

Executive summary and recommendations

In this report, the committee looked closely at the government's response to incidents involving Australian citizens who have been kidnapped and held for ransom overseas. It considered three recent cases—the kidnappings of Mr John Martinkus (Iraq, 2004), Mr Douglas Wood (Iraq, 2005) and Mr Nigel Brennan (Somalia, 2008–09). The committee found that although such occurrences are infrequent, the global trend in this type of crime indicates that Australia must be prepared for another event.

One of the most compelling messages coming out of this inquiry was the importance of government agencies, especially the Department of Foreign Affairs and Trade (DFAT), exercising greater care, consideration and diligence in the way they deal with the distressed families of a person kidnapped and held for ransom overseas.

The committee formed the view that DFAT must ensure that while its efforts are being directed toward the safe and expeditious release of a kidnapped victim, the family must also be a primary concern. It must make every effort to keep families well informed about developments and to make them feel as though they are part of important decision-making. If a family chooses to engage a private consultant, the department, while adhering to the government's no-ransom policy, should continue to provide support to the family and do so in a generous and non-judgemental way.

In this regard, the committee recognised that government officers liaising with and providing support to a family require a particular temperament as well as appropriate skills and training. They should form a sub group of the government's emergency response team mobilised to deal with the hostage situation. The committee concluded that DFAT should ensure that there is a pool of suitably qualified personnel ready to fill this family liaison role as soon as a kidnapping is reported.

The support role of this specialist group should continue after the victim returns home in order to facilitate his or her smooth transition back into the Australian community, including assistance locating suitable counselling and medical services. The committee also found that government officials should refrain from making unsubstantiated statements or comments that could be interpreted as politicising the kidnapping.

A debriefing from the relevant agencies that involves a genuine two-way exchange of information between the family and government officials is a critical aspect of the recovery period for the victim and the family. In the committee's view, DFAT should offer, as an established practice, to conduct such a meeting and make arrangements for the victim of the kidnapping and family to attend, should they accept the invitation.

The committee has made eight recommendations directed at relevant government agencies with the intention, by and large, of ensuring that their engagement with the victims of kidnapping and their families is better directed at helping them through the ordeal.

Recommendation 1**paragraph 5.38**

The committee recommends that:

- DFAT ensures that the next of kin of any future kidnap victim are made aware of the option of engaging a private kidnap and ransom consultant; and
- if the next of kin decide to proceed with a private consultant, DFAT ensures that any advice or information it then provides to the family is given in a non-judgemental way; that it is willing to cooperate and to share relevant information with the consultant as appropriate (given national security concerns); and that it alerts the family to possible legal complications to paying a ransom.

Recommendation 2**paragraph 6.42**

The committee supports the establishment of the regular, whole of government coordinating group and recommends that DFAT give close consideration as to how it can maintain the high level of skills that members of an interdepartmental emergency task force require to respond effectively to a kidnapping incident overseas.

Recommendation 3**paragraph 6.43**

In particular, the committee recommends that the coordinating group:

- commits to regular meetings and keeping up-to-date with global developments in kidnapping and hostage taking;
- assumes responsibility for ensuring that there is a pool of specially trained personnel across all relevant agencies ready to respond to an incident such as a kidnapping abroad;
- oversees the training regime of this pool of specialists that places a high priority on continuous improvement in interagency coordination and cooperation through joint training programs and workshops;
- in consultation with other countries and organisations involved in resolving hostage situations, explores and develops strategies for dealing with protracted hostage episodes; and
- gives special attention to developing a pool of personnel ready to take on the functions of family liaison and ensures that this sub group is seen as an integral part of any interdepartmental emergency task force. (See following recommendation.)

Recommendation 4**paragraph 7.52**

The committee recommends that any inter-departmental emergency response task force include a sub group dedicated to supporting families of a victim of kidnapping. This group should be made up of personnel specially trained for this liaison role and able to provide the family with ongoing and accurate information. Agencies should strive to maintain the continuity of the personnel assigned to act in this role.

Recommendation 5**paragraph 8.39**

The committee recommends that the family liaison sub group within the emergency response task force assumes responsibility for ensuring that a victim of kidnapping has access to appropriate counselling services once released and is active in helping to facilitate a smooth transition from medical and counselling services provided overseas to the appropriate domestic providers once the victim returns home. This recommendation also applies to people who are released before an emergency task force is mobilised or can take any substantial action such as in the Martinkus case.

Recommendation 6**paragraph 9.29**

The committee recommends that DFAT examine ways to improve its relationship with the media when dealing with a kidnapping situation and how it explains its media strategy to media organisations and family members at the outset of a crisis.

Recommendation 7**paragraphs 10.52–10.53**

In light of the difficulties experienced by both the Wood and Brennan families, the committee recommends that the government investigate thoroughly the options for making special allowance for people seeking to transmit money overseas in order to save the life of another Australian citizen being held hostage.

The committee recommends particularly that the government consider changes to the relevant sections of the Criminal Code and the United Nations Charter Act that would allow the minister at his or her discretion to grant exemptions in exceptional circumstances.

Recommendation 8**paragraph 11.18**

The committee believes that, after every major incident overseas, an internal review should be undertaken (the committee notes that DFAT indicated that it does so as a matter of course). This internal review should provide all agencies that formed part of the response team with necessary feedback on their performance and also on the performance of the team as a whole. The committee noted, however, that often the victim and his or her family would like to be part of a debriefing. In light of this finding, the committee recommends that:

- the government ensure that DFAT as the lead agency invites the victim and his/her family and friends to a debriefing from the whole-of-government emergency response task force including the sub unit responsible for providing support to the family. Further that:
 - if accepted, this offer of a debriefing is to be a two way exchange of information providing the family with the opportunity to have their questions answered; and
 - DFAT to offer to cover the costs for the victim, family and friends to attend the debriefing.

