

Submission by VOICE Australia to the Senate Inquiry into The Wrongful detention of Australian citizens overseas

10 July 2024

VOICE Australia thanks you for this opportunity to make our Submission. We primarily address these Terms Of Reference: a) (awareness), b) (policy), d) (DFAT), and f) (support).

TERMINOLOGY: HD countries, HD-unlikely countries, and HD-not-unlikely countries

- **HD countries** are those which DFAT deems to have engaged in hostage diplomacy against any country, and it is possible they will again. China and Russia would be among countries in this category;
- **HD-unlikely countries** are those deemed by DFAT as extremely unlikely to ever engage in hostage diplomacy against Australia. The US and Japan would probably be 2 examples in this category;
- **HD-not-unlikely countries** are the many countries not deemed as above. It is wise to deter them, and also to prepare, just in case.

1. COLLECT EARLY WARNING SIGNALS FROM TRAVELLERS TO HD-NOT-UNLIKELY COUNTRIES

A number of countries briefly question or examine mobile phones of Australian citizens or residents, ostensibly for law enforcement purposes, but some have ulterior motives such as to prevent them from being engaged in certain activities in Australia, or to gather certain information, or to pressure them to spy upon return. Invariably, they stop the questioning before the Vienna Convention on Consular Relations is triggered. If such ulterior motives are in a government's mindset, then it is not unthinkable that in future they could engage in HD if they and Australia are in conflict. Therefore, listening to these travellers while being there or after return gives an early warning signal.

Most such travellers will not bother to tell the Australian government. But if they are encouraged and it is easy to talk, then some could talk.

Recommendation 1: Encourage travellers to Hostage-Diplomacy-*not*-unlikely countries to provide information about what happened to them or what they witnessed, and make it easy to do so, because some of that information could be early warning signals of future hostage diplomacy.

The “encouragement” can be as simple as a tick box on a form or a “Yes” answer to a written message sent to a random sample of travellers. The “make it easy” can be a “Call me and I tell you, I will remain anonymous” rather than filling out forms.

The people who talk with such travellers may themselves be DFAT officials or contractors trained by DFAT.

Once verbal conversational AI systems are sufficiently capable, travellers can talk with them rather than with real people, if so desired.

2. IMPROVE PREPAREDNESS BY HAVING GOOD CONSULAR AGREEMENTS WITH HD-NOT-UNLIKELY COUNTRIES

The Vienna Convention on Consular Relations and associated customary practice give guidance on how soon after an arrest consular officials may visit and how they may support the detained citizen, or what happens if the citizen dies while being in the destination country.

Australia has Consular Agreements with many countries to codify the conventions.

Once a HD country has taken our citizens hostage, Australia would want to already have in place a Consular Agreement which best serves our interests. For example, a Consular Agreement which does not say “*inform us within 3 working days after arrest*” but says “*1 working day*”. And, because the arresting country will likely claim national security considerations a good Consular Agreement would not be silent but would stipulate, for example: “*Each country shall ensure its laws would allow consular officials to privately meet the detainees, no more than X days after a closed court hearing, for at least Y hours, even in cases involving national security allegations*”.

But, once a country's government has formed the HD mindset, it would be too late to get a good Consular Agreement. The time to do it is now.
Therefore:

Recommendation 2: Australia should create new or improve existing Consular Agreements with HD-not-unlikely countries, such that we have the best possible leverage in case our citizens are ever arrested.

General usefulness: Note that while this Recommendation should improve consular access whether the arrest, detention, or death of Australian citizens is wrongful or not.

3. AFTER A COUNTRY TAKES OUR CITIZENS HOSTAGE, WE SHOULD THROTTLE VISITOR TRAFFIC

A public education campaign may raise awareness about the risks about travelling to a HD country. Or it may not, unless millions are spent. And even with widespread awareness, each citizen Jane will most likely think "*It never happens to me*" and still make the trip, therefore the HD country sees no drop in visitor volume.

We advocate causing a drop in visitor traffic for a hostage-diplomacy country. This would no doubt factor in their calculus on future HD, and even on when to release our citizens. The drop would also deter HD-not-unlikely countries to ever engage in HD.

Consider this:

When Citizen Jane buys her plane ticket, in addition to optional travel insurance for sickness or accidents, she sees another item called **(for example) "Wrongful detention insurance"**. This simple measure will help millions of travellers to both become *aware* of and pay attention to the HD issue, more so than any public education campaign would. When you spend money, you pay attention. You pay even more attention when you *get back* money you usually don't get back.

The above insurance item says:

- **Optional:** *This insurance is optional, but the Australian government encourages you to consider it, following the arrests of [name 1], [name 2];*
- **Compulsory:** *Although taking up the insurance is optional, it is compulsory for travel providers to provide you with this insurance option. Also, insurers must set premiums above a minimum [eg. \$100];*
- **Interests:** *Your money will be put into a fund which earns interest;*
- **Revert:** *Unlike other insurance fees which you pay and never get back, you will get your money back after returning to Australia;*
- **Interests:** *You will additionally be paid an interest equal to X% (eg. X=33) of the interest income;*
- **Hassle-free:** *That payment will be automatically paid back to your designated account, within 7 days after you return;*
- **Employees:** *If travelling mainly because of your job, and you decide to take up this insurance, then your employer must take up an additional insurance for you. Their premium is X times yours (for example, X = 20 if your employer has a payroll of 5000+ people);*
- **Detained:** *IF hostage diplomacy happens to you then upon return, not only your money is paid back, the Australian guarantees that you will be paid an extra amount derived from the above interests, to help you rebuild your life after your ordeal. If you die, it is paid to your designated beneficiaries. **This guarantee does not apply if you did not take up this insurance***

Recommendation 3: Australia should take actions to reduce discretionary visitor traffic from Australia to a country recently engaged in hostage diplomacy. We recommend a wrongful-detention insurance. It would be optional, involve employer support, and upon return the insurance premium is paid back with some interest. This insurance gives hostage-diplomacy victims concrete support to rebuild their lives after their ordeal.

Alliance: Australia and its allies should commit to support one another. This will make the drop in visitor traffic substantial.

Lever: Note that the minimum premium is set by the government. Therefore, it can be pushed up if more citizens are taken hostage, or down after the other country has started drip-releasing our citizens.

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