

# Chapter 3

## Recent cases

3.1 The committee received evidence in relation to three Australians who had been kidnapped overseas: Mr John Martinkus, Mr Douglas Wood and Mr Nigel Brennan.

3.2 This chapter summarises each of these kidnappings and the following chapters will use these cases to examine the effectiveness of the Australian government's response to these incidents and to identify measures that could be taken to improve the way it handles such situations.

### John Martinkus

#### *The kidnapping and time in captivity*

3.3 A freelance journalist working on assignment for SBS's *Dateline* program, John Martinkus was kidnapped by a Sunni militant group close to the Al Hamra Hotel and the Australian Embassy in Baghdad on 16 October 2004.

3.4 Mr Martinkus stated in his submission that he left the hotel compound with his translator and driver intending to film the outside of a building as part of a story.<sup>1</sup> Mr Martinkus had been to Iraq twice previously in 2004 but stated in his submission that the security situation in Baghdad had deteriorated significantly since those trips:

The space we were able to occupy and function in as journalists trying to report on the situation in the country had become confined to several fortified and guarded hotel complexes, the green zone and wherever in the city our drivers and translators felt safe enough to take us that day.<sup>2</sup>

3.5 Mr Martinkus' account states that he and his companions were carjacked by a group of armed men approximately 500 metres from the Al Hamra Hotel entrance, having just turned a corner. Mr Martinkus stated that he struggled with the armed group, aware that other journalists who had been kidnapped in Iraq had been executed.<sup>3</sup> The struggle was to no avail.

3.6 Following the scuffle, Mr Martinkus received a phone call from another translator he had worked with and was able to shout that he had been kidnapped before the phone was taken away from him by his kidnappers.<sup>4</sup> He and his

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1 J Martinkus, *Submission 4*, supporting statement, p. 2.

2 J Martinkus, *Submission 4*, supporting statement, p. 1.

3 J Martinkus, *Submission 4*, supporting statement, p. 2.

4 J Martinkus, *Submission 4*, supporting statement, p. 3.

companions were driven to a building in Western Baghdad where they were blindfolded and had their hands bound.

3.7 Mr Martinkus' kidnappers told him that they were 'Iraqi mujahedeen' who wanted to question him but were not interested in money.<sup>5</sup> He was interrogated by the leader of the group who had kidnapped him as to what he was doing in Iraq and what links he had to the American-led coalition military forces. Mr Martinkus stated that during these interrogations he tried to explain his role as a journalist and convince his captors that he was not part of the coalition military forces.<sup>6</sup>

3.8 Mr Martinkus and the other hostages were moved to another location where the questioning continued. In his submission to the committee, Mr Martinkus described being made to appear in a video reading a prepared statement. He believed that the video was to be used as a propaganda tool to announce that he was to be released.<sup>7</sup>

3.9 According to Mr Martinkus, he was then interrogated by the leader of another group but following this his original captors decided that he would be let go. Mr Martinkus and his companions were driven to a location close to where his translator lived and released; around 20 hours after they were first taken hostage.<sup>8</sup>

### ***The response to the kidnapping***

3.10 In his submission to the committee, Mr Martinkus stated that, after he had failed to return from his trip on 16 October 2004, fellow Australian journalist, Michael Ware, had been in touch with Mr Martinkus' management at SBS and with Australian government representatives.<sup>9</sup> However, according to his submission, 'no one had really known where to start looking'.<sup>10</sup>

3.11 It is not clear whether Australian government agencies responded in any way to the alert sounded by Mr Ware. In its evidence to the committee, the Department of Foreign Affairs and Trade (DFAT) stated that: 'we did not have any involvement in that [Mr Martinkus' kidnapping incident] because he was out before we knew about his case'.<sup>11</sup>

3.12 The department told the committee that consular staff attempted to contact Mr Martinkus twice: just after his release on 17 October 2004 and before his departure

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5 J Martinkus, *Submission 4*, supporting statement, p. 2.

6 J Martinkus, *Submission 4*, supporting statement, p. 4.

7 J Martinkus, *Submission 4*, supporting statement, pp. 6–7.

8 J Martinkus, *Submission 4*, supporting statement, pp. 7–8.

9 J Martinkus, *Submission 4*, supporting statement, p. 8.

10 J Martinkus, *Submission 4*, supporting statement, p. 8.

11 *Committee Hansard*, 6 October 2011, p. 39.

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from Baghdad on 18 October 2004.<sup>12</sup> Mr Martinkus stated in his evidence to the committee that he was aware of one attempt by consular staff to contact him just after his release:

When I was released I went to Michael Ware's office—his house—which was inside the security zone of the al-Hamra Hotel. I was quite wired up. I was exhausted. Whilst I was telling him and some colleagues who were gathered there what had happened and how I had been taken and how I had got released, the embassy called Michael. I remember quite distinctly waving away the phone call, because I did not want to talk to them. I wanted to wait until I was more together. I also wanted to wait until I was out of the country. I pretty much said to Michael, 'Look, I'll talk to them later.' I cannot recall whether I asked him to tell them what happened, but I think basically he was in the process of telling them what had happened as I was talking to him.<sup>13</sup>

3.13 Mr Martinkus stated that he gave an account of what had happened to him to SBS and that SBS was in contact with DFAT. Mr Martinkus noted that he never spoke to embassy staff following his kidnapping and that he was never contacted by DFAT after he left Iraq.<sup>14</sup> DFAT confirmed this, explaining:

We did try to contact him a couple of times and passed on that offer of consular assistance and asked to speak to him at the earliest opportunity. If he had wanted to get in touch with us, that offer was definitely there.<sup>15</sup>

3.14 Mr Martinkus was critical of comments made in the media following his kidnapping which he believed should have been corrected by DFAT. These issues will be examined in chapters 8 and 9.

## **Douglas Wood**

### ***The kidnapping and time as a hostage***

3.15 Douglas Wood, an engineer working in Baghdad managing and facilitating construction contracts, was kidnapped on 29 April 2005 with two of his Iraqi colleagues. Mr Wood claimed that he was lured to a meeting by the hostage takers to discuss a possible construction contract.<sup>16</sup>

3.16 Mr Wood's original hostage takers released a video of Mr Wood on 1 May 2005 in which Mr Wood stated their demand that the US, Australia and Britain

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12 *Committee Hansard*, 6 October 2011, p. 40.

13 *Committee Hansard*, 6 October 2011, p. 9.

14 *Committee Hansard*, 6 October 2011, p. 9.

15 *Committee Hansard*, 6 October 2011, p. 40.

16 M Attard, 'Interview with Douglas Wood', *Sunday Profile*, ABC Local Radio, 3 July 2005, accessed 20 October 2011, <http://www.abc.net.au/sundayprofile/stories/s1404739.htm>

withdraw their troops from Iraq.<sup>17</sup> Mr Wood's initial captors later traded Mr Wood to a second group who only made monetary demands to secure Mr Wood's release.

3.17 Mr Wood was held hostage for 47 days. His two Iraqi colleagues are believed to have been executed soon after Mr Wood was kidnapped. When Mr Wood was handed over to the second group, he was held with a Swedish oil trader, Ulf Hjerstrom and a number of Iraqi hostages.<sup>18</sup> Mr Hjerstrom reported that he and Mr Wood were forced to witness the execution of a number of Iraqi hostages.<sup>19</sup> Mr Wood stated that he was beaten by the hostage takers and had his feet shackled to a bed frame.<sup>20</sup>

### ***The response to the kidnapping***

3.18 In his evidence to the committee, Douglas Wood's brother, Dr Malcolm Wood, stated that the family first heard of the kidnapping in the early hours of the morning of 2 May 2005. Douglas Wood's wife, who lived in the US, had been informed of the kidnapping by an American journalist in Iraq. She contacted another of her husband's brothers, Vernon Wood, based in Melbourne, who informed the rest of the family.<sup>21</sup> Dr Malcolm Wood contacted DFAT that morning:

...there was a duty officer at work who answered. They were very glad that I had rung because they had no connection between Douglas Wood, whom they knew had been kidnapped as an Australian citizen, and his family. So the connection was then made. So they knew of his kidnapping but did not know of his connections in Australia.<sup>22</sup>

3.19 Dr Wood spoke to DFAT's public relations officer and was briefed a few hours later by the Assistant Secretary, Consular. Dr Wood stated that he met with DFAT officials including Deputy Secretary Nick Warner later that morning. Mr Warner was set to depart for Baghdad that day to lead an Australian Government task force charged with obtaining the release of Douglas Wood.<sup>23</sup>

3.20 DFAT officials assisted the Wood family to issue a public statement to the media. The family later engaged a private media advisor and conducted their own public diplomacy.<sup>24</sup> However, Dr Wood was clear that the family worked closely with DFAT throughout the crisis:

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17 'Hostage has little chance of getting out alive: Hill', *Australian*, 4 May 2005.

18 P Ker, 'Cash must have saved Wood, says cellmate', *Sydney Morning Herald*, 23 June 2005.

19 P Ker, 'Cash must have saved Wood, says cellmate', *Sydney Morning Herald*, 23 June 2005.

20 M Attard, 'Interview with Douglas Wood', *Sunday Profile*, ABC Local Radio, 3 July 2005, accessed 20 October 2011, <http://www.abc.net.au/sundayprofile/stories/s1404739.htm>

21 *Committee Hansard*, 6 October 2011, p. 1.

22 *Committee Hansard*, 6 October 2011, p. 1.

23 *Committee Hansard*, 6 October 2011, p. 2.

24 *Committee Hansard*, 6 October 2011, p. 2.

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We had excellent relations with the foreign affairs officials from the very start...all the time we kept in touch with DFAT and made sure, and they were grateful for this, that whatever we did was as a family and we did with their knowledge, and if not concurrence then at least their satisfaction that there would be no harm to Douglas in what they were doing.<sup>25</sup>

3.21 In their evidence to the committee, DFAT and the AFP did not detail the actions undertaken by the task force based in Baghdad. Dr Wood, however, stated in his evidence that he was briefed almost daily by DFAT officials as to what was occurring in Baghdad. He stated:

...we had a lot of information about people he [Mr Warner] was seeking to cultivate as possible intermediaries—some discussions he had with Iraqi government officials or ministers; his contact from time to time with Sheik Al-Hilali...<sup>26</sup>

3.22 The Australian task force reportedly worked closely with the US forces in Iraq, particularly with the US Department of State's Hostages Working Group.<sup>27</sup>

3.23 Around a month after Mr Wood was first kidnapped the Australian task force received a ransom demand of \$US25 million.<sup>28</sup> The task force was unable to verify whether the demand actually came from the group holding Douglas Wood. The Australian Government and the Wood family rejected the ransom demand.<sup>29</sup>

3.24 Dr Malcolm Wood stated in his submission that the family had made a decision early on in the crisis to pre-empt a ransom demand by making an offer of a charitable donation to the people of Iraq, conditional on Douglas Wood's release. The family decided to make this offer at the upper level of their own means but chose not to seek financial support from others or through a public appeal.<sup>30</sup>

3.25 On 15 June 2005, Iraqi soldiers from the 2<sup>nd</sup> Battalion, 1<sup>st</sup> Iraqi Army Brigade, discovered Douglas Wood in a house in the western Baghdad suburb of Ghazaliya.<sup>31</sup> There are differing accounts as to how Mr Wood was discovered: some media reports suggested that the Iraqi unit was tipped off as to the hostages' location while DFAT, in their evidence to the committee, described it as a 'random operation'.<sup>32</sup> An airborne

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25 *Committee Hansard*, 6 October 2011, p. 2.

26 *Committee Hansard*, 6 October 2011, p. 3.

27 'The raid that went wrong', *Age*, 18 June 2005.

28 'Kidnappers wanted \$US25m, Wood reveals', *Canberra Times*, 8 December 2005.

29 M Wood, *Submission 3*, p. 1.

30 M Wood, *Submission 3*, pp. 2–3.

31 'Tip came from the streets', *Herald Sun*, 17 June 2005.

32 'Tip came from the streets', *Herald Sun*, 17 June 2005; Department of Foreign Affairs and Trade, 'List of Australians who have been kidnapped while overseas', 19 July 2011.

American Incidence Response Unit and brigade combat team was called in, and Mr Wood was flown to Camp Victory.<sup>33</sup>

3.26 Following Mr Wood's release, his brothers kept their commitment to make a donation to an Iraqi charity.

## **Nigel Brennan**

### *The kidnapping and time as a hostage*

3.27 Nigel Brennan, an Australian photojournalist, was kidnapped on the outskirts of Mogadishu, Somalia, with Canadian journalist, Amanda Lindhout, on 23 August 2008. The pair had travelled to Somalia as freelance journalists intending to cover the country's civil war, drought and food crisis.<sup>34</sup> They were kidnapped on their way to visit camps for internally displaced persons near Mogadishu with a local cameraman and two other Somalis.

3.28 In his submission, Mr Brennan stated that the kidnappers claimed to be part of the 'Somali Mujahedeen' and that their kidnapping was politically motivated as the Australian and Canadian Governments were 'at war with Islam'.<sup>35</sup> They were told by one of the hostage takers that, while believing the pair were journalists, they would be held for ransom.<sup>36</sup>

3.29 Mr Brennan and Ms Lindhout were held for 462 days by the same group. They were moved with their fellow hostages to a number of different houses and towns during this time. For the first two months of their time as hostages, Mr Brennan and Ms Lindhout were held together in the same room. They were separated on or about 21 October 2008 and the remainder of their time in captivity was spent in isolation.<sup>37</sup>

3.30 The treatment of Mr Brennan and Ms Lindhout worsened over time with poor food and filthy conditions. Mr Brennan's account of his ordeal included long periods of illness, interrogations, beatings, threats to his life and mock executions, solitary confinement and, following a failed escape attempt in January 2009, being constantly shackled.

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33 'Tip came from the streets', *Herald Sun*, 17 June 2005.

34 N Brennan, N Bonney and K Brennan, *The Price of Life*, Penguin Books, Melbourne, 2011, pp. 48–50.

35 N Brennan, *Submission 12*, p. 1.

36 N Brennan, N Bonney and K Brennan, *The Price of Life*, Penguin Books, Melbourne, 2011, p. 36.

37 N Brennan, N Bonney and K Brennan, *The Price of Life*, Penguin Books, Melbourne, 2011, p. 128.

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### *The response to the kidnapping*

3.31 The Brennan family were notified of the kidnapping by a journalist from the *Sydney Morning Herald* on 24 August 2008. Mr Brennan's mother, Heather Brennan, then contacted DFAT who, in turn, contacted the Australian Federal Police (AFP) and initiated the government's response to the kidnapping.

3.32 A ransom demand was made by the hostage takers on 25 August 2008. Mr Brennan's sister, Nicole Bonney, answered the call from a representative of the hostage takers demanding US\$3 million for the release of both of the hostages. Mrs Bonney continued to act as a negotiator with the hostage takers on behalf of the Brennan family throughout the crisis.

3.33 Queensland Police attended the Brennan family home in Moore Park, Queensland, following the first call from the hostage takers. Police negotiators provided advice and training to Mrs Bonney. The AFP took over the operation within the Brennan family home from Queensland Police on, or around, 30 August 2008.

3.34 The AFP formed part of an Inter-Departmental Emergency Task Force (IDETF), established in response to the kidnapping. This task force was chaired by DFAT and supported by a dedicated unit within its Consular, Public Diplomacy and Parliamentary Affairs Division.<sup>38</sup>

3.35 Australian agencies liaised with their Canadian counterparts on the response to the kidnapping of Mr Brennan and Ms Lindhout. Strategies aimed at securing the release of the two hostages were developed in concert with Canadian authorities.

3.36 Separate units of the task force were established in Nairobi (Kenya), Moore Park, Brisbane and Canberra.

3.37 AFP personnel dispatched to the Nairobi unit engaged in negotiations with the hostage takers and Mrs Bonney was directed to refer all discussion with the hostage takers of ransom payments to the Nairobi-based unit.<sup>39</sup> The family were informed that the negotiation strategy of the Australian and Canadian authorities was to offer small amounts of money to the hostage takers so as to not give the impression that larger amounts could be forthcoming.<sup>40</sup>

3.38 Mr Brennan and Mrs Bonney described in their evidence to the committee a number of strategies undertaken by Australian government agencies to secure the release of the hostages. These strategies included the offer of amounts of money to the hostage takers on behalf of the family, the use of a number of different third party

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38 Department of Foreign Affairs and Trade, *Submission 8*, [p. 3].

39 *Committee Hansard*, 11 October 2011, p. 2.

40 N Brennan, N Bonney and K Brennan, *The Price of Life*, Penguin Books, Melbourne, 2011, pp. 114–115.

intermediaries operating in Somalia and a 'no contact' policy which, according to a letter from the Minister for Foreign Affairs to the family in June 2009, was intended to wear the hostage takers down.<sup>41</sup> None of these strategies were successful in obtaining the release of the hostages.

3.39 Mr Brennan's family were approached by a number of private individuals and groups offering to negotiate or secure the release of the hostages. The family also sought out private operators with experience in such situations and were referred to a number of different companies by victims of previous kidnappings.

3.40 A journalist from the Australian Broadcasting Corporation referred the family to a London-based security and crisis response consultancy, AKE Group. Mr Brennan's and Ms Lindhout's family met with a representative of AKE Group in Vancouver, Canada, on 28 July 2009 and decided to hire the firm to assist in securing the release of Mr Brennan. The families took control of the case from the Australian and Canadian Governments.

3.41 The families, with the assistance of AKE Group, secured the release of both hostages on 25 November 2009 after the payment of a ransom of around US\$600,000.<sup>42</sup> The Brennan family were assisted in making this payment by a consular loan from the Australian Government and money raised from a number of donors.

3.42 In the following chapters, the committee draws on the three cases described in this chapter to examine the effectiveness of different aspects of the Australian Government's response to kidnappings and to identify measures that could be taken to improve the way it handles such situations in the future.

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41 N Brennan, N Bonney and K Brennan, *The Price of Life*, Penguin Books, Melbourne, 2011, p. 285.

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