

Part I
Background

Chapter 2

Background

2.1 Kidnapping for ransom occurs more often in conflict prone areas where security is fragile, law enforcement is weak and poverty pronounced. In this chapter, the committee provides a brief overview of the incidence of kidnapping for ransom worldwide, including cases involving Australian citizens.

Kidnapping worldwide

2.2 Kidnappings are often categorised according to whether the motive of the hostage takers is criminal or political in nature. Criminal motives are those where the intention of the hostage takers is to obtain a material ransom or gain from a business or family. Political motives are those where the intention of the kidnapping is to further the aims of a political group or movement through the targeting of a particular organisation, institution or individual or through ransom demands to help fund the activities of the group. These two motives can be and often are combined.

2.3 For people driven by ideological motives, such as terrorist groups, kidnapping can be an effective propaganda tool to draw attention to their cause and to intimidate politicians to make concessions, such as the release of imprisoned followers or sympathisers. If a ransom is demanded and paid, it provides a source of funding that enables the perpetrators to sustain and grow their organisation.¹ According to the Financial Action Task Force (FATF):²

Ransoms resulting from KFR [kidnap for ransom] enables terrorist groups to recruit and indoctrinate new members, acquire sophisticated weapons and communications gear such as satellite phones, establish training camps and support units, including 'safe houses' and transportation operations, as well as provide financial resources which can be used to bribe government

1 See for example, John Rollins and Liana Sun Wyler, 'International Terrorism and Transitional Crime: Security Threats, U.S. Policy, and Considerations for Congress', CRS Report for Congress, Congressional Research Service, March 2010, p. 5, accessed 7 September 2011, <http://www.fas.org/sgp/crs/terror/R41004.pdf>

2 Financial Action Task Force is an independent inter-governmental body established by the G-7 Summit in 1989, in response to mounting concern over money laundering. 'About the FATF', accessed 2 November 2011, http://www.fatf-gafi.org/pages/0,3417,en_32250379_32236836_1_1_1_1_1,00.html

officials, law enforcement personnel and others who can be of use to a terrorist organisation in conducting its nefarious activities.³

2.4 Importantly, the demand for money can be a lucrative business. Clayton Consultants noted that:

Contrary to others, the kidnap industry is not subject to the volatile upswings and downswings of market conditions. Not only is it profitable, but when planned properly, it requires very little investment for a high yield of return. No part of the world is immune and its composition is in a constant state of flux, adapting to the local security conditions.⁴

2.5 Whatever the motives, each kidnapping is unique. It can take place in any country or region which has its own particular law and order regime, geography and political, economic and social environment. A kidnapping involves perpetrators who may be experienced, well-organised hostage-takers, members of a hardened criminal network or complete amateurs. Their temperaments and expectations will differ and their actions driven by financial or ideological motives or a combination of both.⁵ Indeed, criminals may exchange their captives with terrorists for money.⁶ Their victims will vary in age, gender, religion, state of health, education, nationality and profession and their reaction to kidnapping and confinement will be different and may fluctuate as their detainment continues. The relationship that develops between the hostage taker and their hostages will depend on a range of variables, including those cited above, and will likely change over time according to the response to the kidnappers' demands.

Information on kidnapping incidents

2.6 Available statistics on incidents of kidnapping for the purpose of obtaining a ransom, including a political concession, indicate that such activity remains a major

3 Financial Action Task Force (FATF), *Organised Maritime Piracy and Related Kidnapping for Ransom*, FATF/OECD, July 2011, p. 26. A recent study noted, 'kidnappings have proven a lucrative enterprise for criminal gangs that...can demand ransom for the victims from their families and organisations, or sell them on to armed militant groups. These armed groups in turn use the victims for political leverage, as a propaganda tool, or to demonstrate power over a certain territory or in relation to authorities'. United Nations, Office for the Coordination of Humanitarian Affairs, *To Stay and Deliver: Good practice for humanitarian in complex security environments*, Policy and Studies Series, 2011, p. 11.

4 Clayton Consultants, *Kidnap RiskBrief*, 2010, 'Introduction'.

5 Department of Foreign Affairs and Trade, 'Kidnapping threat worldwide', *Smartraveller* website, 3 November 2011, accessed 3 November 2011, http://www.smartraveller.gov.au/zw-cgi/view/TravelBulletins/Kidnap_Threat_in_Africa

6 Department of Foreign Affairs and Trade, 'Kidnapping threat worldwide', *Smartraveller* website, bulletin issued on 27 September 2011 and updated on 7 October 2011. http://www.smartraveller.gov.au/zw-cgi/view/TravelBulletins/Kidnap_Threat_in_Africa

concern and will continue to be so.⁷ It should be noted, however, that accurate information on kidnapping incidents is difficult to obtain due to a number of factors specific to the nature of the crime, including:

- the difficulty inherent in gaining reliable information in the areas of violent conflict where many kidnappings occur such as Somalia and Colombia;
- many victims do not report kidnappings for personal reasons, particularly a fear of retaliation by the hostage takers;
- many kidnappings occur between or within criminal groups and activities meaning that there is little likelihood such incidents would be reported to police or other authorities; and
- different ways of defining and recording kidnapping incidents across different jurisdictions; for example, in Argentina, 'express kidnappings' involving a randomly selected victim and small amounts of ransom (often paid by the victims themselves) are recorded by some police jurisdictions as 'aggravated robberies'.⁸

2.7 One witness told the committee in camera that the companies that assist in negotiating the release of hostages do not publish the details of their cases.⁹ Estimates as to the number of kidnappings worldwide range from 12,000 each year to between 20,000 and 30,000 reported cases a year.¹⁰ The number of incidents, particularly involving foreigners, is increasing.¹¹

2.8 The National Counterterrorism Center's 2008 report on terrorism noted that the terrorist use of kidnappings for ransom increased significantly in that year.¹² Clayton Consultants found that in 2009 'political and economic turmoil, the war on drugs, stabilization efforts in Iraq and Afghanistan, revitalised insurgencies and failed

7 United Nations, Security Council, 'Threats to international peace and security caused by terrorist acts', S/PV.6390, 27 September 2010, p. 8. See also National Counterterrorism Center (NCTC), *2008 Report on Terrorism*, NCTC, 2009, p. 10; NCTC, *2009 Report on Terrorism*, NCTC, 2010, p. 8.

8 United Nations Commission on Crime Prevention and Criminal Justice, 'International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims: report of the Secretary-General', UN Economic and Social Council, E/CN.15/2003/7, 5 March 2003, p. 5, accessed 30 August 2011, http://www.unodc.org/pdf/crime/commissions/12_commission/7e.pdf; J Kelly, 'The business of kidnapping', *The Australian*, 17 February 2010.

9 In camera evidence.

10 E McAvoy and D Randall, 'Hostage-taking a booming industry', *New Zealand Herald*, 23 October 2010; J Kelly, 'The business of kidnapping', *The Australian*, 17 February 2010.

11 European Interagency Security Forum (EISF), *Abduction management*, EISF Briefing paper, May 2010, p. 4; Clayton Consultants, *Kidnap RiskBrief*, 2010, accessed 30 August 2011, <http://www.claytonconsultants.com/pdf/CCKRB-EN.pdf>

12 National Counterterrorism Center (NCTC), *2008 Report on Terrorism*, NCTC, 2009, p. 10.

states continued to be the underlying precursors to the kidnapping industry'. It reported:

Drug-related kidnappings increased in Mexico, particularly in its border areas. While FARC-related kidnappings decreased in Colombia, opportunism kidnappings exploded in neighbouring Venezuela. The failed-state syndrome in Somalia continues to fuel piracy. Increases in kidnappings were a direct result of the political crisis in Nigeria, Honduras and Kenya. Afghanistan and Iraq are seeing shifts in kidnappings towards the local population. And a resurgent Abu Sayyaf gang turned to high-profile kidnappings in the southern Philippines.¹³

High risk countries and targets

2.9 The National Counterterrorism Center's 2010 report on terrorism recorded that Somalia had the highest number of kidnapping victims with 1,305, followed by the Gaza strip with 1,058 and then Afghanistan with 951.¹⁴

Kidnapping targets

2.10 No one is immune from being kidnapped and held for ransom. Kidnap gangs do not necessarily target wealthy individuals and business executives. Although people from all walks of life and nationalities have fallen prey to hostage-takers, victims of kidnap and ransom, however, can be grouped into broad categories.

Expatriate workers and business people

2.11 Over the years, numerous expatriate oil workers have been kidnapped in Nigeria and indeed, for a number of years this country has led Africa in the number of kidnapped expatriates.¹⁵ Although the major oil companies deny involvement in ransom payouts, there are estimates of payments in the vicinity of £450,000 per kidnap victim.¹⁶ According to Clayton Consultants' 2010 report, most kidnappings in Nigeria traditionally occurred in the Niger Delta with oil company employees as the preferred targets. It noted, however, that while this region remained a 'hot zone' for expatriates and a rich target for criminal elements, there was a notable shift toward wealthy locals and other prominent members of Nigerian society.¹⁷

13 Clayton Consultants, *Kidnap RiskBrief*, 2010, 'Introduction'. FARC is the acronym for the Revolutionary Armed Forces of Colombia.

14 National Counterterrorism Center (NCTC), *2010 Report on Terrorism*, NCTC, 2010, p. 22.

15 Clayton Consultants, *Kidnap RiskBrief*, 2009, p. 8.

16 E Alike, 'Chevron Loses 23,000 Barrels Daily to Pipeline Damage', *Business Day*, 2 August 2006; M Pflanz, 'Nigerian Rebels threaten new wave of kidnaps', *Daily Telegraph*, 7 February 2007, p. 13.

17 Clayton Consultants, *Kidnap RiskBrief*, 2010, p. 9. See also AKE Group, *Kidnap report, Q4 2010 hotspots*, accessed 3 November 2011, <http://www.akegroup.com>

Aid workers and journalists

2.12 Aid workers, who tend to be a visible and soft target, are also vulnerable to hostage-takers. Recent reports have highlighted growing concerns about attacks against aid workers including kidnapping. Indeed, one report noted that of all means of violence recorded in aid worker attacks, two stand alone as on the rise—kidnappings and the use of major explosives. These tactics proliferated in Afghanistan and Pakistan.¹⁸ The report stated that, even as incidents in general have fallen off, the nearly four-fold rise in kidnappings since 2005, 'speaks to the multiple incentives it offers in economic gains and political leverage'.¹⁹

2.13 According to statistics gathered by the AKE Group, over 20 foreign aid workers and UNAMID peacekeepers have been kidnapped in the Sudan since March 2009.²⁰ The surge in abductions has significantly restricted aid operations, forcing foreigners to relocate to main towns and avoid travelling to rural areas in need.²¹ A UN report released at the beginning of this year found:

Kidnappings—including incidents where the victims were killed, in addition to the more common outcome of victims being released alive—remained the fastest growing type of attack affecting aid workers, even as other tactics such as armed break-ins and violent road banditry dropped off as organisations instituted tighter and more protective security measures and restricted movement in some areas.²²

2.14 Journalists, whose job is to report on developments in volatile or war torn and highly dangerous areas, are also at risk of kidnapping. Similar to aid workers, they are often targeted by hostage-takers for monetary or political benefit. For example, in Afghanistan journalists and politicians are often the most publicised cases. Over the last decade there have been a number of high profile kidnappings. In September 2001, Yvonne Ridley, a British journalist, was captured by the Taliban and released after ten days on a promise that she would study Islam. The following year, while pursuing a story about Islamic militants in Pakistan, Daniel Pearl was abducted and executed by his captors. In 2008, militants captured David Rohde, a *New York Times* journalist and

18 Humanitarian Outcomes, *Spotlight on security for national aid workers: Issues and perspectives*, Aid Worker Security Report 2011, p. 7.

19 Humanitarian Outcomes, *Spotlight on security for national aid workers: Issues and perspectives*, Aid Worker Security Report 2011, p. 7.

20 Kidnapping to gain a ransom has become a major business in Darfur, AKE Group, *Kidnap Report, Q4 2010*, p. 5, accessed 26 October 2011, <http://www.akegroup.com>

21 AKE Group, *Kidnap Report, Q4 2010*, p. 5, accessed 26 October 2011, <http://www.akegroup.com>

22 United Nations Office for the Coordination of Humanitarian Affairs, Policy Development and Studies Branch, *To Stay and Deliver*, Policy and Studies Series, 2011, p. 11.

detained him for around seven months before he managed to escape.²³ At the end of the second quarter of 2010 at least three foreign reporters—two French and one Japanese—remained in Taliban captivity.²⁴ The French reporters were finally released after being held hostage for 547 days.²⁵

Tourists

2.15 Tourists are also the targets of kidnappers.²⁶ For example in 2009, a group of four Western tourists—German, Swiss and UK nationals—was kidnapped while on holiday in West Africa. They were returning from a cultural festival when their convoy of SUVs was attacked and they were taken hostage. A ransom was demanded. The UK national was executed and a follow-up ransom was issued. The three remaining hostages were later released at different intervals.²⁷

2.16 Foreign affairs departments, travel agents and insurance companies issue travel warnings regularly to alert tourists to the risk of kidnappings in certain countries or regions of particular countries. For example, the United States Bureau of Consular Services recently urged travellers to Colombia to exercise care:

...terrorist groups such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and other criminal organizations continue to kidnap and hold civilians for ransom or as political bargaining chips...Kidnapping remains a serious threat, with two kidnapping cases of U.S. citizens reported since August 2010. One kidnapped citizen was rescued within 4 days and the other case resulted in

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- 23 CNC World, transcript, 'Taliban kidnapping', 6 February 2011; and *New York Times*, 'Times Reporter Escapes Taliban After 7 Months', <http://www.nytimes.com/2009/06/21/world/asia/21taliban.html?ref=davidrohde>. Committee to Protect Journalists, 'On Assignment: Covering Conflicts Safely', accessed 18 October 2011, <http://www.cpj.org/reports/2003/02/journalist-safety-guide.php>
- 24 AKE Group, *Kidnap Report, Q2 2010*, pp. 2 and 7, accessed 18 October 2011, www.akegroup.com.
- 25 Committee to Protect Journalists, 'French ex-hostages: Press must continue in Afghanistan', accessed 10 October 2011, <http://cpj.org/blog/2011/07/french-ex-hostages-press-must-continue-in-afghanistan.php>; Reporters without Borders, 'Two French journalists now held hostage for 500 days: Only reporters held hostage', accessed 18 October 2011, http://en.rsf.org/afghanistan-two-french-journalists-now-held-12-05-2011_40275.html
- 26 New Zealand Ministry of Foreign Affairs and Trade, 'Tunisia', *Safetravel* website, <https://www.safetravel.govt.nz/destinations/tunisia.shtml>, Flight Centre, 'Destination Malaysia', accessed 3 November 2011, <http://www.flightcentre.ca/destinations/asia/malaysia>; UK Foreign and Commonwealth Office, 'South America and South Atlantic Islands', accessed 3 November 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/south-america/venezuela>
- 27 Financial Action Task Force (FATF), *Organised Maritime Piracy and Related Kidnapping for Ransom*, FATF/OECD, July 2011, Case study #1, p. 27. SUV is an acronym for sport utility vehicle.

the murder of the victim. Kidnapping in rural areas is of particular concern.²⁸

2.17 DFAT noted that over the last decade there has been steady increases in the numbers of Australians going abroad for 'adventure tourism'. This enthusiasm for travelling to exotic, remote and sometimes risky locations is consistent with an international trend.²⁹ DFAT stated that cultural festivals, especially those held in north and west Africa, are 'attractive places for terrorists and criminals to identify and target tourists for kidnapping'. These festivals bring people to predictable locations along unsecured routes. DFAT strongly advises Australians not to attend major festivals such as the Tuareg 'Festival in the Desert' and the 'Sahara Nights' festival in northern Mali and the Tamadach Festival in Eastern Mali.³⁰

Piracy

2.18 Most recently the escalating incidences of piracy have raised concerns. The waters off Somalia and the Gulf of Guinea are the most high risk areas for piracy attacks and there is concern about the growing propensity to use violence when seizing ships and their crews.³¹ As at 3 March 2011, 33 vessels were being held off the coast of Somalia, including one that was converted for use as a pirate 'mother ship'.³² It should also be noted that not all vessels hijacked and held for ransom are large commercial vessels, some can be smaller fishing boats and yachts. A recent study observed:

In cases involving fishing boats and sailing yachts, the owners often do not have the financial resources to pay ransoms and, particularly in the case of yachts, lack insurance coverage as well. Consequently, persons captured on smaller vessels are likely to be held captive for longer periods of time.³³

2.19 Mr Jack Lang, a special adviser to the Secretary-General, reported to the Security Council in January 2011 that nearly 2000 hostages had been taken in two years:

28 Bureau of Consular Affairs, 'Colombia: country specific information', US Department of State, accessed 3 November 2011, http://www.travel.state.gov/travel/cis_pa_tw/cis/cis_1090.html

29 Department of Foreign Affairs and Trade, *Submission 8*, [pp. 1–2].

30 Department of Foreign Affairs and Trade, *Travel Bulletin*, 'Kidnapping threat worldwide', current for Tuesday, 18 October 2011; and Department of Foreign Affairs and Trade, *Submission 8*, [p. 2].

31 Financial Action Task Force (FATF), *Organised Maritime Piracy and Related Kidnapping for Ransom*, FATF/OECD, July 2011, pp. 7–10.

32 Financial Action Task Force (FATF), *Organised Maritime Piracy and Related Kidnapping for Ransom*, FATF/OECD, July 2011, pp. 7–8.

33 Financial Action Task Force (FATF), *Organised Maritime Piracy and Related Kidnapping for Ransom*, FATF/OECD, July 2011, p. 16.

We have seen the industrialization of the phenomenon, an increasing number of pirates, sophisticated operations, the increasing use of mother ships, the latest technology, such as GPS, heavy weaponry, better organization during attacks, seizures and the negotiation of ransoms, and the gradual emergence of a true industry and new professions linked to piracy, including intermediaries, negotiators and interpreters.³⁴

2.20 Three piracy attacks were reported in the last quarter of 2010 in the Gulf of Guinea although, according to the AKE Group, 'the actual number could be higher as such incidents are heavily under-reported'. It noted that usually the pirates, armed with guns and knives, board a vessel and demand cash and belongings. If hostages are taken they are likely to be held on the mainland until a ransom is paid.³⁵

2.21 The President of the United Nations General Assembly in May 2010 noted that the payment of ransom to free hostages and ships has 'created an incentive for Somalis to engage in piracy'. He concluded that the problem of piracy 'if not addressed urgently and effectively, would spiral out of control and lead to further serious global consequences'.³⁶ DFAT noted the most recent cases where Somali pirates have actually gone into Kenyan territory and taken tourists.³⁷

Outcomes

2.22 The vast majority of reported kidnap incidents worldwide are resolved with the release of the victim though an estimated 6% of incidents result in the death of the hostage.³⁸ One firm with expertise in kidnap response estimated that ransoms are paid in around 64% of cases, and only 18% are released without any form of payment. Around 10% of hostages are rescued and an estimated 2% are able to escape their captors.³⁹

34 Address by Mr Jack Lang, United Nations Security Council, 6473rd meeting, S/PV.6473, pp. 2–3.

35 AKE Group, *Kidnap Report, Q4 2010*, p. 3, <http://www.akegroup.com>; See also AKE Group, *Kidnap Report, Q2 2010*, <http://www.akegroup.com>

36 United Nations Security Council, 'Report of the Secretary-General pursuant to Security Council Resolution 1897 (2009)', S/2010/556, 27 October 2010, paragraphs 12 and 68. See also address by Ambassador Kumalo, United Nations Security Council, 6043rd meeting, S/PV.6043, 15 December 2008, p. 4. Ambassador Kumalo noted, 'Recently, the link between piracy, kidnapping and ransom payments in financing embargo violations committed by armed groups has received increased attention. In recent months, the number of piracy incidents has increased dramatically....' In 2011, Mr Lang stated, 'I may exaggerate a little here—the pirates are increasingly becoming the masters of the Indian Ocean'. United Nations Security Council, 6473rd meeting, S/PV.6473, p. 4.

37 *Committee Hansard*, 6 October 2011, p. 36. References to the *Committee Hansard* in this report are to the proof *Hansard*—page numbers may vary between the proof and the official *Hansard*.

38 *Submission 7*, (Confidential), p. 15.

39 *Submission 7*, (Confidential), p. 15.

Australians kidnapped overseas

2.23 Being kidnapped and held for ransom is a real and persistent threat for many Australians who live, work and travel abroad. The small but significant number of Australians who have been involved in kidnapping incidents overseas in recent decades reflect the diverse range of circumstances under which kidnappings occur worldwide. The cases differ by location and by the motivations and demands of the hostage takers.

2.24 The majority of Australians who have been kidnapped and held for ransom overseas since 1994 have been in Africa, particularly in Nigeria where a large number of Australians are employed in the oil industry. Australians have also been kidnapped in Iraq, Afghanistan, Gaza, Colombia, Cambodia, Yemen, Russia, Turkey and India.

2.25 Most Australians who have been taken hostage have been released. However, a number have tragically died including Andrew Thirsk, kidnapped with a tour group in Yemen in 1998 and killed during the rescue attempt by Yemeni government forces, and the separate kidnappings and murders of David Wilson and Kellie Wilkinson by the Khmer Rouge in Cambodia in 1994.

2.26 There have been at least 30 reported kidnapping incidents involving Australians overseas since the deaths of Kellie Wilkinson and David Wilson. In information provided to the committee, the Department of Foreign Affairs and Trade (DFAT) has listed 11 cases that it was aware of dating from 1996 (DFAT acknowledges that there be other cases in situations that have been resolved without any request for government assistance). Information from other sources including newspaper reports and press releases suggests a further 20 cases of Australians being kidnapped overseas in that period (see Appendix 4 for a list of Australians who have been kidnapped overseas since 2001). The reported kidnapping incidents involving Australians that have occurred over the last seven years in chronological order are:

- 2004—Iraq: Robert Colvill, an American-Australian sound engineer for NBC was kidnapped with three colleagues in Fallujah. He was released three days later after the NBC reportedly paid a ransom.⁴⁰
- 2004—Iraq: Two Australian security guards were reportedly taken hostage with their clients by a group known as the 'Horror Brigades of the Islamic Secret Army' in September. The group demanded that Australian forces be withdrawn from Iraq. The kidnapping was never confirmed but media reports stated that an SAS team was dispatched to Iraq and that an AFP team specially trained for hostage crises in the Middle-East was on standby.⁴¹

40 Department of Foreign Affairs and Trade, 'List of Australians who have been kidnapped while overseas', 19 July 2011. Received as confidential.

41 Department of Foreign Affairs and Trade, 'List of Australians who have been kidnapped while overseas', 19 July 2011; J Kerin and B Norington, 'SAS team flies into Iraq as hostage mystery deepens' *The Australian*, 15 September 2004.

- 2004—Iraq: Sheik Mohamed Alsibiyani (also known as Mohammed Naji) was held by Sunni insurgents for four days before being released. The hostage takers demanded a ransom but the Sheik was eventually released after they took the cash he was carrying.⁴²
- 2004—Iraq: John Martinkus, journalist, kidnapped with two local companions outside his hotel in Baghdad and held for 20 hours by Sunni insurgents before being released.⁴³
- 2005—Iraq: Douglas Wood, engineer, kidnapped with two Iraqi colleagues on 30 April in Baghdad by the Shura Council of the Mujahadeen of Iraq. The hostage takers demanded that Australian forces leave Iraq. An 'emergency response' team was dispatched from Australia to Iraq. Wood was released by Iraqi forces during a 'random' operation on 15 June 2005. His two colleagues had been killed at an earlier date by the hostage takers.⁴⁴
- 2005—Gaza: Brian Ambrosio, deputy principal at a private American school, was kidnapped with a Dutch colleague in December by a group connected to the Popular Front for the Liberation of Palestine. He was released unharmed after being held for two days.⁴⁵
- 2006—Gaza: Kaye Bennett and Oles Shchrytsya were abducted with seven other foreigners at the American International School at Beit Lahiya in Gaza. They were held for two hours before being released at a nearby police station after the captors determined that none of the hostages was American.⁴⁶
- 2007—Nigeria: Jason Lane, oil worker, was kidnapped with four other foreign contractors on 4 July from an oil rig operated by Shell in the Niger Delta. The hostages were released after seven days.⁴⁷
- 2007—Mali: Des Gregor, farmer, was kidnapped after travelling to Bamako to meet a woman he had met over the internet whom he believed would be his bride. He was held by a criminal gang who demanded a ransom of \$100,000 from Mr Gregor's friends and family in Australia. Mr Gregor was held for 12 days before AFP negotiators persuaded the kidnappers that there was money

42 E Connolly, 'Released hostage grateful to be alive', *Sydney Morning Herald*, 17 September 2004; 'Australians kidnapped abroad', *Sydney Morning Herald*, 2 May 2005.

43 J Martinkus, *Submission 4*.

44 Department of Foreign Affairs and Trade, 'List of Australians who have been kidnapped while overseas', 19 July 2011.

45 'Freed Aussie teacher talks of hopes for Gaza peace after kidnapping', *Canberra Times*, 23 December 2005.

46 C Hart and A Rabinovich, 'Teachers freed after Gaza kidnapping "outing"', *The Australian*, 16 March 2006.

47 B Way, 'Father warned son of kidnap threat', *Adelaide Advertiser*, 7 July 2007.

to be collected by the captive from the Canadian Embassy in Bamako. The gang released Mr Gregor near the embassy and he was rescued by police.⁴⁸

- 2008–09—Somalia: an Australian with dual nationality kidnapped with colleagues working for an NGO. Their employer conducted negotiations with the support of a private security firm and the hostages were released after an estimated ransom of US\$4.1 million was paid. The family requested that his Australian nationality not be disclosed at any point in the negotiations.⁴⁹
- 2008–09—Somalia: Nigel Brennan, photo journalist, kidnapped with Canadian journalist, Amanda Lindhout, and a number of Somali nationals on 23 August 2008 outside Mogadishu. Hostage takers demanded a multi-million dollar ransom. Somali nationals were released in January 2009. Brennan and Lindhout were released on 25 November 2009 after their families engaged a private security firm and paid ransom of around US\$600,000.⁵⁰
- 2009—The Gambia: Justin Liebig, lured by a scam and kidnapped on 2 February. He was freed on 10 February after a reported €5,000 in ransom was paid. DFAT and the Australian Federal Police officers were reportedly sent to The Gambia to assist with investigations. Gambian police arrested the kidnappers and recovered most of the ransom.⁵¹
- 2011—East Africa: Australian ship captain with dual nationality taken hostage with crew by Somali pirates in February. Captain, crew and vessel were released two months later after ransom was paid by the shipping company.⁵²

2.27 Fortunately, the incidence of Australians being kidnapped and held for ransom overseas is infrequent. Nonetheless, the global trend in this type of crime suggests that Australia must be prepared for another event.

Conclusion

2.28 Although the ultimate aim of the Australian government is to secure the safe and expeditious release of its citizens who are kidnapped and held for ransom, its response depends on many factors. They include the existence of international

48 S Larkin, 'Scam victim lucky to be alive', *Sydney Morning Herald*, 13 August 2007; 'Kidnapped Des trapped by love', *Sunday Mail Adelaide*, 12 August 2007.

49 Department of Foreign Affairs and Trade, 'List of Australians who have been kidnapped while overseas', 19 July 2011.

50 Department of Foreign Affairs and Trade, 'List of Australians who have been kidnapped while overseas', 19 July 2011.

51 Department of Foreign Affairs and Trade, 'List of Australians who have been kidnapped while overseas', 19 July 2011; 'Australian pensioner tied up for one week in a toilet', *Sydney Morning Herald*, 13 February 2009.

52 Department of Foreign Affairs and Trade, 'List of Australians who have been kidnapped while overseas', 19 July 2011.

conventions, humanitarian considerations such as the safety of the hostage, the state of law and order in the country where the hostage is held, the relationship with the respective government and law enforcement agencies, and the need to deter future similar acts.

2.29 In many cases, the situation in the country where an Australian may be held captive limits the government's ability to work toward the victim's release. For example, kidnappings often occur in areas experiencing economic and political turmoil, where law and order is weak, even non-existent, corruption is endemic and where Australia has little or no diplomatic or official representation. The avenues for direct intervention may be too dangerous or attempts to exercise diplomatic influence unproductive. A hostage situation involving an Australian citizen overseas presents many challenges for the government. The committee stresses that past responses should in no way be seen as indicative of that which may occur in the future. Any response will very much be determined by the circumstances of the day.

2.30 The committee examines the Australian government's response to an Australian kidnapped and held for ransom overseas in subsequent chapters, but starts its consideration by providing the particulars and circumstances of three of the most recent cases of Australians who have been abducted and held captive overseas—Mr John Martinkus, Mr Douglas Wood and Mr Nigel Brennan.