

Senate Standing Committees on Foreign Affairs, Defence and Trade

Inquiry into the Wrongful detention of Australian citizens overseas.

Submission prepared by Lisa Brandt.

I am completing this submission to the Inquiry into the Wrongful detention of Australian citizens overseas on behalf of myself and Ramon Turnell – the sister and father respectively of Dr Sean Turnell.

My brother, Sean, was arbitrarily detained in Myanmar on the 6 February 2021. He was held in atrocious conditions in the worst prisons for 650 days, with limited or no contact with the Australian Embassy, lawyers or family for significant periods of time throughout this period. He was never allowed to meet with Embassy staff in person or speak with his lawyers. Ultimately Sean was found guilty in farcical circumstances in a court without translators and minimal time to speak in his defence. His release, like his detention seems to have been arbitrary though in this instance I was immensely relieved at the wonderful news of his release.

Noting the above, we have many people to thank for their efforts during the period of Sean's detention. While I will be including some comments with respect to the terms of reference of this inquiry, my father and I would like to thank those involved from DFAT for the work they did. We always had confidence that the Australian Government and those that work in it had Sean's best interests in mind.

d) the management of cases of wrongful detention by the Department of Foreign Affairs and Trade

Given Sean was in Myanmar as an employee of the Australian Government, I was somewhat surprised that more help wasn't available to him when the Coup occurred. It seems there was no urgency to get him out of Myanmar or to even have him moved to the Embassy for his safety given the role he had played as Aung Sang Suu Kyi's Economics Advisor.

When I heard that Sean had been detained but the Ambassador was with him, I felt momentary relief. I had thought he was in the Embassy or at least he had some protection. It appears not and it was after this there was close to two months with almost no contact or even awareness as to where he was being held. **Given the increase in hostage diplomacy and wrongful detention, is there an opportunity to provide Embassy staff with specific training in how to handle such cases, including what can be done to prevent the detention in the first place?**

It seemed there were times where others knew more about Sean's whereabouts than the Embassy or DFAT.

One of the most surprising aspects to me was that to a certain extent, families are on their own to organise legal support for their person. While some local lawyers were suggested, it was up to the next of kin to organise. For many families, this would be an almost impossible task not least because of the potential cost and ability to fund this. **In circumstances of arbitrary detention, consideration should be given to establishing protocols for support in obtaining legal representation for the detained person.**

e) communications with and support for families of Australians being wrongfully detained overseas

As Sean's sister and father and not officially listed as next of kin, I was disappointed at the communication we received from DFAT. Whilst in the earliest period of Sean's detention, I was able to communicate with the relevant case manager occasionally, this did not seem to be available most of the time. Communication was with the next of kin only. There may be legal limitations that prevent easy communication by DFAT with the family more broadly, but I would think for many practical reasons this is not adequate. At a very stressful time, I don't think there being one key contact is adequate or fair to that person.

Understanding that the DFAT staff's focus must be on the detained person, **a family liaison team within DFAT may be worth considering.** Staff with specific training in working with families at times like this would be immensely worthwhile. I was distressed a couple of times to hear news of Sean's circumstances via the radio in the middle of the night rather than from an official source directly. By not getting up to date information as it became available, I was often worrying about something that had been rectified or worse, not fully across the circumstances Sean was being held in including his health, access to food and medicine or even where he was.

Given the newsworthy nature of these cases, I think **protocols could be developed to discuss, agree and implement a plan for dealing with the media noting this would be best if discussions were held with people specifically trained in this area to help families make informed decisions.** I had a reporter at my front door the morning after Sean's detention wishing to speak with me and other messages were received for the same purpose. Whilst I did not have to deal with the media beyond these instances, the fear of saying something that could make Sean's circumstances worse was always a concern. It would be useful to have help to determine where speaking with the media may be beneficial.

Thank you.

Lisa Brandt