

Senate Foreign Affairs, Defence and Trade References Committee

Inquiry into the effectiveness of the Australian Government's response to Australian citizens who are kidnapped and held for ransom overseas

**Questions on Notice for the Department of Foreign Affairs and Trade—
Public Hearing 6 October 2011**

1. Security clearances for kidnap and ransom consultants (Sen. H. Kroger)

Is there any block that would prevent consultants from firms with experience in kidnap and ransom events from having/gaining the appropriate security clearance (to consult with or form part of the task force responding to a kidnapping), given that the sorts of things they would be exposed to would be, one would think, of value one way or another?

No but there are certain conditions that must be met. For example, the candidate for a clearance must be an Australian citizen and, as it would not be a Government employee, an official exemption to this normal criterion would have to be granted.

See Proof Hansard pp. 34–35.

2. John Martinkus kidnapping (Sen. B Brown)

2.1 When and how did DFAT come to learn of Mr Martinkus' disappearance and presumed kidnapping?

17 October 2004 via a telephone call from a colleague of Mr Martinkus. The colleague expressed concern that Mr Martinkus had not returned from an assignment but thought he might have purposely delayed his return. He said he would call back at an agreed time later that day to discuss whether to formally report him missing. When the colleague did not call back at the agreed time, the Embassy contacted him and advised the case would be formally reported and actioned. The colleague called back less than 10 minutes later to confirm Mr Martinkus had, in fact, been kidnapped but had now been released and was staying at a safe house.

2.2 What actions were taken in response to Mr Martinkus' disappearance?

As noted above, the colleague subsequently reported Mr Martinkus had been released. The Embassy passed on an offer of consular assistance and asked if we could speak to him at the earliest opportunity.

2.3 Was DFAT in contact with any of Mr Martinkus' family, friends or management as SBS?

DFAT was in contact with one of his colleagues (another journalist, not employed by SBS). The reports of his disappearance and notification of release from kidnapping came so closely together that there was insufficient time to make further contacts before we learned of the release.

2.4 Did DFAT attempt to verify Mr Martinkus' account of his kidnapping including the location of his abduction? Was the area where he was abducted, close to the Australian Embassy, considered at the time to be a relatively secure or safe area in Baghdad?

The Department of Foreign Affairs and Trade cannot investigate crimes overseas.

At the time of the kidnapping, all of Iraq was designated a “do not travel” area – our highest travel warning – meaning that we believed no area to be safe or secure for travellers.

2.5 What advice was provided to then Foreign Minister, the Hon Alexander Downer in regards to the kidnapping of Mr Martinkus and did this advice include any information in regards to where his kidnapping took place?

No ministerial submissions were sent to the Foreign Minister on Mr Martinkus.

The Foreign Minister’s office had access to a factual reporting cable which outlined the details provided by Mr Martinkus’s colleague. It did not include a location for the kidnapping.

2.6 Did DFAT contact Mr Martinkus following his release and has DFAT ever being in contact with Mr Martinkus in relation to his kidnapping? (If not) Why did DFAT not contact Mr Martinkus in relation to his kidnapping?

DFAT offered consular assistance through the colleague who reported Mr Martinkus’s disappearance and asked if we could speak with him at the earliest opportunity. We were not contacted again by the colleague or Mr Martinkus.

Our understanding was that Mr Martinkus was returning to Australia the next day. Consular assistance is provided to those who need assistance overseas and does not continue to Australians who have returned to Australia who are then able to access Australian services.

2.7 Did DFAT ever provide, offer or refer Mr Martinkus to any counselling services following his release?

No. DFAT does not have a role or the resources to provide funding to consular clients to access counselling services. We offer lists of doctors overseas who can suggest counselling and provide referrals. Once a consular client is back in Australia, GPs can refer people to counselling services offered by State health services as appropriate.

2.8 Did DFAT continue to refer to Mr Martinkus' kidnapping (in media releases and elsewhere) as an 'alleged kidnapping' until SBS requested that this be changed?

DFAT has no record of this.

2.9 Was the kidnapping of Mr Martinkus treated any differently by DFAT due to the fact that he was a journalist? Why were none of the typical consular response processes initiated in response to Mr Martinkus' kidnapping?

No. DFAT had insufficient time between learning of his kidnapping and release to initiate our crisis response. Following his release we attempted to contact him which is part of our normal processes.

2.10 Did DFAT ever take part in any investigation into Mr Martinkus' kidnapping and has any effort being made to identify, arrest or prosecute Mr Martinkus' kidnappers?

No. DFAT cannot investigate crimes overseas.

2.11 Was any review ever conducted of the department's response to Mr Martinkus' kidnapping?

No.

3. *John McCarthy review of the Nigel Brennan case*

3.1 What were the terms of reference for the review conducted by John McCarthy into the Brennan case?

Review the decisions taken by the Australian Government in regard to the overall handling of the case, including but not limited to:

- the application of our policy not to pay ransoms;
- communications with, and advice, assistance and information given to the Brennan family and their chosen agents;
- operation of the IDETF and the structure of cooperation with other government agencies both in Australia and Nairobi;
- interaction with the Canadian Government; and
- the Government's interaction with third party intermediaries

Interested in not only in determining whether the case was handled as well as it could be, but also in the implications of this case for any future kidnapping.

3.2 Which agencies were consulted as part of the review?

DFAT, AFP, Defence, ONA and relevant intelligence agencies.

3.3 Did DFAT provide any briefing to the Brennan family on any of the findings of the McCarthy review?

Nigel Brennan was given the summary of recommendations as set out in our submission, and offered the opportunity to discuss them. He has not so far responded.

3.4 Did DFAT meet with or provide any other debriefing to the Brennan family separate from the McCarthy review consultation?

Nigel was first debriefed in Nairobi by officials following his release. When it became clear that the family wanted a further collective debrief (February 2010), the department began to discuss a possible date, which was delayed first by the absence of relevant officials and then by the absence of key Brennan family members. The debrief, with DFAT and AFP, was held in Canberra from 8-10 June 2010 at Government expense. The family also met Mr McCarthy at this time.

4. *Nigel Brennan kidnapping*

4.1 In their submissions, Nigel Brennan and Nicole Bonney suggested that the Australian High Commission in Nairobi received a number of phone calls from an Australian citizen working for a Somali-based NGO, SAACID, on the day of and the day after Mr Brennan's kidnapping. Can DFAT confirm this?

A representative from SAACID contacted the Australian consular emergency number on 24 August 2008.

4.2 (If so) Did the High Commission or any Australian agency respond to these calls or make contact with this person?

The call was answered by consular staff on duty in Canberra and the information passed to the Embassy in Nairobi. The team had further contact with this person. We considered all possible contacts and leads, and followed up all those considered credible.

4.3 Was this person made use of as part of the response to Mr Brennan's kidnapping?

No comment on operational issues.

5. *DFAT involvement in kidnapping cases*

In its evidence to the committee, DFAT stated that there were six cases in the last ten years where the department was involved or engaged to varying extents.

Can DFAT confirm that the department was not involved or engaged in any of the following cases, including in terms of consular support following the end of the crises, either in-country or in Australia:

Of the cases referred to by the Committee, DFAT provided consular assistance where appropriate and was involved in the resolution of the case in:

- Australian ship captain with dual nationality (February, 2011), kidnapped with crew by Somali pirates;
- Robert Colvill (2004), American Australian sound engineer for NBC kidnapped for three days in Iraq;
- Peter Bunch and Diana Thomas (August, 2001), missionaries kidnapped by the Taliban in Afghanistan;
- Australian national (February, 2001), abducted in Bogota, Colombia who claimed to be drunk and have his bank account drained.

DFAT was aware of and monitored the following cases but only limited consular assistance was required as the parties either had an insurer or employer who was handled the case:

- Jason Lane (July, 2007), oil worker kidnapped in Nigeria;
- Joshua Nijam (November 2003), oil worker kidnapped in Niger Delta;

DFAT was aware of and monitored the following cases but no assistance was required for their resolution as they were handled by the relevant foreign governments. Consular assistance was provided after the incident:

- Michael Musgrave, Ian Burton, George Jones and eight other Australians (April 2001), held hostage in the Swisshotel in Istanbul, Turkey;
- Alex Bobik (October 2002), Melbourne academic held hostage in the Moscow theatre siege;

DFAT does not currently hold detailed records on the following cases but believes it was only made aware of the situations after the event and consular assistance was offered thereafter as appropriate:

- Kaye Bennett and Oles Shchyrytsya (2006), teachers abducted from the American International School at Beit Lahiya and held hostage for two hours;
- Brian Ambrosio (December, 2005), deputy principal at a private American school in Gaza and held hostage for two days;

DFAT does not currently hold records on the following cases:

- Two Australian security guards (September, 2004) rumoured to have been kidnapped in Iraq by the 'Horror Brigades of the Islamic Secret Army';
- Sheik Mohamed Alsibiyani a.k.a. Mohammed Naji (2004), kidnapped for four days in Iraq;

Three Australian oil workers (August, 2001), among 91 oil workers held hostage for five days aboard an oil rig in Nigeria

