. 33(a) (i)

at this stage the deaths remain unconfirmed.

s. 33(a) (iii) & (b)

s. 33 (a)

s. 33 (a) there has been some brief international media reporting that an airstrike occurred in Yemen on 19 November 2013. This was also briefly reported on news.com.au. The reports were non-specific and claim that three people had been killed.

s. 33 (a)

Regards

s. 22

s. 22

Counter-Terrorism and Border Security Policy  
National Security and International Policy Group  
The Department of the Prime Minister and Cabinet

s. 22

From: Smalley, Simon

Sent: Tuesday, 5 November 2013 1:53 PM

To: McCarthy, Margot; Shearer, Andrew

Cc: Wimmer, Sachin

Sadleir, Richard; Wood, Lynette

s. 22

Subject: Protocol Case - Yemen

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Importance: High

Andrew / Margot

s.22 [REDACTED] Australian citizen Christopher Havard has been in Yemen since February 2012, where he operates as part of al-Qa'ida in the Arabian Peninsula (AQAP).

s.33 (b) [REDACTED]

s.22 [REDACTED]

s.22 [REDACTED]

**Background**

s.33 (b) [REDACTED] Havard had likely participated in the kidnapping of two  
s.33 (a) (iii) Austrian hostage in Yemen earlier this year. [REDACTED]  
[REDACTED] AFP have also been investigating the kidnapping and have DNA match identifying Havard as one of the kidnappers [REDACTED]

Because of his engagement with AQAP, Havard's case has been considered to fall within the scope of the Protocol to be used in the event of an Australian suspected of terrorism making contact with an Australian Mission overseas or being detained overseas on suspicion of terrorism 2011 ('the Terrorism Protocol').

s.22 [REDACTED]

Kind regards

Simon

Simon Smalley  
Assistant Secretary  
Border and Counter-Terrorism Policy  
Department of the Prime Minister and Cabinet

s.22 [REDACTED]

s.22 [REDACTED]

s.22

**Subject:** FW: Yemen - contingency media talking points

s.22

s.22

**Importance:** High

**From:** s.22

**Sent:** Thursday, 12 December 2013 11:51 AM

**To:** Shearer, Andrew; McCarthy, Margot; Sadleir, Richard

**Cc:** Higgle, Mark; s.22; Wood, Lynette; Connick, Lynwen;

s.22

**Subject:** FW: Yemen - contingency media talking points

s.22

**Importance:** High

Andrew, Margot and Richard

Further to Simon's email on Friday evening, the Australian Federal Police (AFP) has confirmed, through DNA comparison, that Australian national Christopher Havard was killed in Yemen on 19 November 2013.

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- IDC

3pm, Wednesday 7 August 2013

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RG Casey Building

Summary record

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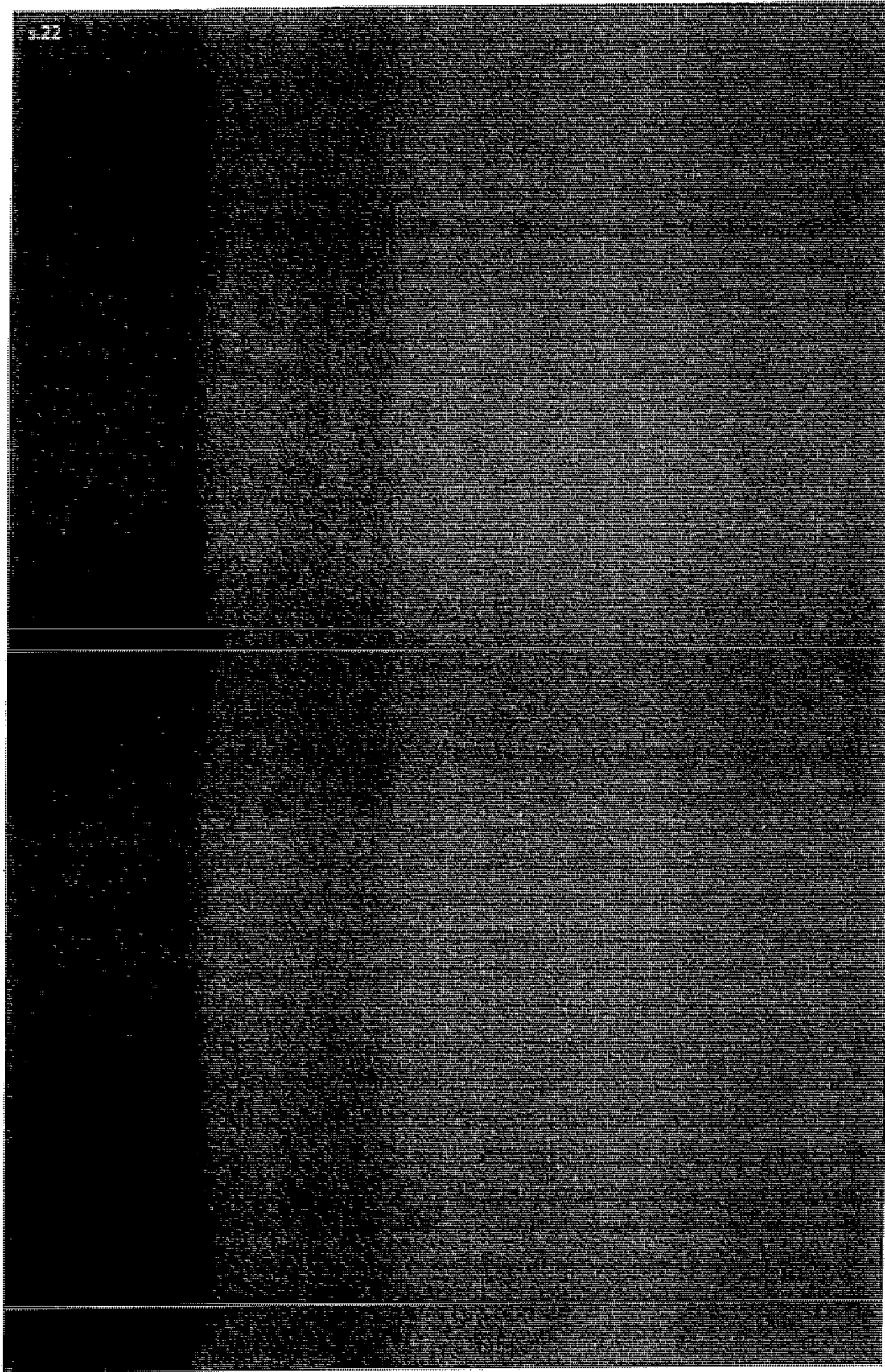


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*Potential new case*

On 14/11/2001, a potential new case had arisen. s.33(a)(iii)  
Two Australian nationals were thought to be in Yemen, exact location and  
current activities unknown. Both were suspected of having engaged in terrorism-related  
activities. s.33(a)(iii) & (c)

the men  
appeared to have a connection with Al Qa'ida in the Arab Peninsula (AQAP). s.33(a)(iii)

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would wish to lay charges

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It was possible that the AFP

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Attendees

**DFAT**

1. Ambassador for Counter-Terrorism, Bill Ferguson (Chair)

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**AGPS**

7. Geoff MacDonell, F&S, National Security Law and Policy Division

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**AFI**

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**Defence**

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**DSD**

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**DIAC**

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**PM&C**

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Border and Counter-Terrorism Policy Branch

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Page 15

s. 22

**Subject:** FW: Possible Media - Yemen - Death of Australians s. 22  
**Attachments:** MTPs - Australian death in Yemen - v 4 (2).docx  
**Importance:** High

**From:** s. 22  
**Sent:** Monday, 14 April 2014 8:58 AM  
**To:** Shearer, Andrew; Higgie, Mark  
**Cc:** McCarthy, Margot; Connick, Lynwen; Wood, Lynette; McFarlane, Steve; Smalley, Simon; Angus, Chris; Strahan, Lachlan; s. 22  
**Subject:** FW: Possible Media - Yemen - Death of Australians s. 22  
**Importance:** High

Andrew, Mark,

s. 22

Regards,

s. 22

**From:** s. 22  
**Sent:** Friday, 11 April 2014 5:23 PM  
**To:**  
**Cc:** McCarthy, Margot; Connick, Lynwen; Wood, Lynette; McFarlane, Steve; Smalley, Simon; Angus, Chris; Strahan, Lachlan; s. 22  
**Subject:** FW: Possible Media - Yemen - Death of Australians s. 22  
**Importance:** High

Andrew and Mark

We understand that there may be media over the weekend (likely by Paul Maley of *the Australian*) on the deaths of two Australians in Yemen, one of whom was a dual national, in late 2013.

DFAT is the primary contact for this matter.

Contingency talking points have been developed by DFAT, in consultation with relevant agencies — attached for your reference.

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Kind Regards,

s. 22  
A/g Assistant Secretary  
Domestic Security Branch | National Security Division  
Department of the Prime Minister and Cabinet

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s. 22



Australian Government  
Department of Foreign Affairs and Trade

## CONSULAR MEDIA TALKING POINTS

Subject: Australians killed in Yemen  
Date/Version: 1730hrs, 11 April 2014 (Version 4)  
Post: Riyadh, Saudi Arabia

### Talking Points

Can confirm the deaths in late 2013 of two Australians in Yemen, one of whom was a dual national

we understand the men were killed during a counter-terrorism operation

; do not intend to discuss its details.

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s. 33 (b)

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ONCE CLEARED TPs SHOULD BE EMAILED TO RELEVANT MEDIA AND POLICY ADVISERS IN THE  
MINISTERS' OFFICES AND TO THE MEDIA LIAISON SECTION (-M-MLS-Talking\_Points)

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Forensic analysis by the AFP has confirmed the death in Yemen on 19 November of Australian national Christopher Havard. s. 22

s. 22 Mr Havard was associated with terrorist group Al-Qaeda in the Arabian Peninsula (AQAP). s. 22

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s. 22 possible death of Australian-New Zealand dual national Muslim bin John s. 47F at the same time. s. 22

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ONCE CLEARED TPS SHOULD BE EMAILED TO RELEVANT MEDIA AND POLICY ADVISERS IN THE MINISTERS' OFFICES AND TO THE MEDIA LIAISON SECTION (-M-MLS-Talking Points)

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ONCE CLEARED TPS SHOULD BE EMAILED TO RELEVANT MEDIA AND POLICY ADVISERS IN THE  
MINISTERS' OFFICES AND TO THE MEDIA LIAISON SECTION (-M-MLS-Talking\_Points)

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**Subject:** FW: Seeking urgent clearance on consular TPs re: Yemen s.22  
**Attachments:** MTPs - Australian death in Yemen - v 3.docx  
**Importance:** High

**From:** s.22  
**Sent:** Friday, 11 April 2014 4:23 PM  
**To:** s.22  
**Cc:**  
**Subject:** RE: Seeking urgent clearance on consular TPs re: Yemen s.22  
**Importance:** High

Hi s.22

Thanks for the opportunity to review these TPs again.

As discussed, we are comfortable with the majority of the document s.22

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Counter-Terrorism and Border Security  
Department of the Prime Minister and Cabinet  
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**From:** s.22  
**Sent:** Friday, 11 April 2014 4:01 PM  
**To:** s.22  
**Subject:** RE: Seeking urgent clearance on consular TPs re: Yemen s.22

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Kind regards,

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s. 22

From: s. 22

Sent: Friday, 11 April 2014 3:36 PM

To: s. 22

Subject: Seeking urgent clearance on consular TPs re: Yemen s. 22

Importance: High

Good afternoon all,

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Kind regards,

s. 22

Department of Foreign Affairs and Trade

Consular Operations Team A – Asia, Pacific and India (CSA)

Consular Operations Branch (CNB)

Consular and Crisis Management Division (CCD)

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W | [www.dfat.gov.au](http://www.dfat.gov.au)

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Australian Government  
Department of Foreign Affairs and Trade

## CONSULAR MEDIA TALKING POINTS

**Subject:** Australians killed in Yemen  
**Date/Version:** 11 April 2014 (Version 3)  
**Post:** Riyadh, Saudi Arabia

### Talking Points

*Can confirm the deaths in late 2013 of two Australians in Yemen, one of whom was a dual national*

- we understand the men were killed during a counter-terrorism operation*
  - : do not intend to discuss its details.*

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*: the Australian Federal Police assisted in the identification of remains.*

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ONCE CLEARED TPs SHOULD BE EMAILED TO RELEVANT MEDIA AND POLICY ADVISERS IN THE  
MINISTERS' OFFICES AND TO THE MEDIA LIAISON SECTION (-M-MLS-Talking\_Points)

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Forensic analysis by the AFP has confirmed the death in Yemen on 19 November of Australian national Christopher Havard. s. 22

s. 22 Christopher was associated with terrorist group Al-Qaeda in the Arabian Peninsula (AQAP). s. 22

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s. 22 possible death of Australian-New Zealand dual national Muslim bin John s. 47F at the same time. s. 22

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ONCE CLEARED TPS SHOULD BE EMAILED TO RELEVANT MEDIA AND POLICY ADVISERS IN THE MINISTERS' OFFICES AND TO THE MEDIA LIAISON SECTION (-M-MLS-Talking\_Points)

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ONCE CLEARED TPS SHOULD BE EMAILED TO RELEVANT MEDIA AND POLICY ADVISERS IN THE  
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