

Senate Standing Committees on Foreign Affairs, Defence and Trade
Inquiry into Australia's sanctions regime

Topic: ASO staffing numbers

Senator Simon Birmingham

Question

Senator BIRMINGHAM: How has that varied over recent years?

Ms Heckscher: That's a very good question, and I will have to take on notice the exact details.

Answer

As of December 2024, the Australian Sanctions Office (ASO) has **28.8** allocated ASL. This is an increase from recent years – the ASO had **14.3** allocated ASL in 2023, **16** allocated ASL in 2022 and **10** allocated ASL in 2021. ASL allocations vary from actual staffing numbers, which are typically lower due to staff turnover.

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Topic: Sanctions engagement with like minded countries

Senator Simon Birmingham

Question

Senator BIRMINGHAM: I was expecting to get the same answer, but in February this year, again, there was a welcome series of financial sanctions and travel bans on 55 persons and 37 entities relating to Russia's deportation of Ukrainian children from regions under temporary Russian control. We all agree in terms of the heinous nature of those acts. In many cases, these same sanctions were imposed by the European Union in June last year, the UK in July last year, the US in August last year and Canada in September last year but not by Australia until February last year. You gave a general answer to the Mahsa Amini question, but are you able to come to some more specifics about what are the barriers or the hurdles to see Australia acting so much later than our like-minded partners?

Ms Heckscher: In my opening statement I made some comments about what we do in relation to each consideration of sanctions. I think you have probably heard DFAT officials say many times before you in estimates and the like that sanctions are a tool. They're not the only tool. They're not necessarily the first or the most appropriate tool. Every single time we use a sanction, we take into account a wide range of things. I come back to the point that there are differences between countries. If you were to compare all of the different countries that impose sanctions, you would find a lot of differences in timing across a lot of different things. Every country has to look at its own frameworks, its own legal thresholds, and make its own decisions.

Senator BIRMINGHAM: I know part of the complexity that I do want us to unpack, but often, of course, particularly in estimates where we are asking questions about why not or whether someone will, those questions always run into the 'we don't speculate' point.

Ms Heckscher: We don't speculate.

Senator BIRMINGHAM: Indeed. The reason I'm looking backwards at cases that have been made, at decisions that have been made and at those examples, is they're not matters of speculation. The minister has acted upon recommendations to apply sanctions in these various cases. It is useful, then, to try to understand and get some detail in terms of unpacking the detailed Russian ones I just gave in relation to those 55 persons and 37 entities. When did Australia start to undertake the assessments on those individuals?

Ms Heckscher: I don't have that level of detail with me. I would actually have to take that one on notice.

Answer

Consistent with longstanding practice, we do not speculate on potential sanctions measures. As a general rule, DFAT's analysis of potential sanctions is an ongoing process that considers a range of factors, including changes in the strategic context (such as crisis or conflict events) and actions by Australia's like-minded partners.

DFAT's analysis is often informed by information provided by international partners. While Australia has imposed sanctions on persons and entities that have also been designated by our partners, DFAT undertakes its own analysis to ensure Australia's legal thresholds and requirements are met and that the sanctions are in Australia's national interest.

This approach was followed in the lead up to sanctions announced in February 2024 to mark two years since Russia's full-scale invasion of Ukraine, as well as other Russia-related sanctions. Australia regularly engages international partners on Russia-related sanctions, including Ukraine, the United States, the United Kingdom, Canada, New Zealand, Japan and the European Union. Sanctions frameworks, processes, legal thresholds, priorities, impacts and national interests differ between partners, meaning each partner maintains a unique set of designations.

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Topic: Iran Sanctions

Senator Simon Birmingham

Question

Senator BIRMINGHAM: To go back to one of the other examples I gave, did Australia conduct its own research to work out who was responsible for the killing of Mahsa Amini?

Ms Moules: Just to confirm, sometimes the human rights cases are applied under country frameworks as opposed to the Magnitsky frameworks. Mahsa Amini was under the Iran sanctions framework. I'm afraid we don't have anyone here from the Middle East area, but we're happy to take that specific case on notice. That was applied not under Magnitsky but under the Iran sanctions framework.

Senator BIRMINGHAM: But you get the point I'm making?

Ms Moules: We do.

Answer

Sanctions are one of a suite of possible tools available to the Government to respond to situations of international concern. Decisions to impose human rights sanctions, and the timing of any sanctions, are considered on a case-by-case basis and made in the national interest. Specific sanctions frameworks, processes, legal thresholds, priorities, impacts and national interests differ between jurisdictions which may also have a bearing on timing.

Australia continuously monitors situations of international concern, and considers how to respond to egregious human rights abuses and violations on an ongoing basis. While sanctions are rarely the Government's first choice, early consideration is given to whether they may be an appropriate tool to respond in any given situation.

DFAT collaborates and coordinates with like-mindeds on human rights sanctions both through regularised meetings and ad hoc discussions. This may include discussion on the potential use of sanctions to respond to a human rights situation of concern, specific targets being considered for listing, and sharing of evidence.

The Government took decisive action to hold Iran to account for its egregious behaviour following the death of Mahsa Amini on 16 September 2022 and Iran's violent crackdown on protests. The Prime Minister and Foreign Minister condemned this publicly, DFAT directly conveyed concerns to Iranian officials, and Australia worked with partners in multilateral forums to establish a UN fact-finding mission to investigate Iran's human rights abuses, including its brutal suppression of protests, and to remove Iran from the UN Commission on the Status of Women.

As a further response to Iran's egregious behaviour, the Government imposed its first tranche of thematic human rights sanctions on Iranian targets involved in the oppression of women and girls and the violent suppression of protests sparked by Mahsa Amini's death on 10 December 2002. Listings included Seyed Sadegh Hosseini, a senior commander of the Islamic Revolutionary Guard Corps for his role in the indiscriminate use of violence against protestors, as well as Iran's Morality Police and the Basij Resistance Force, implicated in unlawful killings, beatings, and sexual assaults during the same crackdown.

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Consistent with the Government's approach to any sanctions, DFAT drew on a range of source material, including information provided by like-minded governments, and DFAT's own research in developing this package. DFAT was in contact with partners during its development and considered sanctions action already taken by like-minded.

The Government imposed a further two tranches of thematic human rights sanctions on Iranian individuals and entities in February and March 2023. This included on senior law enforcement, political and military figures within the Islamic Revolutionary Guard Corps, and on four members of the Morality Police who were responsible for the arrest, detention and ill-treatment of Mahsa Amini.

In September 2023, Australia expanded the Iran autonomous sanctions framework criteria to enable sanctions to be imposed in response to a broader range of conduct, including the oppression of women and girls in Iran, the general oppression of people in Iran, or the undermining of good governance or the rule of law in Iran. This expanded criteria has since been used to sanction individuals involved in harshly enforcing Iran's mandatory hijab rules, obtaining forced confessions from detained protestors, broadcasting false claims against detainees, defending and promoting the repressive actions of Iranian security forces, and using excessive and lethal force against protestors (including women and children); and to sanction entities involved in producing and broadcasting forced confessions, restricting and surveilling the use of internet in Iran, and arbitrarily arresting people for online criticism of the Iranian regime. These sanctions were imposed on 13 September 2023 and 16 September 2024 around the first and second anniversaries of Mahsa Amini's death. Likeminded partners (Canada, UK, US) also announced sanctions around the anniversary of Mahsa Amini's death.