

Chapter 8

Post crisis support

8.1 The effects of a kidnapping incident do not end for captives on their return home. Hostages are often held for long periods of time and endure injuries, sickness, beatings, torture and mental anguish. Even those held for shorter periods, especially where violence and the fear of impending death are involved, may suffer from the trauma of the kidnapping long after their release. In this chapter, the committee looks at the post resolution period, focusing on the role of relevant government agencies during this important recovery period.

Support for Mr Martinkus

8.2 Mr Martinkus explained to the committee that soon after his release he was in a colleague's house/office recounting the details of his kidnapping when a DFAT official rang his colleague. He remembered distinctly 'waving away the phone call' because he did not want to talk to them. In his words, although exhausted he was 'quite wired up' and wanted to wait until he was 'more together'.¹ He was also in the process of arranging his departure and wanted to wait until he was out of the country before speaking to Australian representatives from the embassy. Mr Martinkus described the range of emotion and the adrenaline he was experiencing on gaining his freedom—'exhaustion, elation at my release and what I later realised was shock'.²

Debriefings

8.3 According to Mr Martinkus, the conduct of DFAT following his return to Australia has only added to his suffering.³ As noted earlier, Mr Martinkus was abducted outside his hotel which he argued was deemed to be in 'a secure part of the city'. Indeed he told the committee that it was the only place in Iraq at the time that had Australian troops securing it:⁴

It was where a lot of foreign journalists were staying and where the Australian Embassy was. There were Australian troops outside. People thought that was reasonably safe but, because the situation was unpredictable and deteriorating, the insurgents managed to get in and snatch me.⁵

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

2 J Martinkus, *Submission 4*, supporting statement, [p. 9].

3 *Committee Hansard*, 6 October 2011, p. 8.

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

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

8.4 Mr Martinkus was surprised to learn, however, that before he could be interviewed or debriefed by DFAT officials the then Foreign Minister, who was led to believe that Mr Martinkus had been in a dangerous part of the city, informed the media as though this was fact.⁶ The minister was reported as stating that Mr Martinkus, whom he did not name, 'had been captured when he went to an area of Baghdad against advice'. He then said:

Obviously, we're concerned about the safety of Australians and we do ask that Australians don't go to Iraq. Some do. When they're in Iraq some of them take risks.

In this particular case, the journalist went out to investigate a story, I understand, and went to a part of Baghdad that he was advised not to go, but he went there anyway and journalists do that sort of thing, but he was detained, but just for 24 hours and subsequently has been released.⁷

8.5 According to Mr Martinkus, he was on his way home and in a plane between Baghdad and Amman, Jordan, when the minister made the statement that in essence 'the kidnapping was my fault'.⁸ Mr Martinkus was of the view that, in his case, DFAT officials in Iraq 'basically' misinformed the minister as to what had actually happened. He suggested that DFAT seemed intent on trying to downplay his story and ultimately to discredit him and damage his reputation as a journalist.⁹ Mr Martinkus does not know where the story originated but surmises that it may have started as 'a value judgement probably made by a lower level DFAT official in Baghdad in that I was doing dangerous things, behaving inappropriately'.¹⁰ In his assessment, the Minister for Foreign Affairs at the time increased his distress and trauma by endeavouring to make a political point.¹¹

8.6 Mr Martinkus concluded that DFAT should be mindful that people may be readily victimised rather than helped to get back on with their lives on their return to Australia.¹² He stated:

There is this knee-jerk reaction to blame the victim. They blame them for being somewhere they should not be or whatever, like what happened in my case...a knee-jerk response to somehow implicate them in their own misfortune. In the case of journalists, I think there is almost a refusal to see

6 *Committee Hansard*, 6 October 2011, pp. 8, 12.

7 ABC Radio, 'Foreign Minister discusses kidnapping and release of SBS journalist', *PM*, 'Downer rejects UN request for more troops', 18 October 2004, <http://www.abc.net.au/pm/content/2004/s1222494.htm>; 'Kidnapped journo hits back at Downer', *Sydney Morning Herald*, 19 October 2004.

8 *Committee Hansard*, 6 October 2011, p. 10.

9 *Committee Hansard*, 6 October 2011, p. 8.

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

11 *Committee Hansard*, 6 October 2011, p. 8.

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

that they legitimately have a right to be where they are in these conflict zones and that they have a job to do and are supposed to be there.¹³

8.7 He recommended that in future DFAT officials could seek 'to be properly informed about issues before incorrectly briefing the minister and should refrain from imposing their preconceived and institutionally biased opinions onto the victim's case'.¹⁴

8.8 Furthermore, he was concerned that DFAT officials have continued to doubt his story 'long after the event without ever seeking to clarify events with myself'.¹⁵ Mr Martinkus informed the committee that since his return to Australia after his kidnapping, DFAT have never contacted him, sought his account of the kidnapping or offered him assistance.¹⁶ He recalled:

The fact that DFAT never tried to verify that with me and continued to run this rumour campaign that somehow something was wrong, that I was not telling the full truth, or that there was something not right about what happened without even bothering to verify it with me is unacceptable. The minister at the time was basically trying to downplay the security situation in Baghdad by denigrating me and denigrating SBS—basically playing politics with the whole incident—and, at the end of the day, I was the one who had to defend myself against all these charges that I was somehow involved.¹⁷

8.9 As an example of DFAT's failure to check the facts and recognise that he had been the victim of a kidnapping, he recalled that at the time of Mr Wood's abduction he was shown a fax received at the SBS office from DFAT outlining the previous Australians kidnapped. In his words:

They basically said that my kidnapping had never happened and that it was alleged. For me, that was extremely hurtful because it was the press release DFAT was putting out and it was basically calling me a liar. That was incredibly insulting...I remember I was quite angry and I got the boss at SBS...to write a letter to them. They then amended the press release, but it was all after the fact.¹⁸

8.10 He told the committee that he has had to go through the government's reaction to his kidnapping with his counsellor a few times including what he believes was the politicisation of his predicament. He explained:

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

14 *Committee Hansard*, 6 October 2011, p. 8.

15 *Committee Hansard*, 6 October 2011, p. 8.

16 *Committee Hansard*, 6 October 2011, p. 8 and J Martinkus, *Submission 4*, 'Supporting statement', [p. 17].

17 *Committee Hansard*, 6 October 2011, p. 10.

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

It made me feel under attack and having to justify myself continually to colleagues and to the general public about what had happened. To be honest, what traumatised me more was the stigma and pigeon-holing and accusations from right-wing members of the press and having to continually justify my actions. This has gone on for years.¹⁹

8.11 Comments to the media soon after Mr Martinkus' kidnapping highlight the importance of government officials ensuring that any public statements they make or advice they provide are based in fact and sensitive to the circumstances of the victim. The committee also notes that since his return to Australia, DFAT is yet to offer Mr Martinkus a debriefing or contact him directly or formally about his welfare. The AFP visited him in his office about two weeks after his release asking him about the insurgents who had kidnapped him.

Advice and counselling

8.12 Mr Jon Philp, Acting First Assistant Secretary, DFAT, indicated that his department tried to contact Mr Martinkus immediately after his release and before his departure from Iraq on 18 October but not after his return to Australia.²⁰ In response to Mr Martinkus' account of DFAT's lack of concern for his welfare, Ms Bird noted that as he had already been freed there was no role in terms of trying to get him out of there.²¹ She acknowledged that the usual approach would have been to offer consular assistance, to make sure he was okay and ask whether there were any messages he wanted to pass to his family. But, she explained, DFAT tried to contact him and as he did not respond to DFAT's call and he was out and working again, there was 'no longer any need for consular assistance per se'.²² She indicated on a number of occasions that:

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.²³

8.13 According to Ms Bird, having inquired whether he was 'okay' and whether anything could be done for him—'It was up to him to take it up if he wanted to'.²⁴ Mr Philp noted further that in Mr Martinkus' case—'he had an employer who has a formal duty of care'.²⁵ He told the committee, however, that he was not aware whether SBS

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

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

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

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

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

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

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

were in touch with DFAT and that the department would not as a matter of course be in touch with them.²⁶

8.14 Ms Bird informed the committee that DFAT provides exactly the same consular assistance in all cases. She mentioned on a number of occasions that DFAT sought to do so in Mr Martinkus' case but he did not see any need to take it up.²⁷ When pressed on this matter of providing assistance after his return, Ms Bird replied:

...our role would have been to make sure that he was okay; that he had got out; whether he needed any assistance in leaving the country—we would not have wanted him to hang around Baghdad any longer than he needed to; and whether there was something we could pass on to his next of kin to assure them he was okay. That was unnecessary by the time he was back in Australia. All that was self-evidently done: he was out and presumably he had been in touch with his family directly.²⁸

8.15 On a number of occasions, Ms Bird repeated her explanation that if Mr Martinkus had wanted counselling, 'he could have got in touch with us':²⁹

...if he was back in Australia he would clearly be able to avail himself to whatever the domestic services were. We would want to have made sure that he was well and out of the country, which he was.³⁰

8.16 The committee has described Mr Martinkus' state of mind at the time DFAT tried to contact him in Baghdad—he had just been freed from a traumatic experience where he had been abducted at gun point, held, restrained and interrogated, and at times feared execution. In the committee's view, DFAT's effort to provide consular services to Mr Martinkus fell short of acceptable. The onus was on DFAT to ensure that all effort was made to make direct contact with Mr Martinkus, especially on his return to Australia, to ensure that he was safe and well and to offer him consular assistance. DFAT may have gained the impression that Mr Martinkus did not need or want assistance, but it was incumbent on the department to make sure this was so.

Support for Mr Brennan

8.17 Eventually released after being held hostage for 462 days, Mr Brennan similarly found DFAT unsympathetic to his needs. The committee has recorded the numerous instances of where Mr Brennan and his family believe that they were poorly treated especially with regard to access to information. The dissatisfaction with their treatment continued after Mr Brennan's return to Australia. Indeed, Mr Brennan stated

26 *Committee Hansard*, 6 October 2011, p. 41.

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

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

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

30 *Committee Hansard*, 6 October 2011, p. 41.

that in their experience, the government's treatment of them, during and after his detention, was 'overwhelmingly poor' in almost all respects.³¹

Debriefings—filling in the blanks

8.18 Mr Brennan explained that after his return, the family wanted 'some closure' on the kidnapping incident by gaining a better understanding and insight into the government's handling of the case.³² After his release, the Brennan family requested 'full debriefings' with government agencies. According to Mr Brennan when he requested a debrief from DFAT and the AFP they asked him why he wanted one. He then replied:

I have heard my family's side of the story and I would like to hear the government's side of the story of where you think you did stuff right and where you did stuff wrong.³³

8.19 Mr Brennan explained that 'I sort of got a laugh at that and they said, "What do you mean we did stuff wrong?"'³⁴ His sister added that when they requested information, DFAT was 'quite surprised'. This response alarmed them because from the beginning they had requested information and wanted to know what was going on. In her words:

We felt that we were falling, yet again, into the situation where communication was only going one way, which was something that had been problematic for us from the outset.³⁵

8.20 The family had to wait more than six months before a meeting with relevant government agencies was finally arranged. Several DFAT and AFP officers attended a debriefing on 10 June 2010.³⁶ This meeting covered various legal matters with the Criminal Code and counter terrorism provisions as they relate to the payment of a ransom. At this meeting, the family expressed concern about possible surveillance and phone tapping.³⁷ The family also attended a meeting as part of the McCarthy review. Mr Brennan informed the committee that the minutes of either meeting or their outcomes or a copy of the McCarthy review have not been provided to his family.³⁸

31 N Brennan, *Submission 12*, [p. 20].

32 N Brennan, *Submission 12*, [p. 12].

33 *Committee Hansard*, 11 October 2011, p. 5.

34 *Committee Hansard*, 11 October 2011, p. 5.

35 *Committee Hansard*, 11 October 2011, p. 5.

36 N Brennan, *Submission 12*, [p. 12]. See also *Committee Hansard*, Estimates, 18 October 2010, p. 92.

37 N Brennan, *Submission 12*, [p. 13].

38 N Brennan, *Submission 12*, [pp. 12–13].

8.21 Yet again, the committee received very different interpretations about this post resolution period. DFAT acknowledged that an important part of any kidnapping incident occurs post-resolution. The department explained:

After each case involving an Australian overseas, we have conducted in-depth and careful analysis of all the detail of the specific kidnapping: how each scenario has played out and what can be learned. This critical examination is a key element in maintaining a strong response capacity. As a result, we have made some minor adjustments to aspects of our policy response, but the fundamental principles have been reaffirmed.³⁹

8.22 The committee believes that a post-resolution review is extremely important but the benefits should not be limited to the department and related agencies. Such an exercise is an opportunity for a two-way exchange of information. For example, an interview with Mr Martinkus could have allowed him to put his account of the kidnapping to DFAT, to clear up any misunderstandings and to express his disappointment with the handling of his case. The Brennan family could have sought answers to its many questions—questions that remain largely unanswered even today (see further discussion and recommendation in chapter 11).

Counselling

8.23 The Brennan family also raised 'strong concerns about the fact that no assistance was given' to either the family or Nigel after his return to Australia with regards to counselling services.⁴⁰ Nicole Bonney informed the committee that prior to leaving for Nairobi, the family asked if counselling would be available after Nigel's release but were told that 'this was not the case and they should contact the government service Centrelink for assistance with counselling services'.⁴¹

8.24 Mr Brennan noted that after his lengthy confinement his cognitive skills were very slow and his doctors had said that he could not operate any sort machinery—'anxiety, hyper vigilance and stuff like that'. He then stated:

To sort of be fobbed off as soon as I got off the plane from Nairobi was, I think, a little bit rude. That is my thing. The government has a responsibility for its citizens. I take responsibility for what I did.⁴²

8.25 Mr Brennan stated that he had to find out about a government scheme, 'Better Access to Mental Health Care', through his GP, who referred him to a psychologist.⁴³

39 Department of Foreign Affairs and Trade, *Submission 8*, [p. 4].

40 N Brennan, *Submission 12*, [p. 14].

41 N Bonney, *Submission 13*, [p. 40].

42 *Committee Hansard*, 11 October 2011, p. 5.

43 *Committee Hansard*, 11 October 2011, p. 4.

8.26 Nigel and his family's account of DFAT's offers of support differs significantly from that of the department.

8.27 When asked about the government's general duty of care for Australians overseas, Ms Bird indicated that the department would do all that it could 'to assist Australians who find themselves in difficulty overseas. There is nothing legislated around that, but that is our practice'.⁴⁴ DFAT explained that it could help with post-release return to Australia and reception arrangements and, wherever possible, work with other government agencies that may be able to provide continued support to the victim and their families.⁴⁵

8.28 Ms Bird informed the committee that DFAT transfers the responsibility for following up a person who has suffered a traumatic experience overseas to 'services through Centrelink and others that can be made available, and we do work with Centrelink on an ad hoc basis'. She indicated that DFAT assisted Mr Brennan with counselling services in Nairobi after he was released.⁴⁶ She explained further:

As I said, in the case of Nigel Brennan—because we knew, obviously, he would be extremely traumatised after the time he had spent—we had arranged for counselling in Nairobi when he first got out. But, as you said, when they come back to Australia it is helping them transition into the Australian system that is important.⁴⁷

8.29 According to Ms Bird, DFAT are looking to see how it 'can continue to do that and perhaps make that as effective as possible so that when people transition back they can be helped into the Australian services'.⁴⁸

8.30 Again, this general description of the way in which DFAT helps a person through the transition period to a local service provider does not match the specific cases of Mr Martinkus and Mr Brennan.

Benefiting from the experiences of former hostages

8.31 When Mr Brennan arrived back in Australia, he considered trying to set up some sort of foundation that would deal with Australian citizens finding themselves in trouble overseas 'so that there is a think tank for people who are imprisoned or kidnapped'. He would like to involve DFAT and the AFP in some respect as well.⁴⁹ He was also of the view that there should be a position created within DFAT or a government agency whereby a person who understands the trauma of a kidnapped

44 *Committee Hansard*, 6 October 2011, p. 41.

45 Department of Foreign Affairs and Trade, *Submission 8*, [p. 6].

46 *Committee Hansard*, 6 October 2011, p. 38.

47 *Committee Hansard*, 6 October 2011, p. 38.

48 *Committee Hansard*, 6 October 2011, p. 38.

49 *Committee Hansard*, 11 October 2011, p. 12.

victim is able to represent the interests of and provide the best advice on behalf of any future kidnapped Australian.⁵⁰ He said:

There should be some sort of task force that does involve the Australian Federal Police, DFAT, a private company and families like mine, the Woods and the Danes that can put together an information package for those families. I do not know how you would get the government sector and the private sector to work together without the ego and the bravado. That is the difficult task.⁵¹

8.32 Mr Brennan elaborated on how the government could capitalise on their skills and experience. He said:

At the end of the day, when we came home we offered our help to the Australian Federal Police to improve their negotiations and how they deal with a family...My sister Nicky spent 15 months negotiating. She probably in some respects has more skills than some of the AFP negotiators. Why not hone Nicky's knowledge? We have offered on several occasions, and they do not seem to be interested whatsoever. I think they would prefer us just to crawl under a rock and disappear. We have done negotiation skills with Queensland police. We are about to start doing it with the New South Wales police. It is not as if we do not want to offer our knowledge and skill base.⁵²

8.33 Mrs Bonney added that it would be tragic to think that pride is the only thing stopping them. According to Mrs Bonney, she has been in contact with a number of international families that have been through the same experience since her brother's kidnapping and release. She noted:

I was in probably fortnightly contact with Stephen Collett, who was the next-of-kin negotiator for Rachel and Paul Chandler. We are also in contact with the South African family of the couple that have just been taken and the Canadian family of the young fellow who has been taken in Afghanistan. We certainly have information that we are quite willing to share. I think governments should be able to pass this information and our names on readily, but at this point in time it tends to be the grapevine thing rather than more official channels that it happens through.⁵³

50 *Committee Hansard*, 11 October 2011, p. 11.

51 *Committee Hansard*, 11 October 2011, p. 11.

52 *Committee Hansard*, 11 October 2011, p. 12.

53 *Committee Hansard*, 11 October 2011, p. 12. In October 2009, the Chandlers, from the UK, were taken hostage by gunmen in the Indian Ocean while sailing their yacht, the *Lynn Rival*, from the Seychelles towards Tanzania. They were held for ransom for over a year and finally released after paying an unconfirmed ransom. Private consultants helped the family negotiate with the kidnappers. BBC News, 'Timeline: Paul and Rachel Chandler kidnap', <http://www.bbc.co.uk/news/uk-10338484> and D Aitkenhead, 'Paul and Rachel Chandler: How we survived being kidnapped by Somali pirates', *The Guardian*, 30 October 2011, <http://www.guardian.co.uk/uk/2011/oct/30/paul-rachel-chandler-kidnap-somali-pirates>, accessed 1 November 2011.

8.34 It appears to the committee that an initiative that would capture and make use of the experiences of kidnap victims and their families in order to benefit others caught up in any future hostage situation is certainly worthy of government recognition and support.

Conclusion

8.35 The committee is of the view that both the Martinkus and Brennan cases have demonstrated that DFAT needs to give much greater attention to how it can better manage the post resolution phase of a kidnapping.

8.36 The committee noted at the beginning of chapter 6 that there are two major considerations for the government when it first learns that an Australian has been taken captive overseas—mobilising its resources to effect the safe and expeditious release of the captive and assisting the family and friends of the kidnapped victim. The committee has underlined the importance that DFAT needs to attach to the second consideration—the welfare of the family. This consideration extends to the family and the kidnapped person even after the victim has been released.

8.37 The committee believes that DFAT should offer to debrief Mr Martinkus and ensure that its record of his kidnapping incident is correct and incorporates his account of what occurred. The committee also suggests that DFAT and the AFP invite Mr Brennan and his family to a meeting where the family can ask their many unanswered questions. The committee understands that, because of the sensitive nature of some of the questions, DFAT or the AFP may not be able to give a complete answer. They should, however, be able to give a satisfactory explanation for not being able to do so.

8.38 It is clear to the committee that people who have undergone a frightening and traumatic experience, such as being held hostage, need special care and consideration after their release. Further, that DFAT's consular responsibilities do not end when the victim finally regains his or her freedom. The committee is of the view that DFAT has a role facilitating a smooth transition from the services provided to a kidnap victim overseas to the appropriate domestic service provider. In light of this finding, the committee makes the following recommendation.

Recommendation 5

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.

8.40 The committee also sees merit in DFAT maintaining contact with the victims or the families of victims who make known that they would be available should a

kidnapping happen in the future and the family of the kidnapped person wishes to meet or speak to people who have had similar experiences.

