



26 August 2011

Secretary
Senate Foreign Affairs, Defence & Trade
References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Dr Dermody

Inquiry into the kidnapping of Australian citizens overseas

I refer to Senator Eggleston's invitation, dated 8 July 2011 to the Commissioner of the Australian Federal Police (AFP), seeking a submission to the above Inquiry. The Commissioner has asked me to reply on his behalf.

The particular focus of the AFP submission relates to term of reference (a) of the Inquiry, specifically "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".

The Department of Foreign Affairs and Trade (DFAT) is the lead Australian agency in these matters and will chair an Interdepartmental Emergency Task Force (IDETF) if it is established. The AFP's response to the kidnapping of Australian citizens overseas will be in support of the IDETF and typically comprise investigative, negotiator and intelligence capability. The AFP would also ensure full cooperation, on a police-to-police basis, with any relevant foreign law enforcement agency.

The AFP has been involved in the response to a number of high profile kidnapping cases, in particular the kidnapping of Mr Douglas Wood in Iraq and the kidnapping of Mr Nigel Brennan in Somalia.

The kidnapping of an Australian citizen overseas is an offence under section 115.3 of the Criminal Code Act 1995 (Clth) and it is to be noted that there is no statutory limitation on when charges must be made.

The primary focus for the AFP in responding to an incident is the protection and safe return of the kidnapped person. I note that the AFP investigation into such cases has historically continued after the return of the kidnapped Australian citizen.

The AFP conducts operational assessments of investigations to strengthen knowledge and governance in relation to response to incidents. The AFP contributed to the whole of government review of Mr Brennan's case which was lead by Mr McCarthy.

The AFP would welcome the opportunity to assist the Committee further in its inquiry.

Yours sincerely

signed

Ramzi Jabbour
Performing the duties of
Deputy Commissioner Operations