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SB18-000495

**INTERNATIONAL RELATIONS 14: YEMEN CONFLICT**

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- Defence does not conduct operations in Yemen, Yemeni territorial waters or Yemeni airspace, nor do we currently have a defence relationship with Yemen.
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**Current media**

*Nil*

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**BACKGROUND**

**KEY POINTS**

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- Defence will not comment on the employment of former ADF members, including those employed in security roles in the UAE and throughout the Middle East.
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**Media reports of former ADF personnel working as ‘mercenaries’ in the Yemen conflict**

- Defence is aware that former ADF members are employed in security roles in the UAE and throughout the Middle East.

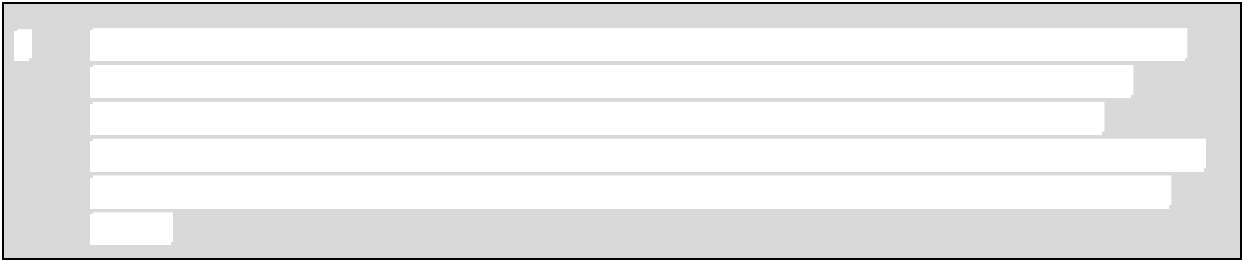
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- Defence will not comment on the employment of former ADF members, or provide details of previous ADF service for privacy reasons.

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<b>Contact:</b>	Linda McCann, A/ASGI, s47F	<b>Min ID:</b>	SB18-000495
		<b>Division:</b>	IP DIV
<b>Cleared by:</b>	Scott Dewar, FASIP, s47F	<b>Created:</b>	22 Nov 2017
		<b>Updated:</b>	19 Feb 2018
<b>Consulted:</b>	s47F            Assistant Director Gulf States Section, DFAT, s47F		



**Australian Government**  
**Department of Defence**

## MEDIA ENQUIRY

<b>Title: 14 Qs – AUS Assistance in Yemen War</b>	
<b>Journalist:</b> s47F	<b>Publication:</b> ABC
<b>Enquiry Received:</b> 06/12/2018 1727	<b>Due to MECC:</b> 10/12/2018 1700
<b>Responsible Minister:</b> OMINDEF	

### Question:

*Below are questions about Australia's role assisting the United Arab Emirates (UAE) and the Kingdom of Saudi Arabia (KSA) as part of their coalition war in Yemen, including the associated role of retired Australian Army Major General Mike Hindmarsh (Mr Hindmarsh).*

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*The questions are:*

1. According to Defence FOI 030/1819, found here [http://www.defence.gov.au/FOI/Docs/Disclosures/030\\_1819\\_Docs.pdf](http://www.defence.gov.au/FOI/Docs/Disclosures/030_1819_Docs.pdf), in June 2009, then chief of Army Lieutenant General Ken Gillespie supported Mr Hindmarsh's

*request to travel to the United Arab Emirates to explore employment opportunities. What form did this "support" take? Was it formal? Can you provide the documentation or an excerpt of the documentation?*

*2. What was Lieutenant General Gillespie's understanding of the nature of the "employment opportunities" that Mr Hindmarsh planned to "explore"? Did he know that MH's planned to raise and then command an elite paramilitary command, the UAE's Presidential Guard?*

*3. Have other former senior ADF members also sought the "support" - whether formal or not - of ADF leadership to work for or with elements of the UAE state that are military, paramilitary or national security in purpose? An example of such an officer is former SASR XO MAJ Terry O'Farrell.*

*4. According to Defence information released to me under FOI (see here: [http://www.defence.gov.au/FOI/Docs/Disclosures/030\\_1819\\_Docs.pdf](http://www.defence.gov.au/FOI/Docs/Disclosures/030_1819_Docs.pdf)) Mr Hindmarsh retired from the Australian Defence Force on 1 October 2008, at which point he volunteered to be placed on the Standby Reserve list. He completed five years on the Standby Reserve list on 1 October 2014. That means he retained a connection to the ADF for the first four-and-a-half years as commander of the Presidential Guard. Does that represents a conflict of interest?*

*5. Mr Hindmarsh is the commander of the Presidential Guard. The Presidential Guard has a documented role taking direct part in hostilities in Yemen (examples provided upon request). Do you consider that to mean Mr Hindmarsh has taken a direct part in hostilities, given his role commanding combat troops in Yemen?*

*6. Given that Mr Hindmarsh is not serving in the UAE at the request of or for the benefit of the Australian government, do you consider that he took his position in the UAE for the purposes of private gain?*

*7. Is Defence aware that Mr Hindmarsh may have provided ADF intellectual property, tactics, techniques and procedures (TTPs) or other classified or sensitive information to the UAE outside of accepted channels?*

*8. The ABC has discovered dozens of former ADF members who, since the Yemen war began, have trained elements of the UAE Armed Forces (primarily the Presidential Guard). Most of them are former members of the Australian Army's two major special forces elements, the commandos and the SASR. Is Defence concerned that ADF tactics, techniques and procedures TTPs are being provided to a nation accused of ongoing war crimes in Yemen?*

*9. Major Terry O'Farrell was the SASR XO prior to his retirement in 2004 and spent 38 years with the SASR. Since then he has played a crucial role within the UAE military system, helping them set up special forces, the Presidential Guard, and an intelligence agency; he now co-owns and operates a military recruitment company in Abu Dhabi, "Arrow Management Consulting LLC". Is Defence concerned about the possibility that Mr O'Farrell is providing ADF intellectual property, tactics, techniques and procedures (TTPs) or other classified or sensitive information to the UAE outside of accepted channels?*



**Response:**

*Restrictions on ex-service members*

- Due to the Privacy Act, Defence is unable to provide service details on individual members currently or formerly serving with the ADF, without written consent.
- The following provisions reflect Departmental policy on the separation of ADF members:
  - Former ADF personnel, like all Australian citizens, are subject to Australian law. In accordance with sections 70 and 79 of the Crimes Act 1914 (Commonwealth), former ADF personnel must not disclose

facts or documents which it is their duty not to disclose, or to treat as secret. Unauthorised disclosures are referred to the Australian Federal Police (AFP) for investigation and potential criminal prosecution. ADF Techniques, Tactics and Procedures are subject to the same legal controls, depending on the degree of sensitivity. Absent a duty not to disclose, former ADF personnel are not prohibited from using the skills they have gained in the course of their employment in their subsequent careers.

- The Australian Army requires Regular Army personnel, and Army Reserve personnel who are rendering continuous full-time service, to disclose their intention to seek post separation employment if the nature of work could be considered sensitive or a conflict of interest. The Australian Army does not require personnel on the Standby Reserve list to advise of potential conflicts of interest as these personnel do not render service and are not under a service obligation. The Australian Army provides clear guidance on the avoidance of actual or perceived conflicts of interest associated with post-separation employment, and is prepared on a case-by-case basis to implement measures to mitigate conflicts of interest, including by means of seeking undertakings from separating members or private companies.
- The employment of personnel with previous service in other foreign militaries is common practice globally. The ADF has its own targeted recruiting schemes whereby former foreign military personnel are recruited to the ADF as 'lateral transfers' in order to meet particular skill and experience capability requirements not available within the ADF.

#### *Bilateral defence relations with the UAE*

- Australia's strategic interests in the Middle East region include preventing the spread of violent extremism, supporting regional stability and securing vital trade and energy flows. Defence values the UAE's cooperation in the Combined Maritime Forces and the Global Coalition Against Daesh. Defence engages with MAJGEN Hindmarsh (Retd) as a representative of the military forces of a foreign country. Defence maintains working relationships with a wide range of senior UAE defence officials, including MAJGEN Hindmarsh (Retd), to support the pursuit of our foreign policy objectives in the Middle East.
- Australia is not involved in the Yemen conflict. The Australian Government continues to make representations to the parties involved reiterating the importance of allowing unhindered humanitarian access and the need to respect international law. The Australian Government has contributed \$23 million in 2018 to assist the Yemeni people bringing total humanitarian commitments since 2009 to \$44 million. Australia welcomes the commencement of peace talks in Sweden between the Republic of Yemen Government and the Houthis and calls on those involved in these talks to engage genuinely to bring an end to this conflict.



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The first is the role played by a group of former Defence members who have taken positions with the UAE Armed Forces as either private military contractors or as uniformed members. Prominent among them is former Australian SOCAUST and TF633 commander, MAJGEN Mike Hindmarsh (Ret'd), who is now a general in the UAE Armed Forces and serves as the commander of the UAE Armed Force's Presidential Guard Command.

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Major General Michael Simon Hindmarsh AO DSC CSC (Retd), discharged from the regular Australian Army in 2009. Defence is unable to provide information regarding his current role. He is not employed by the Australian Army in the UAE.

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**Clearances:**

<b>Group/Service</b>	<b>Name</b>	<b>Appointment/Role</b>	<b>Contact Number</b>	<b>Date and Time</b>
Drafted by: Contact Officer	s47F	Director Middle East	s47F	1530 10 Dec 18

Strategic Policy & Intelligence Group	Clair McNamara	Assistant Secretary Global Interests	16:30 10 Dec 18
Military Strategic Commitments			00:00 XX XXX 18
Strategic Comms Advisor			00:00 XX XXX 18
MECC/Media			00:00 XX XXX 18
OSEC/OCDF			00:00 XX XXX 18

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SB19-000027

## **AUSTRALIA – UNITED ARAB EMIRATES (UAE) DEFENCE RELATIONSHIP**

### **ISSUE**

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Defence values the UAE's cooperation in the Combined Maritime Forces and the Global Coalition Against Daesh. As acknowledged in the 2016 Defence White Paper, Australia will continue to develop its strong defence relationship with the UAE. On 13 December 2018, the ABC 7.30 Report aired a segment suggesting Australia was implicated in the UAE's conduct of the war in Yemen because of Australian military exports to the UAE, and the UAE Armed Forces' employment of former ADF personnel working for the UAE Armed Forces, in particular MAJGEN Mike Hindmarsh (Retd).

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## HEADLINE RESPONSE

### Status of MAJGEN Mike Hindmarsh (Retd)

- MAJGEN Hindmarsh retired from the Australian Regular Army on 1 October 2009.
- He is currently the Commander of the United Arab Emirates Presidential Guard.
- The employment of personnel with previous service in other foreign militaries is a common practice globally.
  - The ADF has its own targeted recruiting schemes whereby former foreign military personnel are recruited to the ADF as 'lateral transfers' in order to meet particular skill and experience capability requirements not available within the ADF.
- Defence engages with MAJGEN Mike Hindmarsh (Retd) as a representative of the military forces of a foreign country.
  - Defence maintains working relationships with a wide range of senior UAE defence officials, including MAJGEN Hindmarsh (Retd), to support the pursuit of our foreign policy objectives in the Middle East Region.

### Is MAJGEN Hindmarsh (Retd) directing UAE forces in the war in Yemen?

- This is a matter for the UAE.

### Is MAJGEN Hindmarsh (Retd) complicit in war crimes in Yemen?

- Defence is not responsible for making rulings on matters of criminal conduct.
- This is a matter for the Attorney General's Department and the Australian Federal Police.

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## BACKGROUND

### KEY POINTS

#### **Restrictions on ex-service members serving with foreign military forces**

- Due to the Privacy Act, Defence is unable to provide service details of individual members currently or formerly serving with the ADF, without written consent.
- The following provisions reflect Departmental policy on the separation of ADF members:
  - Former ADF personnel, like all Australian citizens, are subject to Australian law.
  - This includes a duty to protect sensitive and classified information under the Crimes Act.
  - ADF Techniques, Tactics and Procedures are subject to the same legal controls, depending on the degree of sensitivity.
  - The Australian Army requires Regular Army personnel, and Army Reserve personnel who are rendering continuous full-time service, to disclose their intention to seek post separation



employment if the nature of work could be considered sensitive or a conflict of interest.

- The Australian Army does not require personnel on the Standby Reserve list to advise of potential conflicts of interest as these personnel do not render service and are not under a service obligation.
- The Australian Army provides clear guidance on the avoidance of actual or perceived conflicts of interest associated with post-separation employment, and is prepared on a case-by-case basis to implement measures to mitigate conflicts of interest, including by means of seeking undertakings from separating members or private companies.

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**RELEVANT MEDIA (up to one month prior to date of brief creation/update)**

*14 December 2018, ABC Online, "Australian Army veterans advising foreign army accused of war crimes. Australian defence force veterans are earning tens of thousands of US dollars a month in the United Arab Emirates advising troops fighting in a bloody Middle East conflict dogged by allegations of war crimes and indiscriminate civilian casualties, an ABC investigation can reveal."*

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**Other Questions on Notice**

- On 24 July 2018, Senator Peter Whish-Wilson, Australian Greens, submitted **Senate Qon 883 - Relationship with UAE** regarding Australia's defence engagement with the UAE and interactions with MAJGEN Hindmarsh (Retd) in light of the war in Yemen. **A response was provided for tabling on 12 December 2018.**

## FREEDOM OF INFORMATION (FOI)

- s22 [REDACTED]
- [REDACTED]
- In August 2018, a media organisation sought access under FOI to documents “regarding former or serving Defence members involved in the war in Yemen”. Three documents were released in November 2018.
- s22 [REDACTED]

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[REDACTED]

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**Min ID:** SB19-00027  
**Division:** International Policy Division

**Cleared by:** Hugh Jeffrey, First Assistant Secretary International Policy  
Ph: s47F

**Created:** 08 Jan 2019  
**Updated:** 15 Jan 2019 11:00 AM

**Consulted:** s47F Director Sensitive and Strategic Issues Management - Army Ph: s47F



**COPY**

**THE HON CHRISTOPHER PYNE MP**  
**MINISTER FOR DEFENCE**  
**LEADER OF THE HOUSE**  
**MEMBER FOR STURT**

Major General Mike Hindmarsh  
Commander of the UAE Forces Presidential Guard  
UNITED ARAB EMIRATES

03 APR 2019

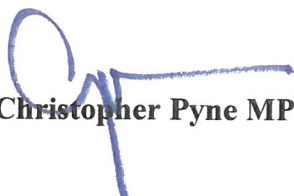
  
Dear Major General Hindmarsh

Thank you for taking the time to meet with me on Monday 14 January 2019 during my visit to the United Arab Emirates (UAE). I appreciated the opportunity to exchange views on matters of regional and global security.

The UAE has been a constant and reliable friend and partner for Australia in the region, and I am pleased that our defence relationship continues to flourish. The partnership between Australia and the UAE makes a substantial contribution towards the security, prosperity and stability of the Middle East.

It was a pleasure meeting with you and I look forward to seeing the relationship grow between Australia and the UAE.

Yours sincerely

  
Christopher Pyne MP