

**Foreign Affairs, Defense and Trade references Committee Inquiry -
Effectiveness of the Australian Government's response to
Australian citizens who are kidnapped and held for ransom
overseas.**

Personal Submission

This submission addresses the terms of reference (a) and (c).

I, Nigel Brennan, make this submission as an Australian citizen who was kidnapped in Somalia on the 23rd August 2008 by a criminal gang. I was held hostage for 462 days before my live release on the 25th November 2009. My release was achieved only after my family paid a very substantial ransom.

As part of this submission I would like to include my recently published book, *"The Price of Life"* which documents the course of events that took place in detail. Many of the issues I address in this submission are covered in context in the book, which will give the Inquiry a comprehensive understanding of events from my perspective in captivity and that of my sister, Nicole Bonney, and my sister-in-law, Kellie Brennan, who worked tirelessly to secure my safe return home to Australia.

Summary of case

On the 20th August 2008 I travelled to Africa as a freelance journalist to cover the humanitarian and food crisis that was occurring in Somalia at that time. I knew the dangers involved with travelling to Somalia, a country that had been in turmoil for eighteen years. I had researched this via the Internet before entering the country. To mitigate risks we employed a "fixer", [REDACTED] who was tasked to provide a security detail to protect my colleague, Amanda Lindhout, a Canadian citizen, and me while we were in Somalia.

On the 23rd August, whilst en-route to Internal Displaced People's camps, on the outskirts of Mogadishu, our vehicle was ambushed. Four of my colleagues - Lindhout and three Somali nationals - and I were then taken hostage by 7-8 armed men who later claimed to be part of the "Somali Mujahedeen". The kidnappers explained that it was a political kidnapping as the Australian and Canadian governments were at war with Islam. They believed this was evident by the fact that Australian and Canadian forces were occupying Iraq, Afghanistan and Pakistan.

On the 25th August 2008 a ransom demand of US\$1.5 million each for Lindhout and I was sent to the Australian and Canadian governments.

This was communicated in the first days of the kidnapping by mobile telephone to our families.

During the first weeks, I was allowed by my captors to speak with two Australian Government officials - [REDACTED] an Australian Federal Police (AFP) officer based in South Africa and [REDACTED] also from the AFP. It was explained to me, at that time, [REDACTED] that the Australian Government's position was not to pay a ransom for one of its citizens taken hostage overseas.

These conversations were the only communications I had with Australian Government officials during my 462 days of captivity. My family wasn't made aware of [REDACTED] phone conversations with me until more than three months after it had occurred in December 2008. No transcripts or recordings of either conversation have ever been provided to them despite their repeated requests. As these conversations involve [REDACTED] speaking with me, I can see no reason why I should not be supplied with these transcripts and recordings now.

Subsequently and separately, [REDACTED] a DFAT member and later Foreign Affairs Minister Steven Smith explained this "No Ransom" Policy to my family in the first weeks of my kidnapping. However it was never clearly explained to either my family or to me that the Australian Government's current "No Ransom" Policy also includes "Not Negotiating" or not even assisting families in negotiating with kidnappers overseas who demand a ransom for the release of a kidnapped Australian citizen. Further, DFAT offered no alternative to my family to the policy of not paying a ransom or not negotiating. I would like to be afforded the opportunity to learn what the alternative options the Australian Government had then, and would have now to negotiating, or facilitating the negotiation by family members when a ransom is a topic of discussion.

After nine months as a hostage, in dire life-threatening circumstances, I did try twice unsuccessfully to contact my family on the 13th and 21st April 2009. However, unknown to me, the Australian Government had taken control of my family's phone by removing it to Canberra for what they told my family would be subject to "24/7 monitoring". The Australian Government reissued my family with a new telephone number, which was obviously unknown to me. Despite the promised "24/7 monitoring" neither of my desperate phone calls in April 2009 were answered, as they surely would have been at my family home. Instead both calls went to voicemail. The outgoing message was my sister's voice, the original outgoing message from my family's now defunct telephone phone number. (For details see: Agencies Consultation section).

As it was then Easter 2009 holidays in Australia, AFP did not provide staff to monitor the telephone. As a result no one was aware that I had attempted to ring my family and had left a message until many hours later. The message was not played to my family until later in the day that it was discovered.

I believe the second message was picked up very soon after I made the call, however, it has never been clearly explained to my family or myself why these calls were missed in the first place – when the phone was supposedly under "24/7 monitoring". Clearly "24/7 monitoring" means exactly that. The AFP clearly did not monitor the phone on that basis as they had promised my family. My family would not have agreed to have their home telephone number moved to Canberra had they known that it would not be monitored as promised.

My only explanation for why this did not occur comes down to cost of employing personnel to monitor the phone. I would like to know why the phone was not monitored as agreed. Further, I would like to know that if the AFP was unable to monitor the phone, why then was my family was not told of this, and not afforded the opportunity to move their home phone number back to their house, so they could monitor it themselves.

Conditions during my 462 days of captivity worsened day-by-day. At the beginning I was held with my Canadian counterpart for a period of two months. Then I was held in isolation for the remaining 400 days of captivity, and, for the last ten and a half months I was shackled after a failed escape attempt on the 22nd January 2009.

On reflection, with the benefit of hindsight, 18 months after my release, I am 100% certain that my safe live release was only secured by the engagement of a specialist Kidnap and Ransom (K&R) Response Firm, and, most importantly, one acting independent of the Australian and Canadian government's.

The engagement of the K&R firm was done in conjunction with the Canadian family, however, it fell upon my family and individual private donors within Australia to provide the monies to pay the agreed ransom demanded for the Canadian citizen and myself.

Equally, in direct and total contrast to the strategies employed by K&R firms worldwide, I firmly believe that the Australian Government's currently policy of not negotiating with kidnappers overseas for the release of Australian hostages nor paying ransom is a hopelessly fatal policy that would have ultimately ensured my death in Somalia. Sadly, the Australian Government employed this policy when Australian hostages David Wilson and Kellie Wilkinson were kidnapped in Cambodia in the 1990's, and both lost their lives.

As a released hostage, it is blindingly clear to me the Australian Government's current "No Ransom, No Negotiation" Policy must be changed. Policy change is the primary outcome that I seek from this Senate Inquiry. I hope that the Australian Government reverses this policy as soon as possible, and certainly, before the next Australian is taken hostage overseas. To do nothing, as is the Australian Government's policy now, is to condemn the next Australian hostage to death. That cannot be a rational, sensible or morally defensible Australian Government policy. So how could it be legal and permissible now? How can the government claim to have done everything possible when the reality of the current policy is to simply do as little as possible for as long as possible, and hope that the hostages are released spontaneously?

Yet clearly in some recent hostage cases, the Australian Government has intervened. I do not understand the difference between the Government doing nothing for me in Somalia yet offering substantial assistance for other recent cases like Woods in Iraq, Danes in Laos and Pratt in Serbia. That huge difference, contrary to the Australian Government's hostage policy, remains a vast mystery to both my family and I. Why do some Australians get a lot and most get little or nothing when held as hostages overseas?

I fully understand the ethical conflict facing governments when payment of ransom by governments themselves can be seen to create a market for further kidnappings of citizens, as kidnappers would see this as a readily available source of funds.

I am also aware that by paying a ransom, money can be used to influence and/or arm criminals, finance further kidnappings, criminality, civil unrest, war etc. Though these facts are true, in certain circumstances not paying ransom can be a certain way to ensure that the kidnapped person is killed. It is a difficult dilemma for Governments to face, however many cases including mine demonstrate that in certain circumstances there is no better way to resolve a kidnap than an immediate and quick direct negotiation followed by payment of a ransom. They are indisputably business transactions, as unpalatable as they may be. By offering the kidnappers no hope of receiving any payment for keeping the kidnapped person alive and returning them home safely, the kidnappers have no incentive to do so. People like those who kidnapped me are clearly not taking people for ideological reasons, so failure to address their financial motives is a sure way to get people killed.

I believe that the government should be able to decide whether government funds are used to pay ransom, but I do not believe that a government is ethically in a position to tell a family that they cannot use their own funds to pay a ransom to save the life of a loved one. If it is the decision of the Australian Government not to pay ransom, then

families of kidnapped persons should be told that immediately, and provided advice that alternatives exist external to the government.

I am aware that the British government, among others, does provide this advice. It is my understanding that they essentially tell the families that they cannot be involved in the payment of ransom to kidnappers, but can provide a list of reputable private companies who specialise in kidnap and extortion negotiations. They further explain that the government must back away from the process, should the decision to employ private contractors to facilitate negotiation for and payment of ransom be made. They don't involve themselves in the payment of ransom, but don't prevent it either - to do so in many cases would be to sentence their captive citizens to death.

I would welcome an investigation by the Australian Government into how these matters are handled in other countries, with an open mind to improving the response of the Australian Government to these matters.

Terms of Reference (a): Effectiveness of Australian Government agencies response, including the AFP, DFAT, ASIS, ASIO and consular assistance.

Australian Government's commitment:

The Australian Commonwealth Government, including Foreign Affairs Minister Steven Smith, his Department of Foreign Affairs and Trade (DFAT) and its Consular Centre, the Department of Prime Minister and Cabinet (PMC) and Prime Minister Kevin Rudd personally (as he claimed often to the media), the Australian Federal Police (AFP) as well as the Queensland Police Service (QPS), were involved with my case within the first days.

The QPS State Negotiator Coordinator, [REDACTED], a QPS negotiator stationed in Bundaberg, were dispatched to my family home in Moore Park, Queensland, on the 25th August 2008. My understanding is that this was done on the request from the AFP.

[REDACTED] from DFAT was directly involved within the first days of my kidnapping, though working from Canberra. Four special operational units were set up to support what became known as "Operation Mane". Three were established in Australia, one at my family home in Moore Park, one in Brisbane and the other in Canberra. The fourth was based in Nairobi, Kenya to more readily facilitate direct negotiations with the kidnappers in neighbouring Somalia.

It was never explained to my family or me, which Government departments were involved with this operation outside of DFAT and the AFP, how they interacted and worked together or what their stated

mission was in this "negotiation" operation. In fact "Operation Mane" has never been explained to us, despite our requests for a full post-release debriefing. It is my hope that this Inquiry can get us those answers we sought from DFAT and AFP on "Operation Mane".

On the 25th August 2008 my sister Nicole Bonney became the next of kin negotiator (NOK), simply due to the fact that she took the first phone call from the kidnappers. She had no formal negotiating training or experience before my kidnapping in Somalia. [REDACTED] from QPS initially trained her in basic negotiation skills. This training was ongoing once the AFP took over negotiations. This involved numerous AFP personnel, teaching her negotiating techniques so she could deal directly with the kidnappers and their intermediary. Initially, this was most confusing to her as it was clearly contrary to DFAT's often-repeated position of their official "No Negotiation, No Ransom" Policy.

However, she was forced to take on this difficult and specialist task totally unprepared, as was my family. DFAT were apparently doing nothing to obtain my release. I have since discovered that this was not the right protocol and it is normal for the professional negotiator to be quite removed, almost independent from and not a member of the family, someone like a mediator, negotiator, ADR lawyer or a more distant relative.

One of these is more appropriate because of the lack of emotive ties compromising their independence and objectivity in negotiation. Why did the AFP make my sister the negotiator, when it was contrary to DFAT's policy, and why didn't DFAT stop it at the outset?

As I've mentioned, in the first few weeks of captivity, I was advised of the Australian Government's position on not paying ransoms. I wasn't advised of their policy on not negotiating or even assisting the family in negotiating with hostage takers overseas. Now sitting here at home in Australia, in theory, I agree that seems the sensible course, however, in practice, chained up in Somalia, that absolute hard do-nothing stance does not work nor would ever work. Kidnappings, when done for ransom, in these parts of the world are simple business negotiations. Achieving the release of kidnapped persons requires action. Inaction achieves nothing positive, and only further increases the risk of death to the kidnapped person.

My case is illustrative of this point. The Government's do-nothing policy increases the risk to my life and that of my fellow hostages. It also substantially increased the severity of our physical condition, damaged our mental wellbeing and added over a year to my captivity. In my view a policy of inaction is a definite "No Win, No Gain" option of no use at all. As such it should be changed before the next Australian is kidnapped overseas.

International experience shows that about 69% of kidnaps are resolved by payment of a ransom; 9% are resolved by rescue; 2% by escape while only 20% die or are killed in captivity or are released for free. In 'insured negotiated' cases worldwide, since 1976 there is almost a 100% success rate in securing a live release (source: Clayton Consultants). Based on these statistics alone I have to seriously question the Australian Government maintaining its current hard "No Negotiation, No Ransoms" Policy, its related Consular practices and their applications in my kidnapping.

When negotiation yields a 4 in 5 or 80% chance of the safe live release of the hostage, acceptance and use of the Australian Government's current Hostage/kidnapping policy of "No Negotiation" sadly guarantees a near 100% certainty of a murderous criminal death overseas. Clearly not a rational or sensible choice for my Government to make about one of its citizens held hostage overseas. Nor is it one any Australian family would, should or could accept as a valid and sensible option let alone Government policy, as fortunately mine did not. To me, after my experience, retaining this policy stance raises some urgent and serious questions:

1. If the government's 2009 policy was to not pay ransom, why then did they attempt to negotiate directly with my hostage takers?
2. Who did they use as negotiators, negotiating how and with whom did they negotiate?
3. What was the non-ransom goal and was it achieve?
4. What experience outside of domestic hostage taking do DFAT and the AFP have in cross-border/international kidnaps for ransom?
5. Has the Australian Government enquired into how these matters are handled in other countries in order to improve the response of the Australian Government to these matters?
6. Since David Wilson's kidnap and execution in the 1990's how many Australian citizens have been kidnapped and held for ransom overseas?
7. How many of these cases have the government worked on and how many were resolved live with no negotiation or payment of a ransom?
8. If the government's experience is so limited by its "No help the family" policy, then is it not negligent in then attempting to perform this type of activity instead of advising families of the option to hand over negotiations to professional Kidnap and Ransom Companies?
9. Has the government previously or currently employed the services of any K&R response companies around the world, including for training purposes, as consultants or as responders for any government employees or agency workers?
10. Did Government agencies at any time in my case seek assistance or information from any private K&R companies or consultants?

11. Why did the Australian government never direct my family to these experts to help in securing my safe release?
12. Before me, what experience and capabilities did the Australian Government have in dealing with African kidnappings, particularly, with Somali kidnappers?
13. [REDACTED] (QPS) is recognised as having significant experience in negotiations, with links to the FBI, New Scotland Yard and RCMP in Canada – why wasn't [REDACTED] an integral part of the "Operation Mane" team dealing with my kidnap? If it is because of jurisdiction then why was he called by the AFP in the first place?
14. Could and should the government be held accountable for its actions/inactions, deceptions and negligence in conducting my consular kidnapping case?
15. What are the legal and moral duties owed to Australian citizens and the families of citizens held hostage overseas? How well did the Government meet their obligations in my case?
16. What is the community expectation of what the government should do in these cases? How well did the government meet their obligations in my case?

Agencies' consultation:

At the beginning of my kidnapping I believe that discussions between my family, DFAT and the AFP were positive. The AFP set up a number of operational units, including one in my parent's family house where regular family briefings took place, covering what was occurring and possible resolution strategies. Doing this at home was greatly appreciated by my family. There were also phone and email correspondences with [REDACTED] from DFAT (who was I believe in charge of the whole Government operation).

At the beginning of my kidnapping, each evening, AFP negotiators would brief my family members in the family home. Following these discussions, the information was disseminated to other family members that were not present. These briefings started to dwindle in October 2008, when the AFP moved out of my family's home to the "Villas" apartments in Moore Park, and evaporated completely when the "next of kin" (NOK) phone was moved to Canberra in February 2009. My family, who were always desperate for information, was soon and too often left stranded and alone. Furthermore, when they were given any information they were then told not to disseminate information to family members that were not present. Increasingly, phrases such as "no need to know, no security clearance, its confidential, it's a moving situation, its uncertain etc" became commonplace excuses for not giving new information. Daily briefings became weekly and then non-existent.

The NOK phone located in my family's house was removed without full understanding or endorsement of the family. Their only direct link to

me was completely removed and their home phone number changed, all of this vital information was unknown to me. My family's calls and letters to the Foreign Affairs Minister went unanswered for months. Even the Prime Minister ignored the family during the entire time I was held captive until my mother confronted him in Bundaberg on the 23rd July 2009. At that time he told my mother that he had "spent more time on my case than any other in the past year", though then he could not recall my name. Let him come to this Inquiry to tell us all just what he did and what he achieved in my case. My family and I would certainly like to know what so much of the then, Prime Minister's time and attention achieved for my family and for my release.

Foreign Minister Steven Smith was tardy, dissembling and eventually blatantly dishonest to my family in regards to the official Australian-Canadian Government strategy, which was in play in late December 2008. This strategy was to suddenly cut off communications to the kidnappers for nine weeks believing that this would somehow secure my release for free. When my family questioned this strange stance and explained their disapproval on 4th March 2009, Foreign Minister Smith told them "it had only days to run" when really it carried on for nearly three more weeks.

By contrast, a Canadian (RCMP) official [REDACTED] and AFP member [REDACTED] talked with my family around the six-week mark of the kidnapping (October 2008) about the vital importance of building rapport and keeping lines of communication open with the kidnappers. Subsequent to this advice, the DFAT strategy changed dramatically to the complete opposite to what the AFP, RCMP and QPS previously advised. How could this policy conflict be reasonable and practical? What basis of past success was it built upon?

17. What was the primary overall strategy decided firstly by the Australian Government, the Canadian Government and then the two governments in consultation?
18. Which Government insisted on this particular change of strategy of 'no talking' for nine weeks?
19. Was there a defined objective and was that objective reached by this silent option?
20. Was consideration given to the impact of such a strategy on the hostages, who the Government's knew were being held in dire conditions?
21. Why did the Government's insist on implementing a strategy of "no communication" with the kidnappers for nine weeks?
22. Did either Government validate this strategy independently - against what facts, standards and with whom?
23. Did either Government check whether this strategy had been successful in similar previous circumstances?

24. Why was this strategy, the objective and the possible outcomes, not explained or approved by my family before being implemented?
25. When my family opposed the "no communication" strategy because of the possible adverse impact it could have on me - why was it not aborted? Was this dereliction of my Consular rights to protection?
26. Why was Foreign Minister Steven Smith dissembling and then dishonest about the duration of this silent strategy?
27. Why did various Government agencies request that information not be disseminated to other family members?
28. Was this done to silence them from questioning the agency's abilities?
29. Was this done also to stop them from informing the media?

Absolute No Actions:

One of the most shocking discoveries I made when I was released was that the NOK phone, located in my family's house, was removed in early February 2009 and taken to Canberra as the Government agencies wanted to monitor the calls. My family were given a commitment that the phone would be monitored 24-hours daily. On the 13th and 21st of April 2009 I made phone calls to my parents' number. My life at the time was being threatened and I felt things were coming to an end and I would be killed within days. This was my final chance of a plea for help. Both of these calls were made while my family's phone was under the Government's "24/7 surveillance" in Canberra; yet neither of the calls were answered. I was forced to make both calls with a pistol pointed at my head. The kidnappers, frustrated that negotiations had ground to a halt, explained that they wanted a resolution within days or they would kill me.

Expecting my family to answer and then to hear the voice recording was devastating, terrifying and bewildering. I couldn't understand why they weren't answering, sure that they would be monitoring their phone around the clock. I feared that the kidnappers would take their aggravation out on my by beating me, or worse still, simply killing me. Telling the kidnappers that my family wasn't there and asking could I call back did not seem a good answer with a pistol at my head. But I was left with no alternative nor could I understand or explain it to them. Prophetically and literally, I too could have died because it was Easter (holidays in Canberra).

30. How could this possibly happen in a 24/7 monitoring situation, and, why did it?
31. How long after I called did the AFP find the first call I had made?
32. How long after the second call did it take for the AFP to realise I had made another?

33. Who was supposed to be monitoring the phone at the time both these calls were made? Why were they not there to answer my call at such a critical time? Surely not because it was Easter holidays?
34. When did AFP actually notify my family of these desperate calls?

Agencies actions:

35. What was "Operation Mane"?
36. Were the Australian and Canadian governments and agencies involved in "Operation Mane"?
37. What other government agencies were involved in "Operation Mane"?
38. What were the objectives for "Operation Mane? To what extent were they achieved?
39. What was the cost to the Australian Government/tax payer for "Operation Mane"?
40. What was the cost-benefit or value for money assessment of "Operation Mane" – at the beginning and after my release?
41. What do the government agencies involved see as the best and worst aspects of how they handled this case?
42. Many aspects of the handling, decisions and management of my case were withheld by DFAT from my family, why was this and why were their questions and queries ignored by Government agencies?
43. Why did the government not refer my family to the private sector who have more experience and capabilities in kidnap response, negotiation and release?
44. DFAT set a \$250,000 "cost payment" for my Canadian counterpart and myself. How was this figure agreed and who was involved in agreeing upon this particular amount, to what end and purpose?
45. Was this figure going to be paid by the Government or was this to be paid by the families and how was this going to be facilitated?
46. When the Government became aware that more money was available through my family to resolve my kidnap, why didn't the Government try new strategies with this in consideration?
47. In January 2009 a similar case had been resolved in Somalia when a British journalist and his colleague, a Spanish photojournalist, had been freed after six weeks of being kidnapped. Did the Australian Government seek advice from the British or Spanish Government or the K&R Company involved.
48. When the Government first knew that any ransom would far exceed the \$250,000 why didn't they advise my family of this critical change?
49. Why was a translator never provided to assist my sister with negotiations and why was my family's request for this denied?

The Canadian Government believed they would be able to wear the hostage takers down and secure the release for their citizen and myself for free.

50. What was the Australian Government's stance on this belief? Did the Australian Government rely on the Canadian Government's expertise? How did it validate their proposed tactics? Based on what previous overseas hostage cases?
51. Was the Government willing to allow me to remain in captivity so that this strategy maybe successful? Did either Government considering the adverse health and mental effects it would have on my family and myself?

Family initiatives:

My family had many different proposals and initiatives, which were always kept private. They researched every aspect of K&R, previous hostage cases, contacted previous hostage survivors, examined many possible TPI's and K&R consultants. Critically, they did not discuss aspects of the case with the media or anyone outside the immediate family, exactly as was requested by various government agencies.

52. Why was my family requested not to contact or discuss any aspects of the case with the Canadian family?
53. Why was my family requested not to contact or discuss any aspect of the case with any outside party?
54. Why was my family requested not to contact or discuss any aspect of the case with the media?
55. Why were Government agencies under a no media approach contrary to the recommendation of the 1997 "Helping Australian's Abroad" Senate Review.
56. Why was the Government's approach to and dealings with my family, also contrary to the recommendation of the 1997 "Helping Australian's Abroad" Senate review?

After my safe release in November 2009, my family requested full debriefings with Government agencies. Inexplicably, this only occurred on the 10th June 2010 in Canberra, more than six months after my return to Australia. There was also another internal 'independent' debrief provided by the Government, by DFAT's John McCarthy. My family wanted to gain some closure into my kidnapping situation, by gaining understanding and insight into the Government's handling of the case. Further, from our views and experience, we also wanted to suggest changes in hostage policy for the next Australian kidnap victim and family. The DFAT debriefing for us involved several DFAT members

[REDACTED] and several AFP members [REDACTED]. The minutes of either meeting or their outcomes have never be provided to our family nor has a copy of McCarthy's internal

review (which we were told cost \$50k, yet he was a DFAT senior officer).

57. Why did Government agencies not offer a debrief quickly, instead of my family having to request this for more than six months?
58. What did the Government learn from McCarthy's internal review? What policy changes were recommended?
59. Have these recommendations been implemented or not like most of those in the 1997 "Helping Australian's Abroad" Senate review?
60. What did the Government get right and wrong in its management of my kidnapping?
61. What lessons has the Government learnt from my kidnapping?
62. How is the Government going to modify its strategy and policy in regards to the next kidnapping cases overseas?
63. How is the Government going to inform the travelling public and their families of these hostage policy changes?

The June 2010 DFAT meeting covered various legal issues with the Criminal Code and Counter Terrorism Provisions in regards to payment of a ransom.

64. Have both these issues been adequately resolved? Can we have confirmation of this in writing?

Other issues of great and ongoing concern to my family were also raised by us, including possible surveillance and phone tapping.

65. Was my family investigated at any stage during the kidnapping and to what extent was this investigation carried out? (Background checks, financial records, phone tapping etc).
66. If they were in fact investigated, which agencies carried out the investigation? For what purpose and with what result and with whom was it shared?
67. Could the Government and all agencies involved in my case, please provide to this Inquiry a chronology of events for the 462 days of my kidnapping (as they did for David Wilson, see Apx.4 of the 1997 "Helping Australian's Abroad" Senate Review).
68. Could the Government provide me with all transcripts of my debrief with the AFP after my release in Kenya and Australia, including "comfits" I did in Canberra with regards to the kidnappers?
69. Could the Government provide me with voice copies and transcripts of all recorded phone calls that both Amanda Lindhout and myself made during our kidnapping in Somalia?
70. Could the Government provide my sister Nicole Bonney with voice copies and transcripts of all recorded phone calls made by her - to and received - from the kidnappers' intermediary?

During this June 2010 DFAT debrief, both my family and I raised strong concerns about the fact that no assistance was given to either my family or myself upon return to Australia in regards to counselling services. This was a clear recommendation of the 1997 "Helping Australian's Abroad" Senate Review.

71. Why were counselling services not offered to my family for the duration of this case?
72. Why was there no form of assistance in counselling given to either my family or myself on my return to Australia?
73. Why were we not informed of free trauma counselling services available to citizen within the health system?
74. Why has the Government not implemented a recommendation 14 years after it was recommended? When and how will it do so now?

Ransom payments

Family strategies:

In reality, there was far too much conflicting information between various Australian Government agencies dealing with my family: e.g. DFAT stating they wouldn't pay a ransom or facilitate a ransom while, at the same time, the AFP was asking my family its net worth and was them telling them to liquidate assets to pay a ransom.

My family agonised over the decision to pay a ransom or not, until they realised I had become a commodity. That was when they choose the AFP advice to privately pay a ransom as it was the only way to secure the release of a loved family member. They made this decision after DFAT's "No Action" advice was likely to end up in my death, which, I particularly have to confirm now, was never a sensible or reasonable outcome. What else could my family do but try to pay a ransom.

75. If the Government's hostage policy is not to pay ransom, why did AFP members [REDACTED] (on day seven, on "a directive from higher up in the AFP") ask my family "its net worth and how much money they could put together in 24 hours" to offer the kidnappers?
76. Who gave this directive to get this information and why given it was contrary to Government policy?
77. When did DFAT first explain to my family not to pay a ransom, then later on, advise my family, that they could pay a ransom privately, through their own means? Which one was, and now is, the Government's official Hostage-Ransom policy?
78. Why was there such conflicting information between the different governments and their agencies with regards to

payment of ransom or not, to negotiate or not, and, whether it was legal or criminal to do so?

Alternatively,

79. Did either governments or their agencies consider the use of military/intelligence/3rd party intervention in Somalia?
80. Did Government agencies consider the use of aid to secure my release, when, to what extent and with whom was this discussed?
81. Were these options discussed with Canadian and Somalia government officials, with what likely results and cost?
82. What conclusions were reached regarding using these non-ransom alternatives - to my family paying a ransom - and were they contrary to Government advice and policy on ransoms?

Private sector:

By mid July 2009, after 11 months of decreasing information, no real progress and inordinate stress, my family decided to withdraw completely from such confusing and limited Government assistance. On the 29th of July 2009 they decided to engage a private kidnap response firm, AKE, who was recommended by an ABC journalist. The journalist stated that AKE, had a working relationship with ABC in Australia and CBC in Canada.

The director of AKE, John Chase, was chosen to head the operation due to the fact he was Canadian and he had just successfully negotiated the release of a Canadian CBC TV journalist, Melissa Fung in Afghanistan. CBC had insured Fung for kidnap and ransom. He also had 18 years experience in kidnap response and negotiation. Both hostage families worked hand-in-hand, day-in-day out, with AKE to secure our safe live release, which was successfully achieved just less than four months later on the 25th of November 2009. What the Australian and Canadian governments had failed to achieve in the 11 months that they had control of the operation, AKE achieved in less than four months. Clearly there is a very worthwhile lesson in AKE's handling of the case from which the Government can learn.

To achieve this result, my family accepted financial support from a number of extended family members and philanthropic citizens within Australia. They also launched several private fundraising campaigns in NSW and QLD, which were withheld from the media. Using this professional third-party kidnap response and negotiation strategy allowed them to engage the necessary and experienced professional support and assistance to resolve the kidnap crisis situation. Neither DFAT nor the AFP had or offered such K&R expertise nor did they point

us "privately" to them. Given that I am back in Australia, private K&R response clearly works. I believe the Government should learn from the private sector and change their K&R policy stance immediately.

On taking on the case on the 29th of July 2009, AKE needed the history of the case to-date. In early August, my family's request for the case details and a situation briefing was made to DFAT and the AFP, which was immediately denied by the Australian Government, specifically by [REDACTED] (DFAT) and [REDACTED] (AFP) due to claims that a "full security clearance" was required. Yet over the previous 11 months it was never raised as an issue with my family, nor in the next year up to the June 2010 debriefing was one granted to my family. Actually having been told they needed one upon AKE's involvement, DFAT never told them how to do so, or offered to initiate for them getting the "full security clearance" they now said was required of them. Why did they not do so?

AKE Director, John Chase has previously worked in intelligence. Although he no longer holds the required Government security clearance he does work closely with the British Government Agencies on resolution of similar hostage cases. Additionally, several members of the AKE team that were involved with my case hold current British "top secret" level security clearance.

I am aware that non-government contracts are regularly issued with security clearance by government, including the Australian Government. What else did AKE require to get Australian security clearance that they didn't have already? Given the positive result, the Australian Government not then handing over this critical information and giving AKE a formal situation briefing was certainly a dangerous decision - through its actions my own Government prolonged my kidnap and duress by many months.

83. Why did the Australian Government not provide AKE with the case details and a situation briefing immediately after they took over my case management?
84. What did they hope to achieve by withholding that critical information from AKE, in order to conduct their negotiation for our safe live release? In what way ever was this a positive decision in the resolution of my hostage case?
85. What was the Australian Government's objective in acting in such a negative, obstructive way? Did they achieve it?
86. How did they assess that such inaction and obstruction would not increase the risk and further endanger one of its citizen's life even more? How would it assist AKE to do the vital negotiation job that DFAT would not do?
87. Why is the Australian Government not held accountable for endangering one of its citizen's life?

Third party intermediaries:

Throughout my kidnapping my family initiated a number of leads for possible Third Party Intermediaries (TPI's) that could help with my case. These people had direct links to Somalia, knowledge of the clan system, links to elders of particular clans and an understanding of the culture and language. My family passed these details to the Government agencies. They did not receive any clear or direct response from the Government, particularly DFAT and the AFP.

88. Did Australian Government agencies follow up with any of these contacts or initiate any contact with other possible TPI's?
89. Could you provide a list of each of these people and explain if they were used and in what capacity? If they were not used please explain why?
90. Can the Australian Government confirm if an Australian citizen, [REDACTED] contacted the High Commission in Nairobi an hour after my kidnapping to inform them of my abduction? ([REDACTED] has worked for a Somali Women's NGO, SAACID, for nearly 15 years)
91. If not, when, where and how did the Australian Government first learn of my kidnapping?
92. Why did it take so long to advise my family of the situation?
93. Did [REDACTED] offer help to work as a TPI at any point during the kidnapping?
94. How many requests did he make to Government agencies or Consular officials and at what stages where these requests made?

Subsequently, AKE paid [REDACTED] passport number known but withheld here for privacy reasons) as an intermediary to facilitate the release of the Canadian citizen and myself.

95. Was this man retained, employed or paid by any Australian or Canadian Government agency, including DFAT's consular or secret services, whilst AKE were working to secure my release, to inform Government agencies on what the families and AKE were doing? If not, why was [REDACTED] in contact with [REDACTED] in Egypt and what were these conversations pertaining to with regards to our kidnap situation in Somalia?
96. How did [REDACTED] assist in our kidnap situation and to whom did he report? What did his involvement achieve for us?

Negotiations strategies and preparation:

From the 25th of August 2008 to the 28th of July 2009, which Government agencies were involved in the numerous strategies assessed or implemented? My family questioned many of these, as to relevance, purpose, risk or validity. A number were attempted or implement without their knowledge and were only informed well after

the fact. Many made no sense at all or seemed contrary to previous official Government advice. Some were in my opinion downright stupid or dangerous, for example the nine- week silent period in 2009/10.

97. What strategies did the Government consider/assess and which did it actually implement?
98. How were these strategies developed? Were they tried and tested from previous overseas kidnap cases? Which ones?
99. Which agencies were involved with assessing and implementing each different strategy tried?
100. Numerous negotiators rotated through my family's house, a number of which my family requested to be removed from the case? Why was this repeated request to minimise these rotations not agreed to, when family members were going through a traumatic time? Why could not just two or three be used in rotation, so the family can get to know and trust who they are living within their home?

Transmitting money overseas:

After 14 months as a hostage in Somalia, a release settlement ransom amount was reached by AKE. The money then had to be transferred to Somalia. My family had to firstly find a bank that would assist with and was capable to make the transfer. Secondly, the Australian Government's approval had to be obtained for this to occur – the latter being the most difficult because of the threat of assets being frozen if my family paid this ransom and possible prosecution in Australia and overseas, for criminal breaches of Australian and UN laws. Both DFAT and the Foreign Affairs Minister refused to assist my family on this difficult and complex legal issue, though they repeatedly attempted to ascertain my family's ability to pay ransom when they were managing the case prior to AKE taking over. My family finally resolved the situation with the help of Australian and overseas intermediaries. The Australian Government would not give my family immunity from prosecution or even let them use the Australian diplomatic bag system to move funds safely to Nairobi, where my sister and AKE were waiting to close the ransom-release deal. Why not?

101. Does the Government know who my kidnappers were? When and how was this conclusion reached?
102. What action has been taken by the government to ensure that the kidnappers are brought to justice?
103. Does the Government believe any Somalia Members of Parliament were involved with my kidnapping, as was reported in 2010 by the Associated Somali Journalists (ASOJ)? Or, subsequently, in sharing the ransom proceeds?
104. Has the government questioned the callous actions, (laughing at my sister in-law Kellie Brennan when she asked for Government

assistance in moving the money overseas), of [REDACTED] at the final stages of my kidnap?

105. What DFAT disciplinary action has been taken against [REDACTED] [REDACTED]
106. The Government provided a consular loan of \$100,000 dollars to my family on the 19th of August 2009 which was used to pay part of the ransom for both my Canadian counterpart and myself? Is the Canadian government going to pay for half of this money which was used to also ensure the release of their citizen, Ms Lindhout?
107. Does the government believe it is fair and reasonable for my family to repay 100% of the consular loan?
108. Given the Australian Government's actions, why should any of this money be repaid after the handling of this case by Government agencies?

Terms of reference (C): Measures that could be taken by the Australian Government to improve the handling of its assistance to Australian citizens and their families.

The Australian Government should reverse its current "No Ransom-No Negotiation" hostage policy, as follows:

1. A specialist multi-agency Government task force should be set up for the next kidnap situation with government agencies and private contractors that manage directly the overseas kidnap and ransom case. This was one of the recommendations from the "Helping Australian's Abroad" Senate Review in 1997.
2. Organisations such as AKE, Control Risks, Clayton Consultants etc have far greater knowledge and experience in this field than the Government and should be involved from the outset with the next family.
3. Government agencies should provide counselling assistance to families during and after a kidnap situation, this should also apply to hostages on return to Australia. This was one of the recommendations from the "Helping Australian's Abroad" Senate Review in 1997.
4. The government should provide 24/7 consular and counselling assistance during a kidnap situation to the family. This should include training in skills for family NOK negotiators and rapid security clearance for members of the family, to avoid government red tape and delays. This was one of the recommendations from the "Helping Australian's abroad" Senate Review in 1997.
5. The Government should work closely with families providing a dedicated consular team, a few rotating in-home officers and special phone, fax and Internet services to guarantee 24/7 communications while retaining the family phone/fax numbers.

6. Government agencies and key staff should be trained in greater depth in compassionate methods when dealing with families involved in kidnap situations overseas. The Government can learn a great deal from organisations like Hostage UK and Dignity Hostage survival.
7. Government needs a clear policy in regards to media, how to work positively and strategically assist the media rather than ignore or deny the media's inevitable and often very helpful role. The overall media strategy also needs to be agreed with the hostage's family, so they can deal with the media regularly. This was one of the recommendations from the "Helping Australian's Abroad" Senate Review in 1997.
8. The provision of information to families of hostage situations is paramount, not only during but afterwards. DFAT and other agencies need a far clearer policy with regards to this instead of hiding behind secrecy and freedom of (from) information. This was one of the recommendations from the "Helping Australian's Abroad" Senate Review in 1997.
9. Government agencies should provide translator and interpreter services to families involved with kidnap and ransom situations. This was one of the recommendations from the "Helping Australian's Abroad" Senate Review in 1997.
10. Neither government agencies nor the Australian criminal code should impede citizens, hostages or families from actioning the payment of their own ransom. I support Malcolm Wood's suggestion that government ministers/delegates can authorise banks for special circumstances that the criminal code would ordinarily prohibit.
11. The Australian Government should fully implement, without further delay, each and all 33 of the recommendations from the "Helping Australian's Abroad" Senate Review in 1997.

Final Conclusion:

In making these recommendations for positive change, I would like to state that, in my own experience and that of my family, how the Australian Government dealt with us was overwhelmingly poor in almost all respects. This was true both during and after my kidnapping. The Government and its agencies failed in its domestic legal and ethical international consular duty to protect and retrieve an Australian citizen by insisting on holding to, then later contradicting its current "No Ransom, No Negotiation" hostage policy. This clearly increased the risk to my life and prolonged the duration of my captivity. The policy did not result in my safe live release. Only an independent third party specialist company, AKE, could achieve that desired outcome. Thankfully, they did so.

In particular DFAT, the then Foreign Affairs Minister Stephen Smith and the Prime Minister Kevin Rudd, showed extreme lack of attention, care

and poor judgment in their personal and direct management of my case, despite repeated public claims to the contrary. The Foreign Affairs Minister and the Prime Minister never initiated a single meeting with my family and repeatedly refused my family's requests to meet with them in Australia. These requests went through DFAT and AFP channels then just apparently got lost, never to be heard of again. On the 23rd of July 2009 my mother's meeting with the Prime Minister in Bundaberg exposed the sheer farce of all his claimed massive personal involvement when he didn't even know my name. Now that Mr Rudd is the Foreign Affairs Minister responsible to this Senate Inquiry, we very much look forward to hearing his evidence.

It is not my intention to make my submission only about what was done incorrectly by the Government. There were a number of individuals from the Government agencies that should be commended for the dedicated work and abundant compassion they shared with my family and myself throughout my 462-day ordeal and since my release. I would specifically like to thank AFP's Agents [REDACTED]

[REDACTED] ADF's [REDACTED] DFAT's [REDACTED] QPS's [REDACTED] In so many ways we will never be able to thank them enough, which I hope they understand and accept. They are fine Australians and we should all be proud of them.

Hopefully my horrifically prolonged, but ultimately positive safe release experience, and this submission and Senate Inquiry will see a complete overhaul and change in the current policy of how the government not only deals with kidnap and ransom, but also extends to change in their future handling of all Australian citizens that find themselves in trouble overseas.

Certainly, without doubt, the Australian Government's current "No Ransom, No Negotiation" policy must end. As must its "No Involvement, No Help" policy in not assisting hostage families in negotiating with kidnappers overseas that demand a ransom payment for the release of kidnapped Australian citizens.

The bottom line is that this Inquiry must ensure that the Australian Government's new 2011 Hostage Policy strive to guarantee only more live Nigel Brennans, not more kidnapped and murdered David Wilsons and Kellie Wilkinsons. The Australian Government's duty to us surely cannot be otherwise. The mission of protecting citizens overseas must drive Government policy, not protection of Government officials' egos. All Australian parents and those travelling overseas reasonably and practically expect no less. They deserve and should receive a lot more than we did from their own Australian Government.

Nigel Brennan