



Australian Government

Australian Security
Intelligence Organisation

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Director-General of Security

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5 August 2011

Dr Kathleen Dermody
Committee Secretary
Senate Foreign Affairs, Defence and Trade References Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Dr Dermody,

**ASIO SUBMISSION TO THE SENATE FOREIGN AFFAIRS, DEFENCE AND
TRADE REFERENCES COMMITTEE INQUIRY INTO THE KIDNAPPING OF
AUSTRALIAN CITIZENS OVERSEAS**

Thank you for the opportunity to provide a submission to the Committee's inquiry into the kidnapping of Australian citizens who are held for ransom overseas.

Intelligence can play an important role in supporting the Department of Foreign Affairs and Trade (DFAT) and Australian Federal Police's (AFP) responses to the kidnapping of Australians overseas. From the early stages of a kidnapping, Australian Intelligence Community (AIC) agencies can provide useful background on the environment in which a kidnapping has occurred as well as initial assessments on possible perpetrators and their intentions. When directly engaged to support the government's response to a kidnapping, intelligence can in some cases – but not all – provide invaluable specific insights into the identities, locations, intentions and activities of kidnappers.

AIC agencies also have an extensive network of foreign security and intelligence liaison partner agencies which may be in a position to contribute knowledge and capabilities in support of Australian Government efforts to resolve the kidnapping.

Turning to ASIO, our unique role within the AIC is to provide advice on threats to 'security'. Security is described in the *ASIO Act 1979* as protection of Australia and Australians from espionage, sabotage, politically motivated violence, promotion of communal violence, attacks on Australians defence system, or acts of foreign interference, whether directed from, or committed within, Australia or not.

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In cases where an overseas kidnapping involved individuals or groups who are of security interest (e.g. terrorist groups), ASIO could support the Australian Government response by contributing its existing expertise and knowledge of the individuals or groups involved, by drawing on its investigative analysis and assessment capabilities, and by conducting operations with Australian or foreign partners, particularly through exploitation of ASIO's existing human sources. ASIO could also draw on its extensive foreign liaison network – currently comprising relationships with 324 foreign security and intelligence agencies in 123 countries – to assist offshore investigation of the kidnapping.

With respect to the Committee's term of reference dealing with the effectiveness of the Australian Government's response to Australian citizens who are kidnapped overseas, ASIO would make the observation that it is critical a 'lead' intelligence agency be identified at the earliest stages of a kidnapping to support the work of DFAT and the AFP. A lead agency fulfils the important role of driving and coordinating the whole-of-intelligence community effort, as well as providing a single point of contact on intelligence issues for DFAT and the AFP.

It would be necessary to determine the lead intelligence agency on a case-by-case basis, having regard to the circumstances of the kidnapping and the responsibilities of the various AIC agencies. It would be appropriate, for example, for ASIO to act as lead agency when a kidnapping involves individuals or groups engaged in activities relevant to security. Absent a link to security issues for which ASIO has mandate – for example in the case of a criminally-inspired kidnapping – the lead intelligence agency role would fall to another AIC agency.

If you should like any further verbal briefing to assist you with your deliberations on any aspect I have touched on in this submission, I should be most happy to arrange that for you. The contact officer in my Organisation is Assistant Director-General, Strategic Communications and Engagement, who may be contacted on 6127 9010.

Yours,

David Irvine

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