

**Foreign Affairs, Defence and Trade references Committee Inquiry – Effectiveness  
of the Australian Government’s response to Australian citizens who are  
kidnapped and held for ransom overseas**

**Private Submission**

This submission addresses the terms of reference (a), (b), (c) and (d). Nicole Bonney makes this submission on behalf of myself and my family including Heather and Geoff Brennan, Matthew and Kellie Brennan, Hamilton and Amelia Brennan. This terms of this submission are in regards to Nigel Brennan, an Australian citizen, who was kidnapped and held hostage for 462 days in Somalia in August 2008 by a criminal gang and the response of a number of Government agencies both Australian and international. Nigel Brennan was finally released in November 2009 after engaging a private company expert learned in kidnap and ransom procedures and a substantial ransom was paid. This was achieved after 11 months of unsuccessful negotiation on behalf of the Australian government

**The Senate Foreign Affairs, Defense and Trade References Committee is inquiring into the following matter:**

**(a) the effectiveness of the Australian Government’s response to Australian citizens who are kidnapped and held for ransom overseas, including but not limited to the response of the Australian Federal Police, the Department of Foreign Affairs and Trade and the consular assistance in the relevant country;**

**CASE SUMMARY**

Nigel Brennan was kidnapped in Mogadishu Somalia on the 23<sup>rd</sup> August 2008. Kellie

Brennan (Nigel's sister in law) was first informed of this by journalist Glenda Kwek. Kellie passed this information on to Heather Brennan. Initially, upon Heather Brennan contacting DFAT, Nigel's kidnapping could not be confirmed. Confirmation from DFAT came in several hours later; this confirmation source was unknown and not forthcoming to the Brennan family. In the early hours of Monday the 25<sup>th</sup> August Nicole Bonney answered an incoming call to Heather and Geoff Brennan's land line phone. This phone call was from Nigel's kidnappers. A representative spokesperson of the kidnappers by the name of Adan informed Nicole that Nigel had been kidnapped and there was a ransom of 1.5 million dollars for his release. During this call Adan indicated there would be another phone call forthcoming. Nicole rang [REDACTED] from DFAT who in turn contacted AFP. The AFP were unable to mobilize rapidly enough so requests were made to Qpol to assist. Qpol negotiators initiated NOK training to obtain a POL from Nigel with Nicole Bonney. Qpol was present for initial POL questions and response calls. Qpol were removed from 'Operation Mane' between days 5-7 during which time the AFP had fully mobilized into the Brennan family house. The removal of QPol officers permanently from the case was very distressing for the family and when [REDACTED] of the AFP was questioned about these moves by the Brennan family no satisfactory answer were given. Upon full mobilization of AFP negotiators both the NOK phone and Nicole Bonney moved into the downstairs section of the Brennan family home for Nicole to act in role of NOK negotiator and the AFP negotiators to assist in this role.

On day 7 of Nigel's incarceration the Brennan family was asked via the AFP negotiators in the house what the Brennan family net combined worth was and how much cash could be obtained in a 24 hour time frame. The Brennan family was also asked not to discuss this request for money with the Canadian family of Amanda Lindhout, the colleague captured with Nigel.

On day 10 of Nigel's incarceration a proof of life call from Nigel was taken by Nicole and recorded by the AFP negotiators on site. This is the single proof of life call obtained by the Australian government that the Brennan family was aware of. No other proof of life call had been successfully obtained by the Australian government post this call. All requests for a copy of this call by the Brennan family have been denied.

AFP negotiators continued to train Nicole over the next 4 months in negotiation

techniques including all calls from Adan and mock phone calls taped and reviewed by AFP negotiators on site. Negotiation strategies were produced in document form and written on butcher's paper and plastered on wall and white boards downstairs in the Brennan family house. As calls came in strategies were revised and changed accordingly.

The phone was initially monitored by AFP negotiators from 24 hours a day. Approximately 6 weeks into Nigel's kidnapping monitoring was altered to 2 officers on 12 hour shift together from the early afternoon (2-3 pm) to early hours of morning (2-3 am). The NOK phone was unattended by AFP officers out of this time. In the event of an incoming call Nicole Bonney was to take and record the call and contact the AFP negotiators to assist on site.

After approximately 2 months the NOK phone and Nicole Brennan were removed from the Brennan family home and set up 12 hour monitored shifts in local rented accommodation at Moore Park Beach. By the end of January 2009 the NOK phone was removed altogether and re directed down to Canberra under assurance it was under 24 hour monitoring. Over this period of 4 months NOK phone calls continued intermittently as Nicole Bonney remained the primary NOK negotiator. All reference to ransom negotiation was referred to the established AFP negotiator cell in Nairobi.

Throughout this time frame a number of media appeals from Nigel and Amanda were released via international press from Al Jazeera, Associated French Press, the Somalian Union of Journalists and Reuters. There was also a personal appeal from Nigel which was unanswered by the Australian Federal Police in Canberra.

Over the 9 month period that 'Operation Mane' was active a number of strategies were implemented by the Australian government to achieve Nigel's release. None of these were successful and no procedure or implementation of these strategies was discussed in full with the Brennan family. No written documentation of meetings with government departments were ever presented to the Brennan family, despite request. The final ransom amount decided upon by the government to be paid by the Brennan family without Brennan family consultation was \$250K US

Requests to the Australian government were made from April 2009 to access other avenues of assistance outside of the Australian government. This was denied and the

Brennan family endeavored to outsource risk management companies to establish credibility and ability to facilitate Nigel's release. A number were contacted and, in July 2009 Nicole Bonney and Kellie Brennan met with John Chase of AKE and in conjunction with The Lindhout family, employed their services. The Australian government asked on numerous occasions to be updated by AKE in regards to strategies being undertaken with AKE. Nicole Brennan asked the Australian government to pass on details of strategies previously employed by the Australian government to AKE. This was denied.

Under the guidance of AKE contact was immediately re established with the kidnappers and negotiations were made and a ransom figure agreed upon within 12 weeks.

As the price of employing a kidnap and ransom expert is substantial efforts to contact Australians willing to financially assist the Brennan family were implemented. Dick and Pip Smith along with Senator Bob Brown and other family members and friends obliged. Dick Smith contacted the Australian government prior and during his financial assistance to the Brennan family.

The Australian government eventually indicated to the Brennan family that they would not assist with moving the money raised by the Brennan family out of the country. Kellie Brennan sourced a Hawala dealer in Australia to transfer the ransom money out of the country. During this time she encountered difficulties and requested government assistance. This was denied.

During the final month of negotiation in November 2009 Nicole Bonney along with Heather and Geoff Brennan were flown to Nairobi. Nicole continued negotiations in conjunction with 3 AKE representatives and a contracted pilot. After 1 failed rescue attempt Nigel Brennan was successfully rescued after 462 days in captivity on November 26<sup>th</sup> 2009.

## **INITIAL PROCEEDURES**

As this kidnapping unfolded the Brennan family was informed that the Australian government would be working in conjunction with the Canadian government as the two nationalities were represented. Initially the Brennan family was in agreement with the Australian government's policy of not paying a ransom which is in keeping with the

Canadian government policy. However, on day 7 of Nigel's kidnapping, when the AFP negotiators asked for the families net worth and a cash ransom was issued effective immediately, this decision was reversed and the Brennan family indicated that they would be prepared to pay a ransom for Nigel's safe release. As the Brennan family became aware that more ransom money would be needed the Australian government set a mandate in conjunction with the Canadian government that monetary amount up to the value of \$US250K would not constitute the payment of a ransom. However any monetary amount above this figure would result in no assistance being provided by the Australian government to facilitate this payment. This monetary amount or the mandate with the Canadian government was not indicated to the Brennan family until June 17th 2009 after double the amount of money had been raised by the Brennan family. Furthermore, the Brennan family had given indication to the Australian government that they had full intentions of increasing payment to the kidnappers.

- When the kidnapping of Nigel Brennan occurred what strategies and plan did the Australian Government formulate to handle this case (please include all Australian government representatives)?
- What length of time did the formulation of this strategy take?
- Which agencies were involved?
- Was the Brennan family informed in full of this plan(s)?
- If so when were the Brennan family informed in full of this plan(s)?
- If so, was any documentation of this provided to the Brennan family?
- When the AFP first entered the Brennan family home were they still working out a plan with the Canadian Government as to how they would handle the case?
- At what point in time (exact date) did the joint mandate between the Canadian and Australian governments decide to pay a maximum amount of \$250K US in either guise of costs or ransom?

- At what point did the Government intend to explain to the Brennan family this decision?
- When did they discuss this with the family?
- If this did occur, who was present and where are the minutes for this meeting?
- At what point in time (exact date please) did the government express to the Brennan family that this \$250K US was to be provided by the Brennan family?
- When was the Brennan family told that the maximum amount of money the Government would facilitate on behalf of the Brennans was \$ 250K US?
- Were the family told they could not be given information as they did not meet security clearance?
- Were the Brennan family given any indication as to how they could obtain security clearance?
- Why not?
- On day 7 of Nigel's incarceration we were given a directive through the AFP negotiators in the Brennan household to acquire as much instant cash as possible. This understandably was very confusing for the Brennan family, as the Brennan's had been told quite clearly and repeatedly that the Australian government does not pay ransoms. This discussion and decision to release monies to the Australian Government led the Brennan family to believe that Australian government would facilitate a ransom paid by the Brennan family. Who made the directive for a ransom to be paid by the Australian family?
- What chain of command did this request go through?
- If, as the Australian Government so steadfastly maintains, this was not a ransom what was this money being paid by the Brennan family for?
- Where and to whom was this money going to?
- Was this money going to leave the country?

- How was this money going to leave the country?
  - It was clearly stated to us by the AFP negotiators that the Canadian family would not be forthcoming with any instant cash and despite requests it was established that they would not be asked. This was a directive for money from the Brennan family only. Why was this case?
  - Who gave the directive as to "what was the families (combined) net worth" and why?
  - What was the exact purpose of this request?
  - The Brennan family was also asked not to contact and discuss this matter with the Canadian family of Amanda Lindhout. Who gave this directive?
  - Why was this directive given?
  - The AFP was aware that the Brennan family was in contact with the Canadian family. Geoff Brennan had very previously spoken to Jon Lindhout and they had gained assurances from each other to maintain contact in regards to strategies and joint activities regarding Nigel and Amanda's kidnapping. Does the Australian government think their actions to stop communications between the families were reasonable?
  - Does the Australian government think it was reasonable to request the Australian family to withhold information from the family of the other kidnap victim's family, especially if the two different governments have a joint taskforce?
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## **IMPLEMENTATION**

- Did the Australian Government (through DFAT, the AFP or any other Australian agency) ask the Brennan verbally or in writing to agree to 'A joint venture, joined at the hip', to secure the joint release of Nigel & Amanda for costs, using only the Brennan family money?
- Or the same as above but using the Brennan family money in conjunction with

any money obtained from the Stewart/ Lindhout family?

## **STRATEGIES**

After some initial confusion it was explained to the Brennan family that whilst Nigel's kidnapping was a matter that fell under the jurisdiction of the Department of Foreign Affairs and Trade the Australian Federal Police would be the lead investigative agency. During the implementation of 'Operation Mane' a number of strategies were unsuccessfully employed.

The Brennan family constantly and consistently requested information about these strategies. Quite often this information was limited and presented after the strategy had been implemented. The protocol that the Australian government agencies implemented was that questions and information was to be passed through AFP negotiators on site in the Brennan family home. This would be passed on up through the chain of command and questions asked by Brennan family members may or may not be answered by higher authority. These possible answers came back down through the chain of command to the AFP negotiators to be passed on to the Brennan family. The Brennan family were not given any written information in regards to these questions and answers. The Brennan family believe this was a deliberate move to give the Australian government the ability to stagger and limit incoming information given to the Brennan family and to create an obscure chain of information. The effect of which was the Brennan family were unable to ascertain facts from the Australian government.

- Were ANY strategies that the Australian government implemented discussed in full with the family prior to their implementation?
- If so which one?
- Was this strategy implemented?
- If not why not?



- Did the Australian government discuss with the Brennan family prior to implementation of any strategies how long they expected these strategies to take?
- How were the successes of these strategies monitored?
- Was this monitoring of strategies ongoing and were they explained clearly to the Brennan family?
- Was any documentation of these strategies, their monitoring, and their success supplied to the Brennan family?
- Does the Australian government believe that keeping the Brennan family ignorant of the strategies implemented was helpful and increased the success rate of these strategies?
- Will the Australian government now provide documentation on strategies implemented as the Brennan family still do not have a clear and accurate knowledge of these?
- If not why not?

#### **THE COKED UP WAR LORD**

One particular strategy that the Australian government implemented in conjunction with the Canadian government was a strategy of not communicating with the kidnapers at all. At the six week mark of Nigel's kidnapping ██████████ of the RCMP and ██████████ ██████████ met with members of the Brennan family at the Brennan family home. During this discussion the joint governments' mechanics of a kidnapping were discussed with the Brennan family. One of these imperatives that were explained to the Brennan family by both ██████████ was that that continuous communication with the kidnapers was essential to establish a rapport with the kidnapers and this was both the role of the NOK negotiator and the government negotiators that had been stationed over in Nairobi. Without our knowledge or discussion the Australian government in conjunction with the Canadian government implemented a strategy of not talking to the kidnapers. What was the purpose of this strategy, hence forth known as

the "coked up warlord strategy" by the Brennan family, when it was the polar opposite to what had been previously described as essential kidnapping negotiator techniques to the Brennan family?

When the Brennan family became aware of the implementation of this strategy they were told that this was a strategy that the Canadian government 'had biblical faith in'. To an agnostic family this was a particularly disturbing statement to make. The Brennan family response to this strategy was overwhelmingly negative and the Brennan's were very vocally opposed to it. One of the reasons the Brennan family insisted upon and finally were granted a meeting with Stephen Smith in early March 2009 was to discuss this strategy and its cessation. Stephen Smith upon hearing our concerns assured us that this strategy would cease in a matter of days not weeks. The reality was this strategy was not disregarded until almost 3 weeks later.

- Why was this strategy, despite a huge amount of requests by the Brennans, not discussed with the family until it was weeks into implementation?
- Was this deliberately done as the government believed it would get an adverse reaction from the Brennan family in response to this strategy?
- Did the Government consider this a safe strategy to be pursuing?
- Was it apparent to the Australian government how unhappy the Brennan family were with this strategy?
- Why were the Brennan family concerns in regards to this strategy not addressed?
- If the Australian government believes they were addressed could they please indicate in which forum this occurred and when?
- During this discussion with [REDACTED] it was also discussed with us that an escape attempt by hostages would be detrimental to their welfare. Nigel and Amanda escaped briefly during the time that this strategy was implemented and were treated brutally hereafter, amongst other things being beaten, tortured and shackled. Through their actions the kidnappers indicated they were clearly frustrated with the lack of contact with any negotiators in Nairobi. Furthermore, Nicole

first crucial 24 hours. Did the Embassy return any calls to this citizen at this time?

- Does DFAT recognize that this may well have been imperative to speeding up 'confirmation' of Nigel's kidnapping?
- Did the Australian embassy in Nairobi return any calls to this Australian citizen [REDACTED]?
- Does the Australian government find it acceptable that the Australian embassy did not return these calls to [REDACTED]?
- At what point did ANY representative from the Australian government contact this person [REDACTED]?
- Who was this representative?
- Did this representative contact [REDACTED] first or was it visa versa?
- Was [REDACTED] advice and expertise on Somalia sought by any Australian department?
- Did the Australian Government implement him in a strategy?
- If so, how much later was this strategy put into place from his first contact with the Australian Embassy?

#### **PROOF OF LIFE PHONE CALLS.**

As described in the summary of the case the Brennan family phone line received the first contact from the kidnapers. This call was taken by Nicole Bonney who later went on to be the primary NOK negotiator. This phone line was the only direct link the Brennan family had with Nigel. At the same time Lorinda Stewart in Canada was acting as the primary NOK negotiator for Amanda Lindhout under the jurisdiction of the RCMP. The Brennan family has another phone line installed in order for the original phone number to be used purely as the NOK phone. Nigel had no access to the new family phone number, the only phone number he had was the original one that had been used by the

Bonney was not allowed to receive or make any NOK calls. Did the Government consider that this policy may endanger Nigel's life after he had escaped?

- As previously discussed, when this strategy of no communication with the hostage takers was implemented the Brennan family was hugely concerned. After demanding a meeting with Stephen Smith he assured the family that he was aware of the family's displeasure and the strategy would be it would be finished 'in days not weeks'. This strategy continued for a further three weeks. In light of the huge trauma and concern about Nigel's welfare this strategy which went for 9 weeks was creating why was this basic repeated request by the Brennan family to shut it down denied?
- Why would the Australian Government not confirm Nigel's escape yet the RCMP did when Kellie and Nicole met with them in Canada in July 2009?

#### TPI 14

Over the time period of Nigel's captivity a number of strategies were implemented. During that period of time the Australian government was very aware of our displeasure with their lack of success and by April 2009 the Brennan family was becoming increasingly vocal. In April, the Australian government was, the Brennan family was told by the AFP, approached by an Australian working for an NGO in Mogadishu. Upon hearing this information the Australian family tried to source as much information as they could about this individual as they had been told the individual did not want any contact with the Brennan family. This was a common response as the Brennan family had constantly been told they did not meet security clearance; thus, could not have detail in regards to strategies. After the Brennan family employed AKE contact with a person who was believed to be TPI 14 was made; the Brennan family were correct in their deductions as to who it was.

- Did the Australian consulate in Nairobi respond to the phone call made by an Australian citizen (██████████) that occurred within hours of Nigel's kidnapping?
- This same citizen made 3 phone calls to the Australian Embassy the day of Nigel's kidnapping and 2 further phone calls the following day. That is, in the recognized

kidnappers. As the case dragged on it became apparent to the Brennan family that it was proving expensive to maintain AFP negotiators at Moore Park Beach and budgetary constraints had come into play. When the decision, after considerable pressure was applied to the Brennan family to comply, was made to remove the NOK phone from Moore Park to Canberra the family was assured that it would be covered 24/7. The Brennan family was also assured, verbally, that this decision was not necessarily "Set in Stone". Both of these statements were incorrect. Over the Easter period of 2009 Nigel made two highly distressed phone calls which went unanswered in the AFP headquarters.

- Was the NOK line removed from Lorinda Stewart at this time?
- As this case was working hand in hand with our Canadian counterparts, when were the negotiators and the NOK phone removed from Lorinda Stewart?
- There is a considerable difference in when this happened to the Australian family in comparison to the Canadian family. Why was this so?
- Was this a result of budgetary constraints?
- Was this because the AFP negotiators could not work with the Brennan family and NOK negotiator?
- Is this acceptable that there is such a discrepancy when the Brennan family were constantly assured that this was a joint case and both families were being treated in the same way?
- When the Brennan family was informed by [REDACTED] on Mon. 12<sup>th</sup> April 09 that a call from Nigel was being made to our phone. How did the AFP know this phone call was going to take place?
- This phone call never eventuated to existing family telephones in Moore Park. To where did that call from Nigel go to?
- Who answered this phone call?
- How many phone calls did Nigel make?

- Where they on separate days?
- Were any other calls answered?
- When was the decision made not to monitor the phone line 24/7, contrary to the advice the Brennan family was given upon the decision to relinquish the phone line to the Canberra ICC?
- Who made this decision?
- How did the Government explain this reality to the family?
- What action did the Government propose after Nigel 2 phone calls went to voice mail twice?
- At this point in time the Brennan family had no proof of life from Nigel in 7 months. Lorinda Stewart also received a call from Amanda Lindhout which also went to voice mail. Lorinda Stewart was given a direct line to the kidnappers by the RCMP and allowed to speak to Amanda. As this was explained to the Brennan family this was a joint operation why then was this opportunity to obtain a proof of life not granted to the Brennan family as it was the Lindhout family?
- Did the Government contemplate giving the family the number to call Nigel back?
- Did the Australian government have a policy of withholding the number from Nicole Bonney as the NOK negotiator?
- Why was this phone line in Canberra not redirected back to the Brennan family when it was no longer being monitored 24/7?
- Was the Australian government aware that with the original phone line and number being redirected to Canberra that the Brennan family home had a new phone number that Nigel did not have access to?
- Had the Australian government in any way indicated to Nigel that this phone line was no longer in his parents' house and there was another direct line to them?

- Is the Australian government satisfied that this was explained to the Brennan family and can it justify these inequities?

**RISK MANAGEMENT COMPANIES WITH KIDNAP AND RANSOM CAPABILITIES  
(also known as kidnap and ransom firms or private contractors)**

Unfortunately, kidnappings have become common place in today's society from their inception in the 60's. In regions that are susceptible to kidnappings the response by companies is to insure their employees against this event. As a result an established and credible industry has built up. These K&R companies are underwritten by major multinational insurance corporations. These kidnap and ransom companies have years of successful releases behind them and quite strict control and plans in which to deal with the mechanics of a kidnapping. By comparison the Australian government has had very little international kidnapping experience and prior to Nigel one kidnapping in Somalia, 18 years ago. As the length of time that Nigel was held kidnapped increased, despite information not being provided by the Australian government, the Brennan family started contacting previous kidnap victims, (this was also requested information by the Brennan family which had been denied). As a result of establishing that K&R companies were successful in their release and not their respective governments a number of K&R companies were contacted by various members of the Brennan family. Because the Australian government would not attach any credibility to any K&R companies Kellie Brennan and Nicole Bonney flew to Canada to establish the RCMP's ability to work with a K&R company and convince the Canadian kidnap victim's family to move away from the Canadian government control of the case. The Canadian government Department of Foreign affairs and International Trade chose not attend this meeting. Upon establishing with the RCMP they would no longer negotiate or facilitate a joint release with a ransom amount in excess of \$250K US they suggested a K&R company to contact, this Being Control Risk.

- Did the Government explain clearly to the Brennan family what expertise it had in securing the release of hostages in Somalia?
- Did the Australian government place more faith and ability in Canadian successes in regards to kidnappings in Somalia?

- Did the Australian Government EVER suggest an alternative to the Brennan family in regards to the employment of a legitimate insurance underwritten Risk Management group with a specialist Kidnap and Ransom section?
- Does the government accept that credible and legal risk management companies exist?
- Did the Australian government ever gather information in regards to the success rates of kidnap rescue from risk management companies?
- Did they give examples of the success rates of these companies to the Brennan family?
- From April 09 Nicole Bonney requested 3 times assistance from ██████████ in the form of names of legitimate risk management companies. Despite numerous requests, why was this information not passed on?
- Does the Australian Government use Risk Management Companies?
- Has the government ever used risk management companies for training purposes for activities such as preventative techniques against car jacking's to Australian consular staff in Nairobi?
- Who are these companies?
- With the unsuccessful strategies that the Government were operating under, at what point did the Government have a duty to Nigel & the Brennan family to discuss with them the option of using a K & R company?
- Since Nigel's release has the Australian Government compared the strategies that they used to those of private K & R firms tried and tested methods?
- How did they compare?
- In retrospect would the Australian government be more likely to suggest families look at the private option and give them credible information as to how to access these companies?



## THE ISSUE OF RANSOM

The issue of ransom was problematic from the outset. The Brennan family was informed the Australian government policy was not to pay or negotiate a ransom release. This was conflicting information between the government departments as the AFP negotiators were directed to establish the ability to pay a ransom on day 7 of Nigel's kidnapping. Furthermore, AFP negotiators requested the ability to raise more money in December 2008 when \$250K US was already raised and offered to the kidnapers. This \$250K limit was poorly explained to the Brennan family as being 'costs involved that would cover the outlay that the kidnapers had incurred'. This word play was intended to convince the Brennan family that they were not in reality paying a ransom. Obviously the Brennan family did not believe this, nor did they believe that \$250K US was enough ransom to guarantee both Nigel and Amanda's release and so actively fundraised with the aim to pay a larger ransom.

- From January 2009 members of the Brennan family insisted on a meeting with Stephen Smith, and after numerous requests this visitation was endorsed in early March. At this time DFAT and AFP personnel had been verbally informed that a ransom amount of \$500K US had been raised by the Brennan family. When the Brennan family asked Stephen Smith if the Australian government would facilitate payment of over \$250k US What was Stephen Smith's response?
- Did Stephen Smith answer this reasonable and legitimate question raised by the Brennan family?
- At what point in time was the decision made that the Australian government would not facilitate a payment of over \$250K US?
- When was this relayed to the Brennan family?
- Does the Australian Government think that the written response from Stephen Smith 12 weeks later, after the Brennan family has raised extra ransom money and in light of the substantial distress they were enduring, a reasonable length of time considering the \$250K US mandate had been in play for a considerable length of time?

- Did the Australian government contact the Canadian government and advise them that the Brennan family had raised more ransom?
- In Stephen Smith's letter to the Brennan family dated 17 June he states that the strategies implemented by the Australian government have "been based on wearing the kidnappers down" followed on by "It is of course clear that our efforts have not been successful". Exactly how long was the Government prepared to maintain this policy and leave Nigel incarcerated while they maintained a strategy which Stephen Smith himself said was "clearly not successful"?
- Did the Australian government clearly explain the reality of this fact or seek the approval of the Brennan family to continue this strategy of wearing the hostage takers down?
- Did the Australian Government believe that this indefinite period of time in which to "wear the hostage takers down" was a reasonable position for Nigel & his family to be held in whilst being unaware that this was the Australian government's strategy?
- Did the Australian government measure the psychological impact that this decision would have on both the Brennan family and Nigel?
- Does the Australian government feel that this was an acceptable psychological risk for all members of the Brennan family to endure?
- How many times did both Stephen Smith and Kevin Rudd make contact with the Brennan family without the Brennan family's initiation?

#### **CONSULAR SUPPORT IN NAIROBI**

- Upon arrival of Nicole Bonney and Heather and Geoff Brennan at Nairobi how would the Australian government describe relations between those Australian officials present in the Tribe Hotel and the Australian family?
- How would the Australian government describe the relations between the

#### Australian & the Canadian officials?

- Who made the decision that the family not be introduced to some Australian officials in Nairobi?
- The Canadian officials including the Canadian High Commissioner and his wife were introduced to the Australian family. The same hospitality was not extended to the Canadian family by Australian officials. Who made this decision?
- Prior to the Nigel's release what was the directive from the Australian government to their contingent in supporting the family in Nairobi?
- Upon request to [REDACTED] to meet with the Australian ambassador Nicole Bonney was informed that it was deemed as inappropriate to meet prior Nigel's release .Who made the decisions for the Brennan family not to have contact with the Australian High Commissioner?
- Was this in keeping with consular support for the Brennan family?
- If a proposal from the Australian or Canadian government to send in a strike force to rescue Nigel & Amanda was made would the Government have sought approval from the Brennan family before it could proceed?
- Does the Australian government have to seek this approval from the next of kin of a kidnapped person?

#### CONSULAR LOAN

- When did the Government agree to grant a Consular loan to the Brennan family?
- What were the constraints that the Government had entered into with Canadian government in regards to a consular loan?
- When did the Canadian government come to an agreement with the Australian government that it would provide a consular loan to the Lindhout family as indicated to the Brennan family by Stephen Smith?

- When was this decision revoked?
- When did the Australian government contact the Brennan family to indicate they would be the only family to be granted with a consular loan thus establishing the Brennan family would be paying a ransom on behalf of the Canadian citizen?
- When the consular loan when put in place it was explained to the Brennan family that it could revert to Nigel upon his return on his return. Why has this not been done?
- Why when questioned about this it was explained to the Brennan family that this could not be achieved?
- Why was this not explained clearly and concisely at the time the loan was taken out?
- This consular loan was used to pay the ransom for both Nigel Brennan and Amanda Lindhout; Geoff Brennan made attempts through DFAT to get answers from the Canadian High Commissioner in Australia and received no reply. Two letters have been enclosed and the Brennan family wishes wish to table these letters which were sent personally to the Canadian high commissioner and have received no acknowledgment of. Will the Australian Government take these letters up with the Canadian Government and seek full replies?
- Did [REDACTED] as indicated to the Brennan family, verbally approach the Canadian High Commissioner in Australia in regards to this consular loan and the Brennan family being made responsible to cover a loan that was used to pay a ransom to release a Canadian citizen?
- How many times?
- What was the Canadian High Commissioners response to [REDACTED] and the Australian government?

## **FUNDRAISING**

- After the Government was made aware of our proposed fund raising activities

what advice was given to the Brennan family?

- Prior to meeting with Stephen Smith in March 2009 Stephen Smith asked specifically through DFAT for details of our fund raising activities Why was this done when the Australian government knew (yet had not informed the Brennan family) that they were unable to facilitate more than \$250K US?
- When the Government was aware of our contact with wealthy Australians what advice did they give to the Brennan family?
- When did the Government become aware the Bob Brown & Dick & Pip Smith were prepared to back our financial situation?
- Did the Australian government have correspondence with these people?
- What advice did the Australian Government give the family in regard to the press and fund raising proposals?
- How did the Australian government envisage the Brennan family would raise funds for a ransom?
- Did the Australian government give any practical assistance or suggestions to the Brennan family as to how to achieve financial assistance once it was ascertained that the kidnappers were not going to accept the \$250k US that had been offered in December 2008?
- What was the Australian governmental response and advice to the Brennan family in regards to relationships with the press?

## **THE PRESS**

The Brennan family consistently found out information pertaining to Nigel from the both national and international press. This included Nigel's Kidnapping. The video put to air by Al Jazeera News, the report from Associated French Press of a 10 day deadline until Nigel's murder if ransom wasn't paid, the release of Elmi and the 2 other Somalian colleagues kidnapped with Nigel and Amanda and the over the phone interview between Nigel, Amanda and the Associated French Press.

- Unfortunately the Australian government were not forthcoming with alerting the Brennan family to the fact when incoming media was electronically coming in. At the time Heather Brennan questioned as to whether Operation Mane was indeed a 24/7 case as the Brennan family had been led to believe and was assured it was. If this was genuinely the case why was the Brennan family consistently not contacted immediately the moment news about Nigel came down the wire?
  - DFAT had appointed a media liaison officer. Was this her role to inform the Brennan family about media regarding Nigel?
  - If not was there a person whom should have been informing the Brennan family of incoming media?
  - If so who was this meant to be?
  - Does the Australian government feel they did enough to contact the Brennan family when there were incoming media reports?
  - As there was no government official informing the Brennan family of incoming international media in regards to Nigel's kidnapping why was the family discouraged to have contact with the press?
  - Why did [REDACTED] from DFAT confiscate information regarding Nigel's whereabouts and last contacts prior to him being kidnapped from Australian journalists?
  - Why was this information not returned upon the cessation of 'Operation Mane' so information could be passed on to the Brennan family?
- 

#### **UNRECOGNISED INCOMPATABILITY**

A large number of people worked on 'Operation Mane' and from the outset the Brennan family requested continuity. Once it was made apparent that the Brennan family could not have Qpol support the Brennan family requested turnaround of the AFP negotiators previously in house. The Brennans found this an important request as it was both time consuming and distressing to have to constantly explain to the family dynamics to new

negotiators. New negotiators were also not aware of the capabilities of the various family members and the Brennan family felt they constantly had to prove themselves to new negotiators. This request took a number of months for the AFP to implement, as a result a large number of people lived with the Brennan family under very stressful situations and on the whole relations were cordial. There were however exceptions to the rule and when the Brennan family made it aware they had personality and working issues with some individuals this was disregarded by the relevant authorities.

- Was the AFP, in particular [REDACTED] contacted in late December 2008 just prior to Christmas by Nicole Bonney whom discussed the incompatibility of a number of negotiators that the Brennan family felt were unsuitable and should not be rotated back to Moore park and should not have anything further dealings with the Brennan family?
- Was one of these negotiators [REDACTED]?
- While Nicole was with Kellie during the last weekend in December 2008 she received a distressed phone call from Heather and Geoff Brennan where by [REDACTED] had, contrary to Australian government policy of not paying a ransom questioned them on their ability to pay a larger ransom amount by asking them "if they could squeeze out a bit more money". Why was this question asked of the family in conflict with the Australian government not to pay or negotiate to pay a ransom?
- Was it ever investigated by the AFP and reported back to the Brennan family as to what discussion had occurred between this officer and Heather and Geoff Brennan?
- Did the AFP make any efforts to mediate what was clearly a situation that the Brennan family found to be untenable working with this negotiator?
- Was [REDACTED] placed back in the role of a negotiator at Moore Park post this request by Nicole Bonney?
- Was [REDACTED] placed in the role of negotiator in Nairobi?
- Does the Government think it was reasonable, when the family was not informed, to use this officer in a strategy that the Brennan family was also not informed of, when that officer had been specifically requested by the family to be removed from matters involving the Brennan family?

- Were the family not informed because the AFP was aware of the distrust the Brennan family had in this officer so in not informing them gave them no right of reply to the prime positioning of this officer?
- Was the Brennan family informed of the strategy involving [REDACTED] as 'a business woman in Nairobi attempting to purchase the kidnap victims' for a monetary amount prior to the implementation of this strategy?
- Was this amount up to \$250K US?
- During the implementation of this strategy Nigel Brennan and Amanda Lindhout were threatened and subjected to emotional torture, and were told by their kidnapers that the business woman in Nairobi offering to buy their release said "if you won't take the \$250K US just kill them". During the time this strategy was in play Amanda Lindhout was removed from the house had a gun put to her head and the trigger was pulled (unbeknown to her there were no bullets in the weapon). Who gave the direction to the negotiator in Nairobi that if '\$250K was not acceptable then the kidnapers should kill them'?
- During the debrief, June 8 2010, transcripts of conversations between [REDACTED] and the spokesperson for the kidnapers known as "Mohammed" were requested by the Brennan family to establish if this strategy did involve suggestion to kill the victims. This request was denied. Why was this information not produced to alleviate the Brennan families concerns?
- When Kellie Brennan contacted DFAT to assist her with questions in regards to transfer of funds through a Hawala dealer she was in an incredibly distressed state [REDACTED] of DFAT laughed at her and her request. Does DFAT regard this as sympathetic and appropriate behaviour to laugh at an Australian citizen who is obviously distressed?
- Is this behaviour in keeping with consular support of the Brennan (or indeed any) family?

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## COMMUNITY POLICING

Independently to the government and with increasing frustration Hamilton Brennan



pursued lines of enquiry to achieve a proof of life phone call with Nigel, something that the Australian government had been unable to achieve. During this time period actual arguments occurred between Nicole Bonney and ██████████ upon insistence from DFAT that the Brennan were pursuing their own strategy where as the Brennan family indicated they were only trying to achieve a proof of life phone call. On July 22 2009 Hamilton received a phone call from Nigel the first proof of life in 10 months. Why was Hamilton was refused negotiator assistance from the AFP when taking this phone call from Nigel?

- Does the Australian Government feel this lack of assistance was acceptable or reasonable in light of community policing?
- Did the Government consider this contact may have been psychologically beneficial for the family & Nigel to finally have contact after this period of time?
- How did the Government respond to this contact?
- Was the family or any phone tapped by the AFP, DFAT, ASIS, ASIO or any other government agency during Operation Mane ?
- After Operation Mane left the house, including the accommodation known as The Villas, were any phone devises taped?
- What was the purpose of tapping the phone calls at any time?
- Why was the Brennan family never informed that they would not or could not gain access to any of the conversations that Nicole Bonney as the NOK negotiator had with the kidnapper Adan?
- In light of this why was the Brennan family not informed to tape these conversations independently?
- Is this committee aware that copies of these phone calls were requested by the Brennan family when AKE had been engaged and the Australian government had stepped back and were acting in a consular role only?
- Did the Australian government refuse access to these copies of calls or

transcripts to pass on to AKE?

- Is the Australian government aware that all documentation pertaining to a case is passed from one Risk Management company to another if during a kidnapping case one chooses to change companies?
- Why, when requesting assistance from the AFP in regard to suspicious behaviour of possible taping of conversations outside of the Bonney family home was Nicole Bonney refused assistance from the AFP and told instead 'To contact the local police" by [REDACTED]?

- 
- Officials from both DFAT and AFP arrived at the home of Matthew and Kelly Brennan at Clarence Town in August 2009. Where are the documented minutes of this meeting?
  - Why have they never been forwarded to the Brennan family?
  - The Brennan family asked for details of all unsuccessful government implemented strategies to pass on to the director of AKE John Chase. The Brennan family had made the Government aware of the employment of AKE and requested information to be passed on to John Chase. Why was this request refused?
  - During this meeting DFAT and the AFP requested information and the strategies that AKE were employing after confirmation that the Brennan family had contracted this expertise. As the Australian government was no longer involved in this case and had refused to pass on any information pertaining to Operation Mane what was the purpose of this request?
  - During this meeting why did the Government refuse to pass on information about TPI 14 stating that he did not want contact with the Brennan family? The Brennan family through their own means tracked down TPI 14 and asked if he specifically denied all contact with the Brennan family. This was not the case. Why did the AFP and DFAT deny the Brennan family contact details with this individual when requested?
  - Under whose instruction was decision made to not contact TPI 14 to verify if he did or did not want contact with the Brennan family?

- During this meeting it was noted by the Brennan family that an AFP negotiator in Nairobi, [REDACTED], had been in direct contact with a spokesperson representing the kidnappers who went by the name of Mohammed. This was the only other spokesperson representing the kidnappers apart from Adam of which we were aware. The AFP had a direct contact number for this person. When the Brennan family requested this number to pass on to AKE for possible alternate contact with Nigel's kidnappers this request was denied. Why?

### **THE USE OF AID**

The Brennan family constantly requested the use of aid as leverage. This was put to a number of government officials on a number of occasions.

- Was any aid provided to any organisation or facility in Somalia?
- If so who was the recipient of this aid?
- Specifically why were they recipients of aid from the Australian government?
- What was the proposed outcome of this aid?
- What does the Australian government perceive to be the success of this aid?
- In light of present drought in Somalia and the aid that has been recently pledged to Somalia was the Australian government prepared to change strategy or was the Government prepared to sacrifice Nigel's life as they did with David Wilson?
- The Australian government provided aid of \$10K to a hospital in Mogadishu. How was this aid envisaged to assist the release of Nigel and Amanda?

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### **THE USE OF TRANSLATORS**

From the first week of Nigel's kidnapping the Brennan family requested a Somalian translator. The phone calls that Nicole Bonney was having with Adam the kidnapper

spokesperson were extremely difficult to understand and the transcribers in Canberra appeared to find his speech pattern no easier as Nicole was asked to confirm on a number of occasions what he was saying (bearing in mind these transcripts were never allowed in possession of any Brennan family member yet advice was still sought) This request was steadfastly ignored until the Brennan family became very vocal and then the request was denied outright claiming that we could not have a translator because then the government "would need a translator to translate the translator".

- Why this request was consistently rebuked and denied?
- This lack of response and unanswered questions from the upper echelons in the chain of command had a substantial negative effect on the Brennan family and created distrust of the Australian government. Does the Australian government think they responded to this request of an interpreter with haste?
- Does the Australian government think that this was a reasonable way to treat the Brennan family?
- Is the Australian government aware that the AKE contracted a totally credible Somalian interpreter?
- Is the Australian government aware that interpreters are used in interpreting piracy cases for Risk Management Companies?
- In piracy cases the use of these interpreters is deemed to be essential for the release of boats, goods and crew on board. When did the Australian government assume the arrogance that they did not require an interpreter in the case of Nigel Brennan's kidnapping?
- In hindsight would this refusal of an interpreter be so insisted upon by the Australian government?
- Does the Australian government have ANY Somalian translators in its Australian immigration translation services?
- Why were none of these people approached?

- If the issue was security clearance why were none approached about obtaining security clearance?
- During the first week of Nigel's kidnapping the Brennan family independently sourced and passed on the name and number of a UN official, deemed an expert on the country, who could translate Somalian. Was this contact approached by the Australian government?
- Was he deemed unsatisfactory?
- Why?
- Was this reason for his being deemed unsatisfactory explained to the Brennan family?

#### **THE USE OF THIRD PARTY INTERMEDIATARIES**

Throughout Nigel's kidnapping, whilst under the jurisdiction of the federal government or AKE, third party intermediaries were used. Despite requests, knowledge of who they were, and assistance if any was provided, was denied to the family by the Australian government. The Brennan family from the outset sourced TPI's and put them forward to the Australian government. These actions were typically met with little response and action only after pushing from the Brennan family.

- Upon the first meeting of DFAT with the Brennan family at the Brennan family home a number of people arrived. Were any of them regarded as experts on Somalia?
- Who are the experts on Somalia in the Australian government?

One person was presented to us by DFAT as an expert on Somalia. What qualifications and expertise did her knowledge deliver to the Australian government in relation to Nigel's eventual release?

As the Australian was refusing to supply an interpreter the Brennan family sourced an Arabic speaking Sunni Jordanian who was associated with an old friend of the Brennan family. This person, Madji, had also been successful in a kidnap negotiation of a family

member in the Middle East. Did the Australian Government approach the Jordanian Government applying pressure to Madji to remove him from contact with Brennan family?

- What was the purpose of this response by the Australian government?
- Why was this information not passed onto the Brennan family?

[REDACTED]

- Whilst in Nairobi, when the case was under the jurisdiction of AKE the family members of the kidnapped who were staying in Nairobi were contacted by the [REDACTED] [REDACTED] known as [REDACTED] was working on behalf of the families and being paid for his assistance, as well as passing on money to another [REDACTED] as well as AMISOM troops and possibly the Burundi forces.

- During this time period that [REDACTED] was working as an intermediary he made it apparent that he was also on the Australian books gathering intelligence for the Australian government. Was the person known as [REDACTED] reporting to ANY Australian government agencies?

- Was [REDACTED] being paid in any form on a monetary basis by ANY Australian government organization?

- [REDACTED]

- Who, in the Australian government made this decision to financially employ [REDACTED] when he was under the current employment of the Brennan and Lindhout families?

- If he was under the employment of the Australian government prior to the extradition of Nigel Brennan by AKE why was no one informed of this?

- Whilst in Nairobi Nicole Bonney was put under excessive pressure by DFAT to act as an informant as to what actions AKE were undertaking in order to successfully extradite Nigel Brennan. The Australian government was already receiving this

information through ██████████ and in light of the fact that DFAT was in a self admitted consular advice only position does the Australian government think this was a reasonable position to put Nicole Bonney in?

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#### **GOVERNMENT RESPONSE**

- At approximately 12 months into Nigel's kidnapping Kevin Rudd visited the home regional centre of the Brennan family residences. At this point in time we had received written correspondence from the Prime Minister of Somalia. Through both DFAT and the AFP the Brennan family tried to make contact with Kevin Rudd. Had Kevin Rudd contacted either in written form, electronically or by phone the family of Nigel Brennan throughout any of their ordeal?
- Upon being independently approached and questioned by Nigel's mother Heather Brennan Kevin Rudd quoted to the media 'that person, that individual ,I have spent more time on this case than anything else since I have been Prime Minister'
- Can Kevin Rudd give an estimate of the actual time he spent on this case?
- If indeed Kevin Rudd had spent time more time on this case than on any other while he had been prime minister why did he not know Nigel Brennans name?
- As Prime Minister did Kevin Rudd genuinely feel that his actions are equal to the words he uttered publicly?

#### **OTHER**

- Was the Australian Government aware that Nicole Bonney & Kellie Brennan flew to Canada after 12months?
- What was the Government response to this?

## **SELF REVIEW AND RATING**

- In the eleven month period that the Government were responsible for the case, in which aspects do they believe they did well?
- During the same period in what aspect did they believe they failed?
- What plan was formulated by the Australian government to give the family concise, timely and accurate information on family questions & information sought?
- How long would the Government have waited before they accepted that they didn't have the expertise to negotiate and extradite Nigel and offer alternative options to the Brennan family?
- In the event of another kidnapping what is the course of action that the Australian government will provide?
- What was the aim of the debriefs of Nigel and other Brennan family members with DFAT, the AFP & John McCarthy?
- What was the cost of the McCarthy report?
- Why were there discrepancies between the meeting with DFAT and the one with John McCarthy in regards to the use of risk management companies?
- Does the Australian government feel that the family should see the results of the recommendations and seek their views?

### **(b) How the Australian Government's response in these situations compares to the approach taken by other countries;**

This is a very good question and one that the Brennan family asked of the Australian government frequently. On numerous occasions, information was sought from the Australian government in regards to other government's policies to paying ransoms. This information was never forthcoming.



This became particularly exasperating to the Brennan family when it became aware that people from other nations that were kidnapped in Somalia after Nigel were being released in the time frame that was indicated to us by Kidnap and Ransom experts. This time frame was approximately 90 days. This question was asked of the Australian government on numerous occasions and not answered. Worldwide averages were the only options given.

Upon approaching a number of international kidnap victims post their release, (also information that was requested of the Australian government and denied), it became apparent that some countries pay ransoms however, publically claim they don't. However, most countries implement the same strategy as the Australian government to neither pay nor negotiate a ransom. NGO employees have kidnap insurance covered by their employers however, are unaware of the amount they are covered by.

A number of countries, (England and America) recognize that credible risk management and Kidnap and Ransom companies exist and allow for kidnap victims families or employers to be approached by or will pass on contact details of these companies. As per previously indicated, names of these companies were requested by Nicole Bonney and these requests denied. Upon release of government control of Nigel's case the RCMP recommended one such company. It also needs to be pointed out that the Australian Broadcasting Commission actively employs such companies for their journalists. Likewise the Australian HC employs these companies for training purposes.

It would also appear that different socioeconomic and political ranking have an effect on government involvement in international kidnapping cases.

In December 2008, during Nigel's incarceration two Canadian diplomats Robert Fowler and his assistant Louis Guay were captured in Niger by HQIM (Al Qaeda Islamic Maghreb).

For thirty years Mr. Fowler held key positions in the Canadian bureaucracy in Foreign Affairs, National Defence and Privy Council. A few years ago he joined the UN and was on mission to mediate between the Niger Government and armed rebel groups when he was taken.

In January 2009, five European tourists (two Swiss, one German, one British.), were seized in Niger by HQIM.

In April 2009, Fowler, Guay, Gabriella Greiner, Marianne Petzold were released together with reports that the ransom paid was 5 million Euros plus the release of four HQIM prisoners held in Mauritania.

Mr. Harper, the Canadian PM claimed on their release Canada paid nothing. He specifically thanked Mali and Burkino Faso for their help. Niger was not mentioned. Burkino, Faso, Mali, and the UN denied paying a ransom. Canada did however quadruple its' foreign aid to Mali.

Mr Fowler, since his release, would neither confirm nor deny that a ransom had been paid.

Werner Greiner was subsequently released but regrettably Edwin Dyer was executed. It was reported the reason for his death was that the UK refused to pay a ransom nor would they release Jordanian terrorist Abu Qatada held in Britain.

We do not believe it is remotely plausible that a terrorist group releases hostages for nothing and would like the Australian government to present documented evidence to prove otherwise.

While in Nairobi awaiting Nigel Brennan's release Geoff Brennan expressed his regret of Edwin Dyer's death to the Canadian High Commissioner, Ross Hynes, and expressed that our family would extricate Nigel & Amanda with more honour and dignity than the Canadian Government in its handling of the Niger hostage situation.

Whilst delighted that Mr. Fowler & Guay were rescued the Brennan family believe the life of an Australian citizen (Nigel) and a Canadian citizen (Amanda) are of equal value to these men.

People with insurance with the backing of a private K& R company, regularly rescue hostages .A citizen without insurance should be given an equal opportunity. While at the same time we respect the line that Governments don't pay a ransom it is imperative of all governments to help its citizens to rescue their loved ones if the family choose to pay a ransom either openly or covertly.

**(c) Measures that could be taken by the Australian Government to improve the handling of its assistance to Australian citizens and their families; and**

As this committee is aware there has previously been a review of the Australian Government Consular Services completed by in June 1997 titled as 'Helping Australians Abroad'.

I would like to draw attention to a number of recommendations in this paper and ask for the Australian Government responses to these in comparison to Nigel Brennan's kidnapping in Somalia and the response of the Australian government to the Brennan (This includes those by marriage to Nigel's siblings) family.

1 Item 3.5 DFAT consular services Canberra

- Why was the Brennan family not brought to the attention of the CRG?
- If DFAT does believe that it was explained in detail to us that the breakdown of the CRG was this when did this occur?
  - What date?
  - Where is the documented evidence of this?
  - Of particular interest was mention that the CRG was allocated ██████████ case that who kidnapped in Somalia in 1996. Upon information sourced by the family, that is, not helpful and informative information from DFAT, we requested contact with ██████████ and his mother ██████████. Contact with either person was denied to us via the AFP negotiators on site at the Brennan family house (the request was made to the family that questions had to go through chain of command and this was enforced unless the family was in either a furious or hysterical state). The Brennan family independently sourced and spoke to ██████████ a number of times. This was not reported by Brennan family members to the AFP negotiators in house as we were suspicious of the Australian Government response to our request as ██████████ had informed us independently that no one had contacted her in regards to our request to speak to her or her son about their kidnap experience.
  - It would appear that ██████████ approached the Australian Government to assist in this case, his number was not forwarded to us by anyone within the AFP, DFAT or any other Federal capacity and the AFP Negotiator who reported this contact to us was obviously skeptical to our response that we had not contacted ██████████ and asked for his assistance (as previously stated we had been in contact with his mother but had not asked her for his contact details). The disbelief of our response by this officer was not acceptable to us yet the AFP did not pursue our concerns over his behavior with us. This

had primary dramatic negative effect in our relationship with the AFP.

- Was the CRG deployed to Nairobi for Nigel's kidnapping?
- Did the CRG work in conjunction with Justin's mother when she was in Nairobi negotiating her son's release?
- I would like to point out that the Brennan family was informed by both the AFP and the RCMP that they were not welcome nor would they be included in any form of negotiations if they went to Nairobi; furthermore, they were informed they would be denied access to any of the negotiation cells in Nairobi.
- Does the Australian government believe they dealt with this request to contact other kidnap victims and their families appropriately with the best interests of the Brennan family in mind?

## 2 Item 4.3. Freedom of Information

- The Brennan family has, on numerous occasions, requested access to the phone call between Nicole Bonney and Nigel Brennan on or around the 5<sup>th</sup> September 2008 (date line variations). Which was the ONLY proof of life phone call obtained whilst under the jurisdiction of the AFP. ALL of these requests have been denied. Under the Freedom of Information Act 1982 which of the 4 reasons given for exemption denies the Brennan family access to this phone conversation?
- If none of these apply why was and is that phone call recording not forthcoming?
- In the event of Nigel's death, bearing in mind this was the last conversation that he had with a family member under the jurisdiction of the federal government would then the tape have been forthcoming?

## 3 Item 5.9 dot point 3 Australian government consular policy

- During the course of this case it became apparent to the Brennan family that the Australian government had neither the expertise nor resources to deal with this case. When did this become apparent to the Australian government?
- Were the Brennan family informed of this?

- If so when did this occur?
  - Is there any written documentation of this?
- 4 Item 5.11 dot point 2 Australian government consular policy
- Does the Australian government believe their response to Nigel's kidnapping was effective?
  - As they were unable to achieve the ultimate aim of negotiating or facilitating Nigel's release in what way do they believe they were effective?
- 5 Item 5.81 Financial assistance to travelers
- As the consular loan taken out by Nigel Brennan was used to pay the ransom for both Nigel and Amanda Lindhout, a Canadian citizen, does DFAT intend to pursue the relevant Canadian consul in recovering the loan costs of this citizen that the Australian taxpayers have paid for?
  - If not why not?
- 6 Item 5.92 Recovery of loans
- In what previous situations have loans been written off?
  - Was this consideration ever given to Nigel Brennan?
  - If not why not?
- 7 Item 5.144 Communication with families
- Like the Linder family the Brennans requested updates for more than one member on numerous occasions due to the large distance (geographically) between Nigel's siblings. This was consistently denied. As other families in hostage situations have previously requested this did the Australian government find the Brennan requests unreasonable?
  - Is DFAT satisfied with the distress they put the Brennan family under as a result of this?

- When the Brennan family contacted each other via email to give family updates to each other this was deemed as unreasonable by the AFP and the RCMP and that all emails "were to cease". When asked for other options, as the government had clearly indicated to us they would only pass on updates through one designated family member, it was suggested that family members should seek updates via public telephones at a prearranged time. As these family members were working and the updates from the AFP were in the late evening family members had to travel to the nearest town, to a functioning working public phone, some considerable distance to take these phone calls.
- Who made this call for the Brennan family to cease contact via email with each other?
- Did this person provide another option to contact other family members to give updates?
- Was this decision supported by the AFP?
- In this day and age of modern technology is this acceptable to the Australian Government to make this request and provide no viable options?
- Was there really no other option?
- If there were other options why were these never given?
- In the event of something untoward happening to another family member during these forays to retrieve calls from public phones what was the Governments duty of care?
- Why was the recommendation in this report by the previous committee not complied to and consideration given to contacting other family members outside of the Brennan family household?

#### 8 Item 5.145 Communication with families

- It is noted that when the Linder family requested outside of the AFP or DFAT this was denied. As the same requests were made by the Brennan family to establish communication with credible risk management companies this was denied.

- Why were these contacts not passed on?
- Why had this recommendation made by this previous committee not been complied to?

9 Item 5.146 Communications with families

- As with the Wilson family the Brennans did not feel kept up to date with incoming information. In ALL cases of information coming in through the media from information regarding Nigel's kidnapping (which was reported to Kelly Brennan by an Australian journalist from where Heather Brennan had to contact DFAT to establish if they were aware of Nigel's kidnapping) through to videos and radio interviews, were discovered by the Brennan family before being contacted by any government department. Does the Australian government believe they kept the flow of incoming information to the Brennan family and were more forthcoming than in previous cases such as the Wilson family?

10 Item 5.148 Communication with families

As with the Wilson family the practice of not passing on information substantiated or not definitely heightened tension within the Brennan family house. Especially in the case of Nigel's escape which the RCMP later confirmed to Kelly Brennan and Nicole Bonney. Who in the Australian government makes this decision that family members are not adult or responsible enough to recognize information that may or may not be substantiated and to make that assessment for themselves?

11 Item 5.156 Counseling

**Summary of recommendations; recommendation 12**

"Accordingly, the Committee recommends that DFAT should negotiate with State and Territory Governments and with the Coroners to make arrangements for grieving or distressed families in their respective States and Territories to have access to their counseling services. DFAT should also maintain a list of private counselors to provide to families. (Paragraph 5.156)

The Brennan family notes that in these same recommendations that DFAT be supplied with counseling services for consular staff. See recommendation 13. This has been

accomplished and DFAT has a fine counselor, [REDACTED] who visited and with consultation with the family assessed the entire family including the Bonney children. All the Brennan family agrees she was superior in her quality of care and endeavored to prepare them for future trauma. Upon request from the family [REDACTED] returned once more, however, it was indicated to the Brennan family that hers was not a role for the family's constant use.

When the family asked for assistance in regards to counseling none was forthcoming and was suggested that the Brennan family source their own. Likewise when asked prior to leaving for Nairobi if counseling would be accessed post Nigel's release the Brennan family were informed this was not the case and they should contact the government service Centrelink for assistance with counseling services .

Furthermore, approx 1 month into Nigel's kidnapping the Brennan's were informed an AFP psychologist would be arriving at the Brennan house. Upon arrival this woman was deemed totally unacceptable to the Brennan family, no indication was given by her as to why she was here. It is of the belief that the family members were being assessed to establish who would be the in primary NOK negotiator role?

- Was that the case?
- If not why was she placed in the family home?
- What were the outcomes of her assessment of us as noting was forwarded on to the Brennan family?
- Was she placed in the family home for the purpose of assessing the wellbeing of AFP personnel?
- Why has the Australian not made good its recommendation of providing counseling services to distressed families and give a list of counselors local to the families, yet has managed to implement the recommendation providing counseling services to DFAT staff?

12 Item 6.65 Translation/ interpreter services

**Summary of recommendations; recommendation 16**



'However, in the case of Australian victims of crime and those facing serious charges in overseas jurisdictions, the Committee recommends that DFAT provide them with translator and interpreter services. (Paragraph 6.65)'

- Despite constant requests from the Brennan family why was this recommendation not implemented after this recommendation had been made by the Australian government 14 years prior?
- Does the Australian government provide Somalian interpreter services to immigrants?

13 Item 7.26 The case of Kellie Wilkinson Discussion

As a proof of life of Nigel was not obtained by the Australian government from the 5th of September until they stepped back from the case what was the limit set to the financial and personnel resources dedicated to "Operation Mane"?

- Was this information ever going to be passed on to the Brennan family?

14 Item 7.133 Access to Information

As with the Wilson family the Brennan family felt they too were being drip fed information over the period of time Operation Mane was operational and expressed this to the Australian government. This created enormous and we believe unnecessary strains on the Brennan family .After these recommendations having been in place for 16 years is DFAT satisfied with their internal and apparently deliberate procedures that they actively withheld critical information from the Brennan family?

Throughout Nigel's kidnapping ordeal numerous meetings were had between the Brennan family and various departments , from the initial nightly briefings through to the monthly visits from government departments. No written information was or has since been passed on to the Brennan family despite constant requests. Post Nigel's repatriation to Australia Nicole Bonney was contacted by AFP personnel [REDACTED] for details of all correspondence between Nicole Bonney, Nigel, Amanda, Adan and all written information between the CMT for Australian government use. Nicole Bonney explained that without reciprocated evidence from the Australian government in relation to operation mane these would not be forthcoming.

- Considerable pressure was put on Nicole Bonney and the AFP proclaimed disappointment at her not passing on this information. Was the Australian government within its rights to ask for this information when none of their own was forthcoming?
- What procedures have been put into place to capture Nigel's kidnappers?

What extradition laws does the Australian government have with Somalia to extradite these criminals?

- As none exists what benefit apart from obtaining information from the Brennan family from experts that the government previously called mercenaries was the purpose of this request of this paperwork?
- Would this information, some one else's intellectual property, be used by the Australian government to operate future kidnappings of Australian citizens without the use of a risk management company?

15 item 7.138 Access to Information

When Heather Brennan was in Perth the only POL that the Australian government was able to obtain came through. A copy of this call was played to her in Perth by an AFP officer. When Heather Brennan returned to Moore Park she requested to hear this recording and a copy of it. This was refused. Eventually after constant requests to the AFP negotiator on duty she was allowed to listen to the call played on the AFP computers. No audio copy of this call was ever granted. This has not differed since the Wilson case. Why did the Australian government despite recognizing this as an issue 16 years ago not implement a strategy to deal with access to information for direct family members?

The Australian family also requested contact with Al Jazeera after the video was released. This was denied and the family was actively advised against contacting. No copy of this video was ever forthcoming.

The Australian government also refused the Brennan family the opportunity to tape the 1<sup>st</sup> official meeting as unlike DFAT they had no access to a shorthand secretary for this meeting. This set a precedent and no minutes from this or any other meeting with

government agencies were ever presented.

The Brennan family was also refused contact with Elmi's (the Somali fixer taken hostage at the same time as Nigel) family as per request. The response to this request came down the line via AFP negotiators "not to worry about his family we are to concern ourselves with only Nigel and Amanda". This stance was one that sat badly with the Brennan family and was pointed out to the AFP negotiators on site.

#### 15 item 7.140 Access to Information

Whilst DFAT indicates that some information in regards to the kidnap victim may not be confirmed they must recognize that it the department's duty to provide much sought after information to the family. The Brennan family fully understood this and requested all information confirmed or not. The Brennan family was open to the opinion of the department's quality of information passed on. On many occasions unconfirmed information was deliberately withheld from the Brennan family, a case in point was the attempted escape and seeking of sanctuary in a mosque by Nigel and Amanda. Who in the department made the decision that the Brennan family was incapable of receiving and interpreting unconfirmed information?

Does the Australian government recognize that this (in)action effectively made the opportunities for the family to decide on further actions an impossibility as they were not informed of unconfirmed information?

Which agency or agencies were providing confirmed information to the Australian government?

Does the Australian government recognize how difficult validating information coming out of Somalia was?

Why then was not more unconfirmed information passed on the Brennan family?

Does the Australian government recognize that the families need for information is a high priority?

#### 16 Item 7.169 DFAT and the Media

DFAT appears to have an adverse reaction to media especially if it appears to reflect

badly on DFAT who it would appear endeavors to shut it down to save face. Yet DFAT used the guise of safety of the hostages to achieve this aim. Amanda repeatedly requested contact with the media and both she and Nigel used the media as a way to get a proof of life to family members and public awareness to their respective countries governments to indicate their plight.

17 Item 7.172 and 7.173 DFAT and the Media

Throughout this investigation DFAT paid close attention to the Australian media and in one case in particular information was confiscated from journalists and not returned by DFAT when government stepped back from this case on the insistence of the Brennan family. Sections of the Australian media requested contact with the Brennan family for information to be passed on to them. Why was confiscated information not given back to members of Nigel's peers and the opportunity given to pass this information on to Nigel's family that DFAT had not been forthcoming with?

- How did the Australian government envisage using the media to implement what the Brennan family called the lost dog poster strategy?
- How exactly did Australian government intend to be contacted by people on the ground?
- How was this information to be integrated into the Somalian community?
- How were informants giving information in regards to this poster to be vetted?
- How and when was that information to be passed onto Brennan family?

18 Item 7.176 and 7.177 DFAT and the media

It's quite obvious to all that the Department did not clearly explain its media strategy to the Brennan family. When questioned [REDACTED] indicated to the Brennan family that we were misinformed as to what her role actually was. The Brennan family had a number of contacts within the media who were far more helpful and compassionate to Nigel's situation in Somalia than within the ranks of the Department. It is now a well known fact that an Australian journalist was the first person to contact the Brennan family indicating Nigel's kidnapping. The Australian government has to recognize that

the media is Nigel's peer group and had his best interest at heart. This is something that the Australian government refused to even acknowledge let alone accept. Furthermore, ABC media personnel approached the Brennan family to give them what the Australian government would not a reputable kidnap and ransom company with expertise in this field when they became aware of how desperate our plight had become upon the unsuccessful strategy implemented by the government in May 2009.

- In light of these two really important and unpublicized events why does the Australian government employ tactics to keep families in crisis situations isolated from the media which quite often has very important ramifications?

19 Item 7.198 The Consular Response Group

- According to this past enquiry CRG was established for kidnapping situations such as this, what contingency plans were established for this case?
- Did one exist?
- Was any information in regards to this contingency plan enacted by the CRG ever explained to the Brennan family?
- What recommendation from the "Helping Australians Abroad" report was implemented in Nigel Brennan's case and Operation Mane?
- Can the Department explain what recommendations from the "Helping Australians Abroad" were of benefit to Nigel Brennan and the Brennan family?

Disappointingly some fundamental recommendation relevant to Nigel's case after 18 years still not have been addressed, It would appear to the Brennan family that recommendations that were of value to DFAT employees have been implemented by the Australian government, however, any recommendation that are of importance of the individual kidnapped, the family involved and all media have been steadfastly ignored to have to be represented.

## **Recommendations**

I wish to thank the Senate standing committee on Foreign Affairs, Defence, & Trade for the opportunity to make this submission to the inquiry into the kidnapping of Australian citizens overseas and Brennan family feel they have some very real and relevant observations and suggestions as to how the Australian government could handle a future international kidnapping.

In reality we would agree that governments should not pay ransom as it encourages the practice; however, we are aware some governments do exactly this.

The Australian government is well aware that risk management companies exist and that people kidnapped with insurance policies employ Kidnap and Ransom specialists who rescue those kidnapped individuals. These companies are specialists in this field and have more expertise than our government.

A private citizen without insurance should have an equal opportunity to be rescued by the independent hiring of a kidnap and ransom specialist

This avenue, the use of a private contractor, will be less expensive for both the Government and taxpayer. Furthermore, this avenue results in a much faster resolution.

A quicker resolution has obvious benefits psychologically for both family and hostage.

In future kidnap situations, involving Australian citizens, it is imperative that the Australian Government agencies accept that they do not have the abilities to perform rescues and to advise the families that there are companies who have the expertise from many years of experience. Because of a limited time frame the result would have both positive psychological and financial benefits for both the family and the hostage.

It could be an advantage for persons in negotiation training to have some form of psychological training which may give them a more sensitive aspect when dealing with

families who are in a stressful situation.

**(d) Any other related matter.**

## **OPINIONS**

Throughout the time Operation Mane was in place and beyond the Brennan family was treated with little respect by the Australian government in regard to their need and drive to obtain information regarding Nigel's kidnapping obtaining outside of the little that was provided to them by the Australian government. The Brennan family suspects that the general opinion of the government was that of the Brennan family being dumb uneducated farmers and accordingly should be kept ill informed and ignorant of Nigel's situation and the situation in Somalia. The Brennan family believes this to be done for a number of reasons. The primary one was that if they were kept ignorant of the situation in Somalia they would be under the false illusion that all was being done that could be done and that Nigel was relatively safe. This in turn would keep the Brennan family in check. The Brennan family feels that on the whole they were entirely underestimated by the Australian government. Something that should have been used as an asset, that is the Brennan family determination to repatriate their loved one, was greatly disregarded by the Australian government. The Brennan family also believes that the AFP, in light of recent poor publicity, really wanted a good news story and Nigel's rescue would provide that, thus distorting the view on what was actually achievable by individuals and companies outside of government systems.

The Australian Federal Police may need to revise the famous quote by Sir Robert Peel, the founder of modern policing 'The police are the public and the public are the police; the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence'. However, the AFP is indeed Federal and a beast to its political master DFAT, Sir Robert Peel also went on to quote 'There seem to me to be very few facts, at least ascertainable facts, in politics'.

This said there were a number of individuals whom went beyond the sterile objective government approach, negotiators within the Queensland police, along with a number of negotiators and other officers within the AFP and some DFAT personnel. Our family's thanks for their support are individual rather than for the organisations on the whole.