

# **KIDNAPPING** **IS BOOMING BUSINESS**



**IKV PAX  
CHRISTI**



**A LUCRATIVE POLITICAL INSTRUMENT FOR ARMED GROUPS  
OPERATING IN CONFLICT ZONES**

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## Introduction

In 2001, Pax Christi Netherlands published a report about the kidnapping industry in Colombia. The report had two objectives. The first was to demonstrate that, in countries such as Colombia, the kidnapping practices of the illegal armed groups provided the financial fuel for the conflict. Secondly, the report was intended as an indictment. Kidnapping was presented as a violation of human rights and, within the context of a war or internal armed conflict, in many cases as a violation of international humanitarian law.

Seven years on, and the number of kidnappings worldwide has risen even more. The crime has lost nothing of its potency as a cause of human tragedy. Kidnapping is a serious violation of the most elementary right of mankind: the right to a dignified existence. We set out in this report to provide a brief summary of the kidnapping issue on a global level, in particular of kidnapping in conflict regions and fragile states. The questions to be answered are concerned with the financial and political requirements that the kidnappers set, and with the impacts of these practices on the conflict and its perpetuation, and on the performance of the state.

Following on from the previous report, the emphasis of this investigation is on kidnapping and extortion in Colombia, Ecuador and Venezuela. Firstly, we wished to ascertain how the kidnapping issue has developed in these countries in the past ten years. This raised the question of whether there was any relationship between the kidnapping practices in Colombia, and trends in this crime in the neighbouring countries. Another primary question regarding Colombia was concerned

with the role of the kidnapping theme in peace talks and other dialogue between illegal armed groups and the Colombian government, and with the possible role of the theme in any future peace talks.

The final chapter investigates the kidnapping-related policies of the EU member states, and as far as possible we compare their policies with their actions in practice in recent years. The main question is whether there is any European consensus on how to deal with kidnapping, and how to suppress the phenomenon. What obstacles are there to a joint approach to the kidnapping issue?

This investigation would have been impossible without the efforts of the eight young volunteers for the past three years. You are the future of the peace movement, and are the living proof that new generations will dedicate themselves to peace and human rights. Moreover, the constructive cooperation between IKV Pax Christi and the Colombian Fundación País Libre gives cause for hope for the future. We are also grateful to the many government organizations, embassies, ministries, journalists, social organizations and businesses worldwide that have generously shared their information. We particularly thank the Colombian, Venezuelan and Ecuadorean authorities, and the Control Risks Group.

We also wish to mention our Colombian friends, who have provided valuable comments to drafts of the report. We greatly appreciate once again being able to rely on them.





## Growth on all fronts: kidnapping in a global context

### 1.1 A study of kidnapping worldwide

In 2001 Pax Christi published a report on kidnapping in Colombia.<sup>1</sup> Its purpose was to demonstrate that the Colombian guerrillas and paramilitaries were financing their hostilities with kidnapping and extortion, and to raise international protest about these practices. Kidnapping can hardly be said to have been a new instrument of war in 2001. It is a tried and tested weapon that has been deployed since time immemorial. The difference in Colombia was the unprecedented scale that the phenomenon assumed, culminating in the late 1990s in a veritable kidnap industry that fuels the conflict and the violence.

We stated in the introduction to that report our observation of a spectacular global expansion of the number of kidnappings in the 1990s. Kidnapping was perpetrated on a large scale in conflict and postconflict countries, as well as in countries marked by administrative chaos and lawlessness. The problem was concentrated in a group of approximately ten countries, more than half of which were located in Latin America. The perpetrators were ordinary criminals, politically motivated armed groups, and militias.

With a view to clarifying current kidnapping trends, resulting in this report, IKV Pax Christi performed a lengthy study, involving contacts with national authorities, research institutions and embassies, and media research. Kidnapping data are generally very hard to find. Fragile states and dictatorships usually have no data, or the authorities are unwilling to divulge any they may have. This is true in places such as Somalia, Iraq, Afghanistan and China. The more stable states often do have official statistics, but they reflect only the tip of the iceberg, because only a tiny minority of the public bother to report incidents to the authorities. Social organizations, research institutions and the press in several countries produce estimates based on their own research. We have weighed up and correlated the sources in each country in an analysis of the situation, in order to arrive at an estimate of our own. The league tables below will therefore give only an approximation of reality.

We focus in this report on economic and political kidnapping, including what is being called express kidnapping (see 1.4.). Other unlawful ways of depriving

people of their liberty, some of which resemble kidnapping, are outside the scope of this report. Examples include kidnapping in the family sphere, bride snatching, press-ganging, and human trafficking. These issues depart too far from traditional kidnapping, in which the perpetrators demands are addressed to a third party (e.g. family, or the government). Human trafficking is common in Bangladesh, India and China, and involves women and children forced to work in brothels, or sold into domestic service for wealthy families in the Middle East, India, or Pakistan.<sup>2</sup> In China women are traded as brides in areas with a shortage of girls.<sup>3</sup>

### 1.2 Kidnapping in the 21<sup>st</sup> century; risers and fallers

The study performed by IKV Pax Christi reveals a number of general tendencies. The first is the rise in the number of kidnaps worldwide, which started in the 1990s, and has continued in the past ten years. In 1999 the private security firm Hiscox Group estimated the number of kidnaps worldwide at 1789. This was an extremely conservative estimate, considering that more people were kidnapped in Colombia alone that year. The number of officially recorded kidnappings must have been higher, but will probably not have exceeded five thousand.

The official figures for 2006 show that there were definitely 25,000 kidnaps globally in that year. This number excludes countries such as China, where the authorities disclose no data. Assuming reliable estimates, it is likely that the actual number of cases exceeded 100,000. The absolute leaders are Mexico, Iraq and India.

Secondly, kidnapping has now spread to countries that were previously hardly involved, if at all. Hiscox, the firm mentioned above, reported as recently as 1999 that 92% of the kidnappings took place in just ten countries. Eight years later this list has grown substantially, and now includes newcomers, such as Iraq, South Africa, Trinidad & Tobago, Haiti, China, and Pakistan. Nonetheless, it is still true that half of the affected countries, as in the 1990s, are in Latin America.



Compared with the situation in 1999, the current league table of kidnappings has several conspicuous risers and fallers. Besides the above newcomers, the main countries with a rising number of kidnappings are Mexico, Ecuador, Venezuela, India and Afghanistan. The problem actually declined in the Chechen Republic, Nepal and the Philippines, in response to a fall in the activity of militant factions. In the Latin American countries El Salvador, Brazil and Colombia, the number of cases fell sharply after 2005, as a consequence of a long-term government approach and the fact that individuals and companies started taking more effective security measures.

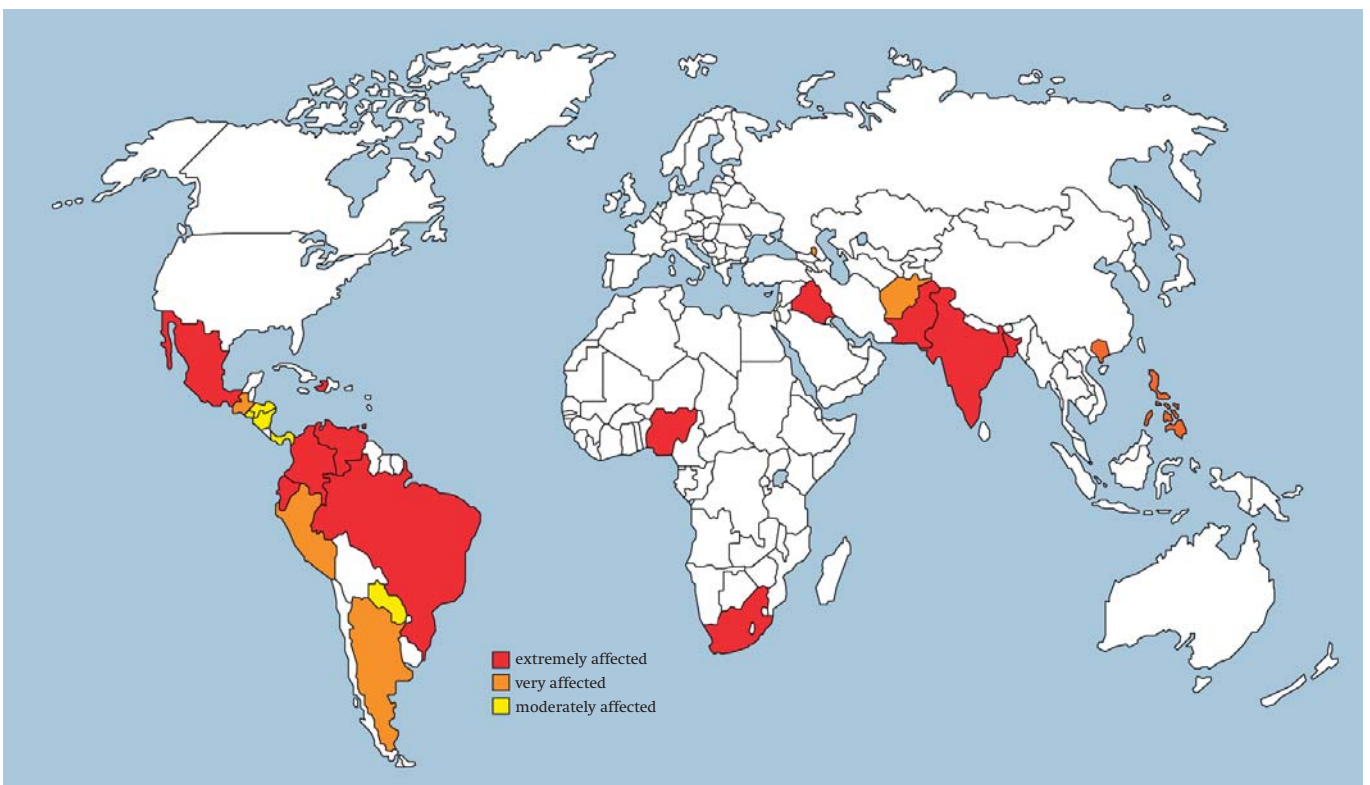
**1: Worldwide kidnapping league table 2006  
Estimate of the absolute number of kidnaps<sup>4</sup>**

1. Mexico
2. Iraq
3. India
4. South Africa
5. Brazil
6. Pakistan
7. Ecuador
8. Venezuela<sup>5</sup>
9. Colombia
10. Bangladesh
11. Nigeria
12. Haiti
13. Afghanistan

**2: Worldwide kidnapping league table 2006  
Estimated number of kidnaps per capita of the population**

1. Iraq
2. Mexico
3. The Chechen Republic
4. Ecuador
5. Brazil
6. Haiti
7. South Africa
8. Trinidad & Tobago
9. Venezuela
10. Colombia
11. India

## Kidnapping worldwide





This league table clarifies the risk of being kidnapped. The Chechen Republic and Trinidad & Tobago stand out most distinctly from the other countries. Although the absolute number of kidnaps is not extreme (186 and 245 cases, respectively), the probability of being kidnapped in these sparsely populated countries is relatively high.<sup>6</sup> The number of kidnappings in Chechenia dropped dramatically in 2006.

### 1.3. A tried and tested weapon in the struggle

Kidnapping seems to flourish particularly in fragile states and conflict countries, as politically motivated militias, organized crime and the drugs mafia fill the vacuum left by government. In comparison with the 1990s, the number of countries where kidnapping occurs in the context of an ongoing or past armed conflict has increased. It is a weapon that can be used for a multitude of purposes.

In the first place, kidnapping is often a source of funding for militias and illegal armed factions. There is a demonstrable relationship in countries such as Colombia between the illegal armed factions' rising kidnap income and their military capacity, in terms of men and hardware. In other cases, the kidnappers' motives are political, and their intention is to exert pressure for the release of their fighters, or other political aims. Other groups kidnap to terrorize political opponents and population groups. The main purpose of kidnapping foreign aid workers is to demand international attention for the faction's political objectives, or to expedite the withdrawal of foreign armed forces and aid organizations.

In at least thirteen countries, kidnapping has been resorted to by militias and armed groups with a mixture of political and religious motives. The countries in question include Colombia and its border regions with neighbouring Ecuador and Venezuela, Russia's Chechen Republic, Afghanistan, Iraq, Nigeria, Pakistan, Algeria, Somalia, Yemen, and the Palestinian areas. Kidnapping has almost disappeared from Nepal since the 2006 truce between the Maoist rebels and the government. Haiti's kidnap industry has been able to expand greatly because of a fragile and usually absent government. A blue helmeted intervention force had to be called in to help alleviate the security situation in the cities.

### 1.4. A profitable sideline that delivers fast

Some of the global expansion of kidnap numbers is attributable to criminal groups' discovery that this crime is a very lucrative sideline. Those involved are organized criminals, urban gangs, and the drugs mafia, whose crimes were once restricted to armed robbery, car

theft and the drugs trade. They have seen a drop in income as businesses and wealthier neighbourhoods have tightened up security, and as some countries have adopted a tough stance against the drugs trade.

On the other hand kidnapping is seen as a fairly easy, profitable and low-risk source of income. The probability of being arrested for and convicted of kidnapping is low in most countries.<sup>7</sup> Besides this, a simple brief kidnap requires almost no investment. The victims are mainly from the less well-secured middle classes, who are detained for a short period against a relatively modest ransom, of the order of a few thousand euros. Kidnappers of this kind aim for high volume, which has caused kidnap statistics in countries such as Mexico and Brazil to shoot up alarmingly.<sup>8</sup> They are often less professional than the traditional kidnapping gangs, with a consequent greater risk that their operations will end in death. Other motives for the drugs mafia are revenge, blackmail, and to terrorize rival cartels.

In Latin America the tendency of brief kidnaps for relatively small ransoms has culminated in an extreme form: the express kidnap. These kidnappings are of a short duration, and are more frequent in large cities and urban regions. Victims of classical economic or political kidnappings are usually carefully selected by the kidnappers, and most of these kidnappings entail a thorough investigation of the background and behaviour of the person to be kidnapped, before the kidnapping is carried out.

Express kidnap victims tend to be selected almost at random. The perpetrators choose as their victims whoever turns up at a certain place and appears easy to kidnap. There is usually no research in advance. The characteristics of express kidnaps are as follows.

- They last from between several hours to two days, and the more experienced gangs may keep their victims for several days in an urban environment.
- Car drivers are forced to drive around for several hours, stopping at various different places to withdraw money from their bank accounts, or the kidnappers drive a bogus taxi and kidnap the passenger. The victims moreover include pedestrians who are forced into a car. The victim will eventually be dumped from the car outside the city. In Colombia the express kidnap is often referred to aptly as '*el paseo millonario*' (*the millionaire's tour*).
- It is a logistically uncomplicated form of kidnapping, in that the kidnappers simply use their own car, or commandeer that of their victim. They can suffice with a simple weapon, and operate in districts where

surveillance by the police and private security firms is low.

In most countries, the express kidnap is classified legally as robbery or armed robbery.<sup>9</sup> Sometimes the authorities class the offence as robbery in combination with *secuestro simple* (simple kidnap). For this reason, express kidnaps are seldom included in the official kidnapping statistics. However, Colombia's high court of justice ruled in 2006 that express kidnap should be treated as economic kidnapping.<sup>10</sup> In June 2008, the express kidnap was legally classified in Colombia as a kidnap (Law 1200/2008). This ruling had the effect of increasing the maximum prison term from less than ten years to more than fifteen years.<sup>11</sup> This report views express kidnap as economic kidnapping because it is a form of deprivation of liberty, and release is conditional on the payment of a ransom.

Criminals in Latin American countries, such as Mexico and Brazil, have discovered an even quicker and safer way of earning money. They specialize in fake kidnapping, which is sometimes called virtual kidnapping. The criminals phone their potential victims claiming to have kidnapped a family member, and demanding rapid payment of a ransom. The kidnap is not real, but the perpetrators go to great lengths to maximize the pressure. For instance, a common tactic is to stage abuse of the apparent kidnap target, which is audible in the background while the victim is on the phone with the perpetrators. However, this crime is outside the scope of this report, and can in fact be classified as extortion.

### 1.5. The middle classes protest

It is impossible to overestimate the impact of kidnapping on society. The crime drastically undermines the public's sense of security. This picture is confirmed by surveys carried out in the Mexican Federal District, where nine out of every ten citizens feel unsafe. Members of the public naturally handle these feelings of insecurity in widely varying ways. A small proportion move abroad.<sup>12</sup> Because the people concerned are often well educated, this phenomenon could turn into a full-scale brain drain. This effect is currently discernible in Iraq.

The better situated and the larger companies generally tend to raise personal security expenditure, and take out kidnap insurance. An increasing number of businesspeople in São Paulo carry a chip in their mobile phone, shoe, or belt, to enable them to be located in the event of kidnap. Large Mexican companies are said to spend between 5 and 15% of their annual budget on security.<sup>13</sup>

Kidnap victims are largely in the social middle classes. This group has far less latitude for making security arrangements or migrating. All they can do is publicly express their fear and dissatisfaction with the government's lack of resolve. The best organized forms of this citizens' protest are to be found in Latin America. Mexican citizens took to the streets in large numbers in 1992, 1993 and 1998, to protest against rising kidnap numbers. The largest of these 'white marches', as they are called, took place on 27 June 2004. In the capital city alone, 250 thousand people joined in.<sup>14</sup> The Mexican authorities' response was a disappointment; for instance, the number of police with special kidnap training was reduced substantially as early as the second half of 2004.<sup>15</sup> There have also been regular large-scale protests in kidnap-torn Colombia since 1996 (see Chapter 3).

But the middle classes are also voicing their anger in countries far less affected by kidnapping. In the Ecuadorian port of Guayaquil more than 80,000 people took to the streets on 26 January 2005 for a white march in protest against rising crime in the city, including kidnapping.<sup>16</sup>

In Argentina the kidnap and murder of the son of the industrialist Blumberg in March 2004 provoked large-scale marches. Those who took part in the Blumberg demonstrations were mainly from the middle classes. They wanted to express their solidarity and to protest against the deteriorating security situation, as well as police corruption, in the country.<sup>17</sup>

### 1.6. The heavy hand used selectively

Politicians on a national level in various countries are attempting to respond to public dissatisfaction with serious insecurity on their territory. An important gauge of a country's security situation is the number of murders and kidnappings. Many governments therefore adopt a heavy-handed strategy specifically for these forms of crime. A consequence of the harsh crime prevention measures in a number of countries has been a drop in the number of kidnaps, although sometimes only temporarily. There have been drastic falls in Colombia and Brazil in particular. The increasing presence of security forces in rural Colombia played a significant part. The Brazilian government set up a specialist anti-kidnapping unit in 2001. The unit arrested numerous drugs and other gangs in the major cities. Furthermore, the policy of 'the hard hand' has been applied successfully in Yemen, El Salvador and Honduras.

However, this policy has come in for much criticism in many countries. El Salvador's Flores government's 'Operación Mano Dura' (Hard Hand operation) in 2003

included the enactment of a law enabling conviction on the basis of gang membership and appearance.<sup>18</sup> The Honduran government claims that the number of kidnappings was brought down by almost 30% between 2002 and 2003.<sup>19</sup> A special unit was set up to combat kidnapping, and the police were given wider powers of arrest. The Honduran human rights commissioner says that this measure has exacerbated human rights violations.<sup>20</sup> The subsequent government of Honduras (Zelaya Rosales, 2006) is combating crime by employing private security firms. This strategy too has its critics, in particular because of the uncritical selection of workers in this sector and the slipshod monitoring of what they do.<sup>21</sup>

However, the most important criticism of this strategy is that it is too one-sided. Although crime is being tackled, government bodies themselves are escaping attention. Often nothing is done about the corruption and inefficiency of the police, army and legal agencies. Kidnappers in most countries high on the world league table run hardly any risk of arrest and conviction. This is made worse by the fact that only a small proportion of victims bother to report crime to the authorities.<sup>22</sup> In general confidence in the police is too low, and people fear reprisals from the kidnappers.

Citizens in Latin America in particular are well aware that harsh crime prevention measures are insufficient for a permanent improvement in their security situation. A recurring demand in the many public protests is for tackling the complicity of police officers in kidnappings, and for eliminating impunity. Furthermore, people see signs of poor cooperation between the various individual security services, and between the police and judicial authorities.

There are no known reliable figures on corruption within the police forces in the countries on the world kidnapping league table. However, the national press in these countries does report shocking cases on a regular basis. In 2004 a police officer in Guatemala was even found to be running a kidnapping gang. He led the notorious Banda del Comisario (the Commissioner's Gang), which already had at least ten kidnappings to its name when it was broken up in a Guatemalan police rescue operation. After his arrest, the assistant commissioner concerned was found to have had eighty thousand Euros worth of jewels, three extensive houses, several expensive cars and a sex club in his possession.<sup>23</sup>

## Notes

- <sup>1</sup> Pax Christi Netherlands. 'The kidnap industry in Colombia. Our business?' Utrecht, 2001.
- <sup>2</sup> www.uri.edu/artsci/wms/hughes/banglad.htm, 'Facts on trafficking and prostitution, Bangladesh', 1998.
- <sup>3</sup> U.S. State Department, 'Trafficking in Persons Report', June 2007.
- <sup>4</sup> **China** is not included in the index, because of a lack of up-to-date figures for 2005 and 2006. A Chinese press agency estimated approximately 4000 kidnaps in China in 2003 and 2004. Other sources report only the growing number of kidnaps in China, without hazarding an opinion on how many. China would then be in fourth place on the global index. There are no firm data on **Lebanon**. Private security firms say that kidnaps do take place in this country. The scale is hard to estimate.
- <sup>5</sup> In the official Colombian government statistics expres kidnappings are taken into account. However, in the official government statistics in Venezuela, they are not included. Therefore the official figures of Venezuela are lower, than the figures for Colombia. However, in this top ten, we have included an estimate of the number of expres kidnappings in Venezuela. See Chapter three for more detailed information.
- <sup>6</sup> The Chechen Republic and Trinidad & Tobago have 1 million and 1.3 million residents, respectively.
- <sup>7</sup> Ortega, J.A., 'Seguridad ¡AHORA! Diagnostico y propuestas desde la sociedad', www.seguridadjusticiaypaz.org, p. 234.
- <sup>8</sup> Prensa Libre, 'Criminales con nuevas formas de extorsión', 3 mei 2003.
- <sup>9</sup> El Tiempo, 'Aunque es un delito muy frecuente, en Bogotá nadie tiene estadísticas del 'paseo millonario'', 22 mei 2006.
- <sup>10</sup> Corte Supremo de Justicia, S. Penal, Sent. 20326, 25 mei 2006. M. P. Edgar Lombana Trujillo. The legal rules in some countries classify deprivation of liberty as kidnap only if it lasts longer than 48 hours. The Colombian court gave less weight to how long a *paseo millonario* lasts, than to whether someone is deprived of their liberty as a coercive tactic for economic gain. See: DIJIN, www.policia.gov.co, Paseo millonario, ¿Secuestro extorsivo?, in: *Boletín Semanal de Criminalidad no. 034*, augustus 2006.
- <sup>11</sup> Fondelibertad, www.antisecuestro.org.co/documentos, *Un recorrido por el paseo millonario*.
- <sup>12</sup> Washington Post Foreign Service, 'Kidnapping is Growth Industry in Mexico', 17 September 2002. This tendency can be seen in Mexico and other countries.
- <sup>13</sup> Ditto.
- <sup>14</sup> BBC Mundo.com, www.newsvote.bbc.co.uk, 'México: marchan contra inseguridad', 28 Juni 2004.
- <sup>15</sup> Ortega, J.A., 'Seguridad ¡AHORA! Diagnostico y propuestas desde la sociedad'. www.seguridadjusticiaypaz.org, p. 262.
- <sup>16</sup> Revista Lideres, 'El Secuestro diversifica sus rostros', 14 februari 2005.
- <sup>17</sup> Fundacion Axel Blumberg, www.fundacionaxel.org.ar.

- <sup>18</sup> Ministry of Foreign Affairs, [www.minbuza.nl/nl/reizenlanden](http://www.minbuza.nl/nl/reizenlanden).
- <sup>19</sup> Berkman, H., 'The Politicization of the Judicial System of Honduras and the Proliferation of Las Maras', 2006.
- <sup>20</sup> Ditto.
- <sup>21</sup> Press release of the Council on Hemispheric Affairs, [www.coha.org/](http://www.coha.org/), 'Honduras Operación Trueno: An Audacious Proposal That Must Be Reformed and Renovated', 16 oktober 2006.
- <sup>22</sup> In Peru only twenty per cent of all kidnaps are reported to the police. El Comercio, 'Robos y secuestros al paso se triplican por fiestas de fin de año', 29 december 2006. The proportion in Mexico is said to be 29%. ICESI, Instituto Ciudadano de Estudios sobre la Inseguridad, 'Encuesta Internacional Sobre Criminalidad y Victimización', ENICRIV-2004, sheet 7 -10, [www.icesi.org.mx](http://www.icesi.org.mx).
- <sup>23</sup> Prensa Libre, 'En la PNC dormían con el enemigo', 23 mei 2004.

## Kidnapping in the regions

### 2.1. Africa

In comparison with Latin America and Asia, kidnapping on the African continent has been a relatively minor problem to date. The phenomenon occurs mainly in South Africa and Nigeria, and to a lesser extent in Somalia and Algeria. The underlying causes of kidnapping differ greatly from one country to another.

Kidnapping occurs on a limited scale in **Algeria**. The Algerian national police recorded 134 kidnappings in 2006.<sup>1</sup> Thirty-two European tourists were kidnapped in 2003.

The kidnappings in Algeria stem partly from an upturn in terrorist activity in the country. Various local Islamic movements engage in kidnapping. The Salafist Group for Preaching and Combat (GSPC) achieved particular notoriety in the 1990s, partly because some of their kidnap victims were foreign tourists. The faction merged in 2006 with Al-Qaeda's international networks, under the name 'Al-Qaeda in the land of the Islamic Maghreb'.<sup>2</sup> But criminal groups were also responsible for kidnapping in Algeria. They seek most of their victims within the economic elite.<sup>3</sup> In some cases foreigners are their target.

The kidnapping of Europeans in Algeria, including the Dutch citizen Arjen Hilbers, shocked the world in 2003. The thirty-two tourists were travelling through the southern Sahara, when they were kidnapped by members of the Islamic terrorist group GSPC. All the tourists were released after six months, except for a German woman who died in captivity.<sup>4</sup> The Netherlands Ministry of Foreign Affairs refuses to comment on the payment of ransom.<sup>5</sup>

The rise of kidnappings in **South Africa** must be viewed in the light of the explosive growth in crime in the 1990s. After the fall of the repressive apartheid regime in 1994, criminal organizations inside and outside the country seized their opportunity and were quick to fill any vacuum that arose during the administrative transition. South Africa is now an attractive country for arms dealers, drugs cartels and kidnapping gangs.<sup>6</sup>

Figures from the South African police suggest that the country now has a serious kidnapping problem.<sup>7</sup> In the period from April 2001 through to March 2002, 4,433 victims reported kidnapping to the police, and the year before that the police recorded 3,004 cases.<sup>8</sup> Since 2005 there has been only a slight decline, and the number of recorded kidnappings fluctuates annually around the 2,300 mark.<sup>9</sup> Among the gangs' targets are wealthy South Africans, foreign workers, and employees of foreign aid organizations in and around the major cities of Johannesburg and Cape Town.<sup>10</sup>

The kidnapping problem in **Somalia** is related to the political unrest and armed conflicts in the country. The collapse of the Somalian state in 1991 ushered in an armed conflict between various clans. The transitional government, which took office in January 2005, proved unable to retain power.<sup>11</sup> The 2007 Failed States Index puts Somalia in third place, after Sudan and Iraq.<sup>12</sup> The country has no effective government machinery, and legal procedure is badly flawed.

The various clans indulge in kidnapping, in particular in the south and around the capital city Mogadishu. The ransom is used for buying weapons and ammunition. Clans also use kidnapping as a means of political coercion. The clans also engaged in the press-ganging of children, which is a crime that some organizations classify as kidnap. A UN report states that the number increased in 2006. UNICEF encountered children at checkpoints, and some of them were no older than eleven.<sup>13</sup> Furthermore, Somalian pirates are kidnapping the persons on board of ships that are passing the coastal waters. It usually are quite lucrative economic kidnappings.

Hardly any statistics are available for Somalia. According to the *Dr. Ismail Juma'le Human Rights Organization*, there were at least two-hundred kidnappings in the capital city Mogadishu in 2004. Staff of NGOs have regularly fallen victim to kidnapping in recent years. A *Humanitarian Policy Group* report in 2006 states that in the 1997-2005 period, forty-two foreign advisers were kidnapped in Somalia, and the peak years were 1997 and 2001.<sup>14</sup> Because of the precarious political situation in the country, *Jane's Intelligence Review* foresees a rise in the number of kidnappings in the next few years.<sup>15</sup>



### 2.1.1. Nigeria

Nigeria exhibits many of the characteristics of a fragile state. Nigeria is 17th on the '2007 Failed States Index'. Ninety-five per cent of the country's exports are oil sales, and fluctuating oil prices are destabilizing the economy. Furthermore, the country has pronounced economic inequality, and an emerging elite is making substantial gains from oil income and other means. Other factors are the long-term violent conflicts in the country between multiple population groups, the state's limited legitimacy, and the security machinery, which operates like a state within a state.<sup>16</sup> This situation has fostered social and political unrest, and the rise of politically motivated armed groups.

The kidnappings happen mainly in the southern Niger Delta, which is the source of large quantities of oil. The many small armed groups that operate in the area have a variety of ethnic backgrounds. They include both politically militant groups and armed criminal gangs. One of the most important political militias is the *Movement for the Emancipation of the Niger Delta* (MEND), founded in 2005.<sup>17</sup> MEND uses kidnapping to protest against such things as the multinationals' environmentally harmful activities, and they are demanding that a larger share of oil revenues be used for the benefit of the Niger Delta region and its residents.<sup>18</sup> Some local and regional rulers in the Niger Delta tolerate the violent activities of these militants, because they too have an interest in regional investment of the national oil proceeds.<sup>19</sup>

However, the majority of kidnapping is economic in nature, and is one of the sources of income of both the criminal gangs and the politically motivated groups. Their targets include the foreign employees of multinationals and their suppliers. These armed groups are also said to obtain money through extortion from the oil companies in the Niger Delta. Regional and local politicians and army and police officers have even been accused of protecting the illegal armed groups in exchange for a share of the proceeds.<sup>20</sup> In the meantime, armed groups are also conspicuous in the cities, in particular Port Harcourt, where Nigerians and foreigners alike have been kidnapped from their homes or on the street in the past year.

The number of kidnappings has fluctuated since 1994 around 350 a year, with a peak of 798 in 2005. The number of armed groups and their composition has changed constantly, and there are no known figures showing which faction was responsible for what proportion of the kidnappings. Kidnappings in the Niger Delta are usually relatively brief affairs of between a couple of days to a few weeks. When the

victims are foreigners, payment tends to be rapid. The foreign companies usually have employee kidnap insurance.

The figures for 2006 and 2007 show rising numbers of kidnapped foreigners. In 2006, 102 foreign victims were recorded, whereas in the January to October 2007 period the number increased to 155.<sup>21</sup> At least three Dutch people were kidnapped in this period. They were a security officer for the German company Bilfinger Berger, an employee of the German company Schlumberger, and an employee of the dredging firm Boskalis Westminster.<sup>22</sup> It is unknown whether any of these companies paid ransom. The oil company Shell reported the kidnapping of fifty-four of its employees in 2006.<sup>23</sup>

The government has no control over the kidnapping problem in the Niger Delta. The militants know the enormous and inaccessible area of marsh and mangrove swamps like the backs of their hands, and the army and police receive almost no help from the population. The militants' surprise speedboat attacks are very likely to succeed because of the relatively inflexible capability of the regular armed forces and the lack of state intelligence services. Furthermore, the illegal factions are often better armed than the army and the police.

### 2.2. Asia

The number of kidnappings in Asia is on the increase. The prosperous parts of China and India in particular are confronted with a growing kidnap industry. New forms of kidnapping, such as the express kidnap, which originated in Latin America, are now also appearing in Asia. A feature of this continent is the difficulty in many countries of distinguishing the kidnapping problem from other phenomena, such as abductions, human trafficking, and press-gangings.

Since the 2001 American invasion, the number of kidnappings in *Afghanistan* has risen dramatically. Like Iraq, this phenomenon can be attributed to the administrative chaos and the weakness of the security forces in Afghanistan. The Afghan government and the international allies have proved incapable of maintaining the rule of law in rural areas. The Taliban, the drugs mafia and traditional warlords are in control in many areas. Afghanistan is in eighth place in the 2007 Fragile States Index<sup>24</sup> and has to contend with corruption and impunity, nourished by the drugs trade.<sup>25</sup>

Within this flawed rule of law, the main kidnapers are the Taliban and the local traditional warlords. It is necessary to rely on estimates from foreign organizations and the foreign press for figures on the

number of kidnappings in Afghanistan. An American research institute studied the human rights situation in Afghanistan, and counted 190 kidnappings in the second half of 2006. However, the report says that most kidnappings in Afghanistan go unreported.<sup>26</sup>

The Los Angeles Times reported in 2007 that an average of one kidnap a week takes place in Afghanistan.<sup>27</sup>

The kidnapping of an Italian journalist in October 2006 secured the Taliban the release of five of their officers, and attracted much media attention. The Taliban has since increased its focus on foreign victims.<sup>28</sup> Until mid 2007 the UN recorded the kidnapping of two foreign journalists and sixty-two workers of foreign aid organizations, including aid workers, engineers and mine clearance personnel.<sup>29</sup>

Kidnapping in densely populated **Bangladesh** (population 144 million) is a modest problem in relative terms. However, the substantial absolute number of kidnappings puts Bangladesh high in the global index. The number of kidnappings in recent years has declined gradually. Whereas the police in 2002 recorded 1,040 kidnappings, the numbers in 2003 and 2004 were 896 and 898, respectively. The number of kidnappings in 2005 decreased further to 765, and the following year to 722.<sup>30</sup>

The kidnapping problem manifests itself mainly in the border areas with India, where crime rates are high.<sup>31</sup> According to Odhikar, a Bangladeshi human rights organization, the Indian border police regularly resort to kidnapping. However, this accusation is denied by the authorities in India.<sup>32</sup> The security forces in Bangladesh are an extension of the dominant political party, and their corruption is notorious.<sup>33</sup> Kidnappings also occur in the politically unstable region of Chittagong Hill Tracts.<sup>34</sup> Violence between the various factions flared up after Chittagong Hill Tracts became a semi-autonomous region in 1997. In this grim political climate, the various groups try to intimidate each other by kidnapping, extortion and murder.

It is becoming increasingly common in the most prosperous regions of **China** for people to be kidnapped for ransom. The main kidnap victims are the *nouveaux riches*, such as wealthy business people, celebrities and students from affluent families. The southern province of Guangdong, where many business people from Taiwan and Hong Kong work, is the worst affected by economic kidnapping.<sup>35</sup>

The poor provision of information in China means that there are no known government kidnapping statistics. According to the Chinese language newspaper

Southern Metropolitan News, the number of kidnappings in Shengzhen, a city near Hong Kong, rose by seventy-five per cent in 2003.<sup>36</sup> The press agency Xinhua reported 3,863 kidnappings for ransom in China in 2004, which is roughly the same as in 2003.<sup>37</sup>

The authorities in Beijing appear to be taking kidnapping seriously, and have started specialized police training. The impunity in China and the corruption within the Chinese security services are currently impeding an effective kidnapping approach. It is known that public prosecutors and judges accept bribes from criminal gangs, and that some criminal organizations are led by former police officers. Furthermore, law enforcement is extremely weak in some parts of China. Although kidnapping carries the death penalty, perpetrators have very little chance of actually receiving a sentence of this kind.<sup>38</sup>

The Chinese actor Wu Ruopu was pulled violently from his BMW in February 2004 by a group of masked men. His kidnappers demanded a ransom of 245,000 dollars. The police freed the actor before the ransom was paid. Three of the nine gang members, who were also responsible for several other kidnappings, were sentenced to death.<sup>39</sup>

The number of kidnappings in the **Philippines** is declining. Filipino social organizations<sup>40</sup> reported 237 kidnap victims in 2001, with 209 cases in 2002, and 188 in 2003. The number in 2004 was down to seventy, rising slightly in 2005 to eighty-two victims.<sup>41</sup> There were fifty-five kidnappings in the first ten months of 2006.

Kidnappings in the Philippines usually attract considerable attention from the international media, because some are the responsibility of Islamic and communist factions, including the Islamic separatist movement Abu Sayyaf. Abu Sayyaf, which has links with the Al-Qaeda network, has recently stepped up its activities.<sup>42</sup> A second group of kidnappers comprises criminal gangs operating in the capital city. They concentrate on the wealthy Chinese people who control a significant part of the Philippines economy. Chinese people seldom ask for help from the Philippines police in the event of kidnapping. They also tend to pay ransom quickly.<sup>43</sup>

Another characteristic of the Philippines is kidnapping at sea. Piracy off the Philippines coast has been going



on ever since the fifteenth century. The pirates lie in wait on uninhabited islands and attack ships as soon they enter one of the straits between two islands. Ransom is demanded for the kidnapped crew, or the cargo is plundered. Sometimes political motives are involved, usually of separatists who use kidnap at sea in their struggle for independence.<sup>44</sup>

**India** and China are the joint leaders on the Asian continent. Kidnapping has become such a lucrative form of crime in India in recent years that several large criminal organizations that once concentrated on the drugs trade have now shifted their attention in this direction.<sup>45</sup> The largest group of kidnappers are not involved in organized crime, but are driven by poverty. They commit brief kidnappings and demand relatively small ransoms.<sup>46</sup> Bihar, the poorest Indian state, has the largest number of kidnappings. But Delhi city and Uttar Pradesh state also come high in the statistics. Indian merchants are regularly kidnapped in the Nepalese border province of Kathmandu.<sup>47</sup>

The various kidnapping statistics in India diverge considerably, partly because multiple definitions of kidnap are used. For instance, the Bihar high court of justice recorded 1,800 kidnappings in 2006.<sup>48</sup> One lawyer attached to this court even speaks of 4,849 kidnappings committed between July 2006 and June 2007.<sup>49</sup> On further investigation, many of these turn out to be cases of bride snatching and human trafficking. Approximately twenty per cent of the kidnappings are said to be economically motivated.<sup>50</sup> The *National Crime Records Bureau* in India also interprets kidnapping broadly, and recorded 23,309 kidnappings nationally in 2004, and 23,133 cases in 2005.<sup>51</sup> However, the US Department of State quotes in its *Crime & Safety Report 2007* an annual average of two thousand kidnappings.<sup>52</sup> India is number six in the top ten kidnap ransom list maintained by the security firm *Control Risk Group*.<sup>53</sup>

In **Pakistan**, political kidnapping has been a serious problem since 2002. The purpose of the kidnappings is to put pressure on the government to abandon its links with America. Some kidnappings can be attributed to Taliban fighters from Afghanistan, who have gone into hiding in the border regions. They kidnapped 180 soldiers in two incidents in September 2007. Earlier the same year, militants kidnapped sixteen soldiers in Bannu. One of them was beheaded three days later. A video of the execution, by a child soldier, was circulated with a view to deterring law enforcers.<sup>54</sup>

Economic kidnappings also occur. Some are committed by professional gangs, who tend to

concentrate on wealthy business people. The police warn people against being seen in expensive cars in some districts of Karachi.<sup>55</sup> Furthermore, the *Human Rights Commission of Pakistan* has observed an increasing number of kidnappings with religious motives. The victims are members of Christian and Hindu minorities, who are forced to convert to Islam.<sup>56</sup>

Pakistani police say that, between 1990 and 2006, 409 people were kidnapped for ransom. *Human Rights Commission of Pakistan* statistics show higher figures, which also fluctuate substantially. They reported 3,121 victims in 2004, 9,209 in 2005, and 1,282 in 2006.<sup>57</sup> It is unclear whether these figures include kidnapping in the family sphere.

The kidnappings in *the Chechen Republic* are attributable to the conflict between the Russian federal army and the Chechen rebels, who are fighting for an Islamic theocracy. They use kidnap as a means of exerting political pressure. The kidnappings are often long and drawn out, with a high risk of ending in death.<sup>58</sup> Foreign aid workers are regular kidnap targets. The Chechen Republic follows Somalia and Sudan as one of the most dangerous countries in terms of numbers of kidnapped aid workers, according to a report of the *Humanitarian Policy Group* from 2006. Between 1997 and 2005, twenty-five aid workers were kidnapped in the Chechen Republic, compared with forty-two in Somalia and twenty-seven in Sudan. Nowadays, foreign aid workers are rarely kidnap targets.

The number of kidnappings in the Russian Chechen Republic has dramatically fallen in recent years. Nonetheless, until 2006, there were many kidnappings, considering the small population.

Statistics of the *Human Rights Advocacy Centre Memorial* in Russia show declining numbers of kidnappings in recent years; from 498 in 2004 to 323 in 2005 and 186 in 2006. The actual number of kidnappings in the Chechen Republic is probably higher, because the figures do not include the entire country. The main omissions in the statistics are remote mountain areas.<sup>59</sup>

### 2.3. The Middle East

Kidnapping in various countries in the Middle East is on a small or tiny scale. However, many of the kidnappings are in the family sphere. The kidnapping problem has become more entrenched in Yemen and the Palestinian areas. But the epicentre of the Middle East kidnap industry since 2003 has been Iraq.

**Yemen** was notorious in the 1990s for the kidnapping of foreign tourists, and incidentally of diplomats and foreign workers. For instance, fifty people were kidnapped in 1997, ten of whom were foreigners. Various Yemeni tribes used kidnap as a means of putting pressure on the government, such as for building schools or roads, or demanding the release of detained family members.<sup>60</sup> Victims were generally treated well, and later released unharmed following negotiations with the Yemeni government.<sup>61</sup> The first killings occurred when sixteen tourists were kidnapped by an Islamic armed faction in December 1998.<sup>62</sup>

The kidnapping problem in Yemen started to subside after 2000. Few statistics are available, but twenty-seven kidnappings were recorded in 1999, and another eight in 2001. In 2006 a further five Italian tourists were kidnapped. They were released after a few days. The fall in the number of kidnappings could have to do with government financial contributions to the tribes in exchange for security guarantees in the rural areas. Political analyst Simon Sole says that account must be taken of future kidnappings by Islamic terrorist factions.<sup>63</sup>

Politically motivated kidnapping is common in the **Palestinian areas**. Various groups are responsible. The most recent kidnappings in the Palestinian areas are the work of Islamic factions, probably affiliated with Al-Qaeda. Their mainly foreign victims form the political small change in negotiations with the Palestinian authorities for the release of fellow fighters. Twenty-two journalists have been kidnapped in the Palestinian areas in recent years. According to the editor-in-chief of ABC News, there were few foreign journalists left who still dared to work in Gaza in 2007.<sup>64</sup>

Furthermore, Fatah and Hamas appear to be actively engaged in kidnapping. Interparty relations deteriorated after Hamas' convincing election victory over Fatah in January 2006. Reciprocal kidnappings

The forty-four-year old BBC reporter Alan Johnston was kidnapped by Muslim extremists in Gaza on 12 March 2007. At the time he was the only foreign journalist left working and living in the area. The *Army of Islam*, a group with Al Qaeda links, claimed responsibility for the kidnapping, and wants imprisoned fellow fighters to be released. Negotiations between Hamas and the kidnapers secured Johnston's release almost four months later.<sup>66</sup>

take place as reprisal for violence by the counterparty.<sup>65</sup> Since Hamas has managed to consolidate power in the Gaza Strip, and Fatah now has the upper hand on the West Bank, kidnappings of this kind have decreased.

### 2.3.1. Iraq

Kidnapping in **Iraq** under Saddam Hussein's dictatorship amounted to only one per cent of national crime. However, shortly after the 2003 invasion, Iraq assumed all the characteristics of a fragile state. The breakdown of the rule of law, the administrative chaos and the weakness of the new state security services were the ideal breeding ground for an unrestrained expansion of crime in the country. This process was helped by having a large pool of experienced criminals waiting in the background<sup>67</sup>, and ex-workers of the former security service Mukhabarat. The Mukhabarat group contributed its many years of kidnapping expertise to the new criminal groups.<sup>68</sup> Inspired by the criminals' success, the militias also started to turn to kidnapping.

Estimates of the number of kidnapping victims vary greatly. The Times and the Brookings Institution estimate that there are approximately thirty kidnappings a day, which is about ten thousand a year.<sup>69</sup> The Dutch embassy in Baghdad estimated the number of kidnappings in 2006 at between ten and fifteen a day. However, the *Gulf Research Centre* (GRC) puts the figure at some ten kidnappings a day. Furthermore, twenty-three per cent of Baghdad residents say that someone in their family has been kidnapped.<sup>70</sup> An investigation report by Iraqi NGOs states that at least 19,548 people were kidnapped in the first four months of 2006, including 2,352 children<sup>71</sup>.

The private security firm *Olive Security* identified eighty-six militias in Iraq in 2005, twenty-five of which were believed to be actively engaged in kidnapping. The groups include *Al-Qaeda*, the *Ansar al-Sunnah* and the *Islamic Army*.<sup>72</sup> It is often unclear in practice who committed a given kidnapping. For publicity reasons, the various Shiite militias or Sunnite resistance groups may sometimes claim responsibility for the same kidnapping. The risk of being kidnapped is highest in Baghdad, the most urban and prosperous area of the country.<sup>73</sup> There are also many kidnappings in Anbar, Ninawa and Salah ad Din provinces.

The militias have three reasons for kidnapping. The first is that it is an important source of income. A United States report from 2006 says the resistance groups earn more than thirty-six million dollars a year through kidnapping. Thirty million dollars of

this total ransom is said to have come from foreign governments.<sup>74</sup> The ransoms paid by Iraqi families vary from a couple of hundred to fifty-thousand dollars. Many victims do not survive their kidnapping, and may even be killed after the ransom has been paid.<sup>75</sup>

However, a substantial proportion of these economic kidnappings has a politically strategic purpose.<sup>76</sup> The militia may wish to frighten other religious population groups with the kidnapping, and put them to flight, which makes the practice a form of 'sectarian violence', which is used for 'sectarian cleansing' of Iraq's mixed religious areas.

Other kidnappings are purely politically motivated, in particular the kidnapping of foreigners.<sup>77</sup> The *Hostage Working Group (HWG)* of the American embassy in Baghdad recorded 437 foreign kidnapping victims until May 2006.<sup>78</sup> The Brookings Institution puts the figure lower, at 305 kidnapped foreigners in Iraq until January 2008.<sup>79</sup> The victims are often of non-Western origin, and work as subcontractors on logistics support assignments. The first six positions on the foreign victims league table are, from the top down, people of Turkish, Jordanese, American, Lebanese, Egyptian and Nepalese nationality.<sup>80</sup> Turkish truck drivers ultimately avoided Iraq completely, which has hampered the provisioning of American troops.

The kidnapers have diverse political motives. The first is that the Iraqi militias consider kidnapping to be a splendid weapon for putting pressure on foreign governments and for impeding the work of the aid organizations, peace organizations, companies, and foreign workers in Iraq.<sup>81</sup> The kidnapers play the international media extremely skilfully in these cases, and they use public opinion as a way of stepping up the pressure. A second motive for kidnapping foreigners is to expose and take revenge for alleged abuses by the allied troops. For instance, the Al-Zawahiri faction claimed to have kidnapped the two Italian aid workers Simona Pari and Simona Toretta in revenge for Italian forces' 'brutal bloody massacre'.<sup>82</sup> Sometimes the militias also kidnap in order to secure the release of Iraqi prisoners.<sup>83</sup>

The consequences of the kidnap industry for Iraqi society are disastrous. Strategic kidnapping (sectarian cleansing) is reducing ethnic and religious diversity in several regions. This trend also reduces opportunities for cooperation and reconciliation between the various ethnic and religious groups. Furthermore, the kidnap industry has caused an enormous brain drain, which is seriously disrupting the construction of the Iraqi

state.<sup>84</sup> On average, two Iraqis with an academic background are kidnapped or murdered every week. Although they manage to stump up substantial ransoms, they earn too little to arrange for personal security. In recent years, large numbers of them have moved abroad.

#### 2.4. Latin America

There has been an epidemic of kidnapping in Latin America in the past fifteen years. Colombia in the 1990s was the cradle of a veritable kidnap industry, and was the leader on the continent for many years. Its neighbours Venezuela and Ecuador were also increasingly confronted with kidnapping in these years, but the situation did not assume alarming proportions there. On a far more modest scale, there were kidnappings in the 1990s in the former conflict countries of Guatemala, El Salvador and Nicaragua.

Latin America's dominance of the kidnapping statistics is undiminished. Six of the ten countries in the global risk area league table are in Latin America. Furthermore, the continent would appear to form the vanguard for new tendencies. Several new forms of kidnapping have emerged in Latin America in recent years, testifying to the perpetrators' boundless creativity. The globalization of crime assists in the rapid spread of practices of this kind. Some examples are express kidnap and virtual kidnap (which is actually extortion).

These kidnapping practices have greatly undermined the sense of security among the Latin American population. This picture is confirmed in surveys conducted by the Mexican research institute ICESI, which show that nine out of every ten citizens of the Federal District feel unsafe. Nationally, the figure in Mexico is forty per cent.<sup>85</sup> The Mexican public deal with their feelings of insecurity in very different ways. The upper classes and companies tend to invest heavily in the personal security of employees and in kidnap insurance policies. Large companies are said to spend between five and fifteen per cent of their annual budget on security. A minority of the population moves abroad.

Latin American citizens, and in particular the usually assertive middle classes in the major cities, are increasingly likely to express their dissatisfaction and fear publicly. They hold what are known as 'white marches' to protest against the failure and corruption in the security services, the lack of coordination between the various official bodies, and the fragile judicial machinery. The Mexican public took to the streets en masse in 1992, 1993, 1998, and on 27 June 2004. On the

last of these dates, 250,000 people demonstrated in the capital city alone. The kidnapping problem was one of the main issues in this protest march.<sup>86</sup> But protests are audible in other Latin American countries, too, such as Trinidad & Tobago. Precisely because the country has a population of only 1.3 million, the impact of the wave of kidnappings in recent years has been keenly felt. In October 2005 more than ten-thousand Trinidad & Tobago citizens took to the streets to protest against the country's increasing violence and rising kidnapping numbers.

#### 2.4.1. A wave of kidnapping in the major cities

The kidnapping problem in many Latin American countries is a metropolitan phenomenon, and is closely linked with a sharp rise in general crime in the cities. There are various causes of this rise. Relatively safe **Argentina** was confronted with a crime wave following the 2001 economic crisis. The population lost confidence in the banking sector, and started to keep its savings at home. This made them a sitting target for kidnappers. Kidnappers descended mainly on the capital city Buenos Aires and its suburbs, and focused on the Argentinian middle classes.

Between July 2002 and July 2004, the number of kidnappings in Argentina increased by a factor of five, and the ransoms paid totalled a billion dollars.<sup>87</sup> In 2002 the Argentinian police kidnapping squad, the UFASE, handled 204 kidnappings, and one year later the number of official cases had grown to 508. A decline started in 2004, when there were 398 kidnappings.<sup>88</sup> In 2005 and 2006, the Argentinian public prosecution service reported 142 and 111 kidnapping cases, respectively.<sup>89</sup>

The high degree of urban crime and kidnapping on **Haiti**, is a consequence of the lack of state authority. There was good reason for Haiti to be in eleventh place in the 2007 Failed States Index. The national police is extremely corrupt, and is often responsible for murder and kidnapping. Furthermore, the legal system is dysfunctional. The Haitian authorities blame part of the kidnapping problem on the United States, which every month deports dozens of Haitian criminals back to the Caribbean island at the end of their prison terms. The already weak police in Haiti are unable to cope with an influx of so many criminals.<sup>90</sup>

The situation, in the capital city Port-au-Prince in particular, is alarming. Approximately thirty criminal gangs are operating, mainly in the slums of Cité Soleil, where they hide their victims. It is so dangerous in this part of the city that it is even a no-go area for the police.<sup>91</sup>

UN troops have been trying since 1993 to restore calm and order. The Brazilian and Chinese UN soldiers claim to be in control of the slum, but even now foreign aid organizations such as Médecins Sans Frontières dare only to ride in convoy through the district. According to *K&R and Extortion Monitor*, an increasing number of kidnapped women are being raped.<sup>92</sup>

The number of kidnappings in 2006 and 2007 would appear to have fallen. In 2005 the international press reported 623 kidnappings on the island.<sup>93</sup> The authorities recorded 135 kidnap reports for the January – July 2006 period.<sup>94</sup> The *Control Risk Group* put Haiti in 2006 in third place of countries with the most kidnappings per capita.<sup>95</sup>

In **Brazil** too, the numerous kidnappings are having repercussions for the high crime rates in the major cities. Part of the crime is organized, and related to the drugs trade. The most usual are express kidnaps, which, however, are not included in the official statistics. The Ministry of Justice recorded 583 traditional kidnappings for ransom in 2002, 375 in 2003, 455 in 2004, and 651 in 2005.<sup>96</sup> The figures from the São Paulo federal police are higher than the national figures. They reported 1,053 kidnappings in the city in the first four months of 2004 alone. The São Paulo civil police figures for the same period were 1,219 kidnappings.<sup>97</sup>

The estimates of the number of express kidnaps are far higher. The international press reports 6,000 express kidnaps in 2004.<sup>98</sup> The São Paulo federal police has reported that an average of eight citizens a day were express kidnap victims in 2004.<sup>99</sup> Seventy per cent of the gangs responsible for express kidnaps consist of nonprofessional criminals, and they focus on the lower middle classes. They operate extremely quickly and with hardly any preparation. Whereas an express kidnap would once have taken one or two days, the average duration in 2004 was a mere twelve hours. This group also demands less ransom. The average ransom received by professional kidnappers is ten thousand dollars, and for the less organized gangs between one thousand and one and a half thousand dollars.<sup>100</sup> São Paulo is also notorious for the large volume of telephone extortion involving virtual kidnapping.<sup>101</sup>

The problem appeared to decline in intensity in 2006 and 2007. The burgeoning crime was attributable among other things to the Brazilian authorities' loss to the drugs mafia of the monopoly on violence after 2000 in several Rio de Janeiro and São Paulo districts.<sup>102</sup> State authority in these districts has now been largely restored. There has been criticism of the operations for



restoring authority, but they have undeniably resulted in a fall in crime and kidnapping numbers.

**Peru** has been confronted with a growing number of economic kidnappings in the major cities since 2000. An increasing proportion of them are express kidnaps. The national police recorded thirty-four kidnappings in 2000, compared with 213 in 2005 and 269 in 2006.<sup>103</sup> The actual number is probably far higher. The Peruvian daily newspaper *El Comercio* has stated that there were 492 express kidnappings in 2005 in Lima and Callao alone.<sup>104</sup>

#### 2.4.2. Central America: maras and criminal gangs

The kidnapping situation in the Central American countries **Nicaragua, El Salvador, Honduras and Guatemala** is relatively quiet, albeit that the number is definitely growing in the last three countries. Moreover, the kidnapping practices in these countries are closely related to the rising crime in the major cities. Nicaragua is considered to be the safest country in Central America. However, kidnapping does occur there. The national police say there were twenty-six reported kidnappings in 2004, twenty-five in 2005, and eleven in 2006.<sup>105</sup> The national security services keep no records of express kidnap numbers. The centre and north of Nicaragua are the areas worst affected by kidnapping. There are also more kidnappings in autonomous regions of *Atlántico Norte* than in the rest of the country. Drugs gangs operate in these areas.<sup>106</sup>

A record number of 114 kidnappings took place in El Salvador in 2000. The number then fell drastically to forty-nine in 2001, nineteen in 2002, eight in 2003 and six in 2004.<sup>107</sup> There has been a slight rise in the past two years. In 2005 there were twelve reported kidnappings, and the number rose to sixteen in 2006.<sup>108</sup> The current kidnapping perpetrators are criminal gangs, such as the *maras*. The *maras* formed in the 1990s when the United States started repatriating convicted gang members. The El Salvador authorities say they are now responsible for half the offences committed, including kidnap and extortion.<sup>109</sup> Half the kidnappings occur in and around the capital city San Salvador.<sup>110</sup>

Honduras followed the same pattern. There were sporadic kidnappings between 2000 and 2005, when the authorities recorded forty-seven, forty-five, twenty-two, nine, four and five kidnappings in the successive years.<sup>111</sup> The country was shocked in 2006 by an abrupt increase in kidnapping numbers coinciding with an alarming rise in general crime in the country.<sup>112</sup> The Ministry of Security counted sixteen kidnap victims in 2005, while the national press reported eighteen kidnappings in the period to August 2006.<sup>113</sup> However,

the human rights organization CODEH reported eighteen kidnapped minors alone in that year.<sup>114</sup> The authorities recorded sixteen kidnappings in the first five months of 2007.<sup>115</sup> Much of the violence is attributable to the *maras*. The government estimates that that five hundred *maras* are operating in Honduras, comprising some 35,000 gang members. They are increasingly targeting minors for kidnapping.

The scale of the kidnapping problem in Guatemala is somewhat greater than in other Central American countries, and has been rising consistently in recent years. In the first half of 2003 the police received forty-three reports of kidnapping,<sup>116</sup> with the number of cases rising to fifty in 2004,<sup>117</sup> while in 2005<sup>118</sup> and 2006<sup>119</sup> there were sixty kidnappings. In the period from January through to April 2007 there were forty-six kidnappings in Guatemala City alone.<sup>120</sup> There are growing numbers of press reports of express kidnap and virtual kidnap. National police research institutes have revealed that the average ransom paid for a middle-class victim of a brief kidnap is between two thousand and five thousand euros. The elite may pay ransoms as high as thirty thousand euros.<sup>121</sup>

Criminal gangs are the main kidnap perpetrators in Guatemala, but kidnapping is only one of their sources of income. Some of these gangs are made up of former soldiers, *guerrilleros* and members of the armed patrols, who had to find a way of making a living after the 1996 peace agreement.<sup>122</sup> As in El Salvador the *maras* (violent criminal gangs) in Guatemala engaged very actively in kidnapping. In Guatemala border regions, ninety per cent of kidnappings are attributed to the *maras*, which appear to control these areas.<sup>123</sup> Furthermore, the *maras* of El Salvador and Mexico regularly transport kidnap victims to the Guatemalan border provinces.<sup>124</sup>

#### 2.4.3. The Colombianization of Mexico and Trinidad & Tobago

The kidnapping problem in Trinidad & Tobago and the north of Mexico is closely connected with the rise of the drugs mafia and organized crime. The phenomenon is reminiscent of the disastrous influence of the drugs cartels on Colombian society in the 1980s and 1990s. The apt term used by the international press is the Colombianization of these countries.

The number of kidnappings in **Trinidad & Tobago** has risen explosively since 2000. A few years ago the country was a transit port for South American drugs destined for the American and European markets. The security services of the previously tranquil island state proved poorly equipped to handle the crime. The

kidnappings were often executed by drugs gangs as a way of intimidating their rivals, to collect overdue payments, or for revenge.<sup>125</sup> The drugs are mainly coming from Colombia. The authorities have, at least in one case, noticed the involvement of the Colombian FARC.<sup>126</sup> Another consequence of the drugs trade has been the rise of criminal gangs, which resort mainly to express kidnap.

In absolute figures this appears to be a modest phenomenon, but in proportion to the small population (1.3 million) the problem would appear to have assumed an alarming form. Whereas in 2001 there were fewer than ten kidnappings, the number increased through nineteen in 2002<sup>127</sup> to 142 in 2003.<sup>128</sup> The numbers then continued to increase to 205 in 2004<sup>129</sup> and 245 in 2005.<sup>130</sup> Therefore, in 2005 one in every 5,500 residents of the country was a kidnap victim. The press reported a seventy per cent fall in 2006.<sup>131</sup> This decline is largely attributable to a better structured kidnapping approach on the part of the government. Parliament enacted a temporary law in December 2005 that removed the option of release on bail for those convicted of kidnapping.<sup>132</sup> A special *Anti Kidnapping Squad* was also set up to search for kidnapping gangs. The number of arrests following the often amateurish kidnappings is high. Another factor is that the better-off citizens have started to take their own security measures.

**Mexico** is currently classed as the riskiest Latin American country for kidnapping. Twenty years ago kidnapping was recorded sporadically in Mexico. However, after the 1994 economic crisis the country was faced with the rise of large-scale drugs-related and other crime, as well as with rising numbers of kidnappings. After a slight fall in the late 1990s, the number of economic kidnappings rose spectacularly after 2000.<sup>133</sup> Mexico is the absolute world leader in express kidnap and telephone extortion involving virtual kidnap.<sup>134</sup> Mexico City is considered to be the most dangerous capital city in Latin America for kidnapping.

There is some concentration of kidnappings in the border areas, where, like the Colombian cities of Cali and Medellin in the 1980s and 1990s, the drugs mafia holds sway.<sup>135</sup> The southern state of Baja California in particular is notorious for the influence of the drugs cartels, such as the Guzman cartel and the Gulf cartel. The bloody fighting between the various drugs cartels cost the lives of more than 2,500 people in this border state in 2007.<sup>136</sup> Kidnapping is a lucrative way for the drugs mafia to supplement their drugs trade income. In 2006 two hundred people were kidnapped for

ransom in the border town of Tijuana alone.<sup>137</sup> The kidnapers involved targeted successful business people and the wealthier middle classes. North American tourists were also often targeted.<sup>138</sup> The kidnappings last two to four weeks on average, with relatively large ransoms being demanded. Furthermore, the drugs mafia also uses kidnap for revenge and blackmail.

The Mexican public prosecution service complains of Tijuana municipal police neglect of organized crime, and even suspects police involvement. Fourteen municipal police officers were arrested in Baja California in 2006 on suspicion of collusion in kidnapping. In January 2007 the army and federal police took over the handling of serious crime and the drugs trade from the municipal police. The local police had their weapons confiscated in order to ascertain whether they had been used for committing offences.<sup>139</sup> Political analysts say that their influence was becoming large enough to threaten Mexican rule of law. The regional and local authorities in some regions were unable to maintain the rule of law and guarantee the safety of citizens. The wealthy criminal organizations are in a good position to bribe administrators, public officials, and members of the judiciary, police and army. For example, the Gulf cartel's private army consists of former Mexican army commandos.

Other concentrations of kidnappings are in the heavily urbanized regions. The main perpetrators there are members of criminal gangs, who sometimes have links with the urban drugs mafia.<sup>140</sup> The state of Mexico and the Federal District are heavily affected; the research institute ICESI says that one third of the officially recorded kidnappings in 2005 took place in the Federal District. It is estimated that at least three hundred gangs that specialize in express kidnap were operating in these states in 2007. Each gang is said to be capable of four express kidnaps a day.<sup>141</sup>

The *Sistema Nacional de Seguridad Pública* and CONAPO recorded more than six hundred kidnappings in 2006.<sup>142</sup> The NGO *Consejo para la Ley y los Derechos Humanos* recorded more than one thousand kidnappings in 2007.<sup>143</sup> However, these figures represent only a tiny proportion of the actual number of kidnappings. Express kidnap is classed as robbery, and is not included in the statistics.<sup>144</sup> Furthermore, Mexicans seldom report kidnapping; the research institute ICESI says that only twenty-nine per cent of kidnappings are reported.<sup>145</sup> For express kidnap, it is said that a mere 160 cases were reported to the authorities.<sup>146</sup> The police are even said to discourage

citizens from filing reports.<sup>147</sup> The impunity figures speak for themselves. Of the more than eleven million crime reports filed in Mexico between 1997 and 2004, just 8.5% resulted in conviction.<sup>148</sup> But family members are also afraid of reprisals by the kidnappers, or of police corruption.<sup>149</sup>

Besides the official government kidnapping statistics, there are some rough estimates from insurance companies and private security organizations that are involved with this theme. Their figures are considerably higher. The firm Kroll Inc., estimated the number of kidnappings in Mexico in 2003 at three thousand, and the firm Clayton Consultants estimated five thousand kidnappings in 2005.<sup>150</sup> The research institute *Consejo Ciudadano Para la Seguridad Pública y la Justicia Penal A.C.* calculated that there must have been over 75,000 kidnappings between 1994 and 2005.<sup>151</sup> The most reliable estimates come from the Mexican research institute ICESI,<sup>152</sup> and are based on annual representative surveys involving 66,000 Mexicans from all around the country. Based on the responses to their questionnaire, ICESI calculated that there had been 43,561 kidnappings in Mexico in 2004, and that this number had risen to 77,833 in 2006.

Some of the victims in the major cities are business people. The Mexican business organization CCEM reported that the number of their members who had fallen victim in Mexico State had risen by 20% in 2007.<sup>153</sup> The ransom paid for the release of foreign and other business people can easily amount to one million dollars. But large numbers of kidnapping victims also come from the lower middle classes. On average they pay one thousand euros in ransom for each kidnapping.<sup>154</sup> In the case of domestic maids, approximately five hundred dollars is paid.<sup>155</sup> The kidnappers waste little time on negotiations, so a large number of kidnappings end in death.<sup>156</sup> Between 1995 and 2005, 282 cases ended in this way.

#### 2.4.4. Kidnapping and the Colombian conflict

Kidnappings in **Colombia** are related to the armed conflict. The Colombian guerrillas and paramilitaries are responsible for both political and economic kidnap. The kidnap industry has spread to the border areas with **Venezuela and Ecuador**. Otherwise, mainstream criminal groups and drugs cartels in these three countries are also responsible for kidnapping on a large scale, sometimes even in partnership with guerrillas or (former) paramilitaries. This is an extremely complex issue, which will be discussed extensively in the next chapter.

It is well known that the Colombian guerrillas and paramilitaries also commit crimes elsewhere in Latin America. The crimes usually have to do with the drugs trade, but there are also sporadic reports of kidnapping. Some of the kidnapping in **Panama** is attributable to the guerrilla faction FARC. They take place in the area bordering the Colombian department of Chocó. A FARC commander made a statement to a Panamanian journalist in July 2007 that FARC members regularly crossed the border with Panama, and that they had also kidnapped people in the past. In 2006 the FARC kidnapped two Spanish aid workers, who were released seventy-six days later.<sup>157</sup>

The Colombian FARC is said to have trained and advised members of the militant wing of the *Partido Patria Libre* (PPL) in **Paraguay**, in connection with the kidnapping of Cecilia Cubas, the thirty-two-year-old daughter of ex-president Raúl Cubas. The case caused much controversy in 2004, because the victim was found murdered after six months, even though the family had paid 800,000 dollars in ransom. The FARC commander Rodrigo Granda is said to have advised the kidnappers by e-mail during the kidnapping. However, the number of kidnappings in Paraguay is not extremely high. The national press reported in 2005 that there had been twenty-four kidnappings in Paraguay between 2001 and 2005. The total ransom involved was nine million dollars.<sup>158</sup> Nonetheless, there has been a slight increase. The press reported eight kidnappings in 2005, not counting express kidnap.<sup>159</sup> There were twelve kidnappings in the period from January to October 2007.<sup>160</sup>



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- <sup>138</sup> Clayton Consultants, 'Kidnap for Ransom', August 2006 & October 2006..
- <sup>139</sup> Milenio.com, [www.milenio.com](http://www.milenio.com) 'El alcalde de Tijuana se deslinda de la lucha contra secuestradores y narcos', 5 January 2007.
- <sup>140</sup> Immigration and Refugee Board, 'Mexico: kidnapping for ransom', 20 October 2005
- <sup>141</sup> Notimex. 'Crece 200% extorsión telefónica en México', 21 January 2008.
- <sup>142</sup> ICESI, [www.icesi.org.mx](http://www.icesi.org.mx), 'Encuesta Internacional Sobre Criminalidad y Victimización', ENICRIV-2004 and ENICRIV-2005.
- <sup>143</sup> Notimex, 'Crece 200% extorsión telefónica en México', 21 January 2008.
- <sup>144</sup> This type of kidnap increased explosively in Mexico after 1995. Until 2006 this crime was classed in the records as robbery. This has now changed in some states, thanks to ICESI lobbying. Telephone call with Ms Cecilia Sayeg of ICESI on 11 July 2007.
- <sup>145</sup> ICESI, [www.icesi.org.mx](http://www.icesi.org.mx), 'Encuesta Internacional Sobre Criminalidad y Victimización', ENICRIV-2004, sheet 7 -10.
- <sup>146</sup> Notimex, 'Crece 200% extorsión telefónica en México', 21 January 2008.
- <sup>147</sup> La Gaceta, 'Marco jurídico del secuestro en México', no. 20, October 2006.

- <sup>148</sup> If unreported crimes are included in the calculation, only two per cent of crimes result in conviction. J.A. Ortega, 'Seguridad ¡AHORA! Diagnostico y propuestas desde la sociedad', [www.seguridadjusticiappaz.org](http://www.seguridadjusticiappaz.org), p. 302.
- <sup>149</sup> Clayton Consultans, 'Kidnap for Ransom', August 2006.
- <sup>150</sup> Mexidata.info, Barnard R. Thompson, 'Kidnappings are out of control in Mexico', 14 June 2004; MySA.com, [www.mysanantonio.com/global](http://www.mysanantonio.com/global), 'Increasing crime brings kidnapping insurers to Mexico', 11 October 2006.
- <sup>151</sup> J.A. Ortega, 'Seguridad ¡AHORA! Diagnostico y propuestas desde la sociedad'. [www.seguridadjusticiappaz.org](http://www.seguridadjusticiappaz.org), p. 225.
- <sup>152</sup> ICESI, [www.icesi.org.mx](http://www.icesi.org.mx), 'Encuesta Internacional Sobre Criminalidad y Victimización', ENICRIV-2004, sheet 7 -10.
- <sup>153</sup> Notimex, 'Reportan empresarios mexiquenses incremento de 20% en robos y secuestros', 12 October 2007.
- <sup>154</sup> Notimex, 'Crece 200% extorsión telefónica en México', 21 January 2008.
- <sup>155</sup> Washington Post Foreign Service, 'Kidnapping is growth industry in Mexico', 17 September 2002.
- <sup>156</sup> Volkskrant, 'Ontvoeringen bezorgen Mexico angstpsychose', 29 June 2004.
- <sup>157</sup> [www.prensa.com](http://www.prensa.com). 'Encuentro con el frente 57 de las FARC. Feudo guerrillero en la frontera', 31 July 2007.
- <sup>158</sup> Viva Paraguay, [www.vivaparaguay.com/modules/news](http://www.vivaparaguay.com/modules/news), 'Paraguay: 24 secuestros y US 9 millones de rescate em solo 4 anos', 21 February 2005.
- <sup>159</sup> J.A. Ortega, 'Seguridad ¡AHORA! Diagnostico y propuestas desde la sociedad'. [www.seguridadjusticiappaz.org/](http://www.seguridadjusticiappaz.org/), p. 220. The source quoted by Ortega is El Clarin.
- <sup>160</sup> AP, <http://ar.news.yahoo.com>, 'Nuevo secuestro extorsivo en Paraguay', 12 October 2007.

## The regionalization of a Colombian practice: kidnapping in Colombia, Ecuador and Venezuela

- \* Some of the information in this chapter is based on:
- an investigation of Venezuela and Ecuador carried out by Fundación País Libre, on behalf of IKV Pax Christi. The investigation team was: Olga Lucía Góez and Claudia M. Llano R.
  - an investigation of Venezuela carried out by Rodrigo Rojas Orozco, on behalf of IKV Pax Christi.

In 2000, Colombia was the country with the most kidnappings in the world. In recent years, the number of kidnappings has grown explosively, and kidnap is now a veritable industry. The warring parties have used ransom and extortion money to help finance their military activities. The phenomenon was so widespread that it seriously violated the Colombian population's fundamental right to human security. The Pax Christi report *'The kidnap industry in Colombia - Our business?'* provides a comprehensive analysis of trends to the end of 2000.<sup>1</sup> This report already identified Ecuador and Venezuela as countries where kidnapping occurred on a modest scale.

Eight years on, and the situation has changed drastically. The number of kidnappings in Colombia has fallen, while the kidnapping practices in its neighbours Ecuador and Venezuela have expanded. Many kidnapping-related tendencies now on the rise in Ecuador and Venezuela are reminiscent of Colombia's kidnapping problem in the 1990s. There are strong indications that Colombian criminals and fighters have contributed to this expansion. They have effectively exported the Colombian speciality to the neighbouring countries, and to the border areas in particular. This trend has been accompanied by increasing influence of Colombian criminals and warring parties in the countries concerned. An analysis is given below of the development of kidnapping in the three countries, and how the kidnapping issue relates to war and peace.

### 3.1. The kidnapping problem: 1995 – 2001

The kidnapping phenomenon was on the rise in Colombia as early as the 1980s, initially on a small scale, but with steadily growing numbers of cases. In the early 1990s, Colombia already had more than one thousand registered kidnapping cases a year, which put it at the head of the continent's league table.



This was to be a mere portent of things to come. The sustained wave of kidnappings in Colombia throughout the 1995 – 2001 period culminated in the sad record of 3706 registered cases in 2000. The sharp rise in kidnappings in the period was attributable mainly to the practice known as *'pescas milagrosas'* (miraculous fishing expeditions), in which the kidnappers, especially guerrilleros, detained cars on the road and indiscriminately kidnapped the passengers and drivers. After a few days, the less prosperous passengers would be released, and ransom demanded for the rest of the group. This period also saw increasing numbers of group kidnappings. The illegal armed groups were



responsible for the majority of kidnappings in this period. For example, in 1999 the FARC could claim 28% of kidnappings, the ELN 24%, the EPL 6%, and the paramilitaries 5%. The paramilitary groups were largely financed from the drugs trade, extortion and theft. The FARC also generated income from the drugs trade and extortion, with kidnapping the third most important source. The ELN financed its machinery in these years through extortion and kidnapping. The Colombian intelligence service DAS<sup>2</sup> estimated that guerrillas collected approximately 1.5 billion dollars in ransom in the 1991 – 1999 period. The rising income in the 1990s led to vigorous military expansion of the illegal armed groups, in terms of personnel, weapons arsenal, and territory under their control. Drugs trade, kidnap and extortion have economically fuelled the conflict in Colombia.

There were regular kidnappings in Ecuador in the 1990s, but the exact scale was unknown. There was little interest in the phenomenon either inside or outside the country. The kidnapping of foreign employees of oil companies and tourists in northern Ecuador in the late 1990s and 2000 suddenly earned the country the international label of ‘country of concern’. It soon became clear that Colombian groups had been involved in kidnapping and extortion in Ecuador’s northern provinces. In 2001, for example, the Colombian police broke up a gang that had been responsible for several kidnappings of foreigners. Some of the fifty arrested Colombians were alleged to be FARC fighters or former fighters.<sup>3</sup> Moreover, it was revealed in the same year that Colombian illegal armed groups were extorting money from ranchers in the northern province of Carchi.

The kidnapping phenomenon also emerged in Venezuela in the 1990s, and in the same period came the first rumours of the Colombian guerrilla movement FARC’s involvement in kidnapping and extortion in the country. In May 2001 the Venezuelan Minister of the Interior and Justice condemned the FARC’s criminal activities in his country, and announced measures to curb them.<sup>4</sup> This statement is all the more surprising in view of the Chávez government’s official ‘neutral’ policy towards the Colombian conflict and the rebel movements in this period.

## 3.2. The kidnapping problem: 2001 – 2008

### 3.2.1. Colombia

#### *Colombia is moving down the world league table*

The official body Fondelibertad<sup>5</sup> is the only source in Colombia regarding the figures and statistic information on kidnapping. This Ministry of Defence

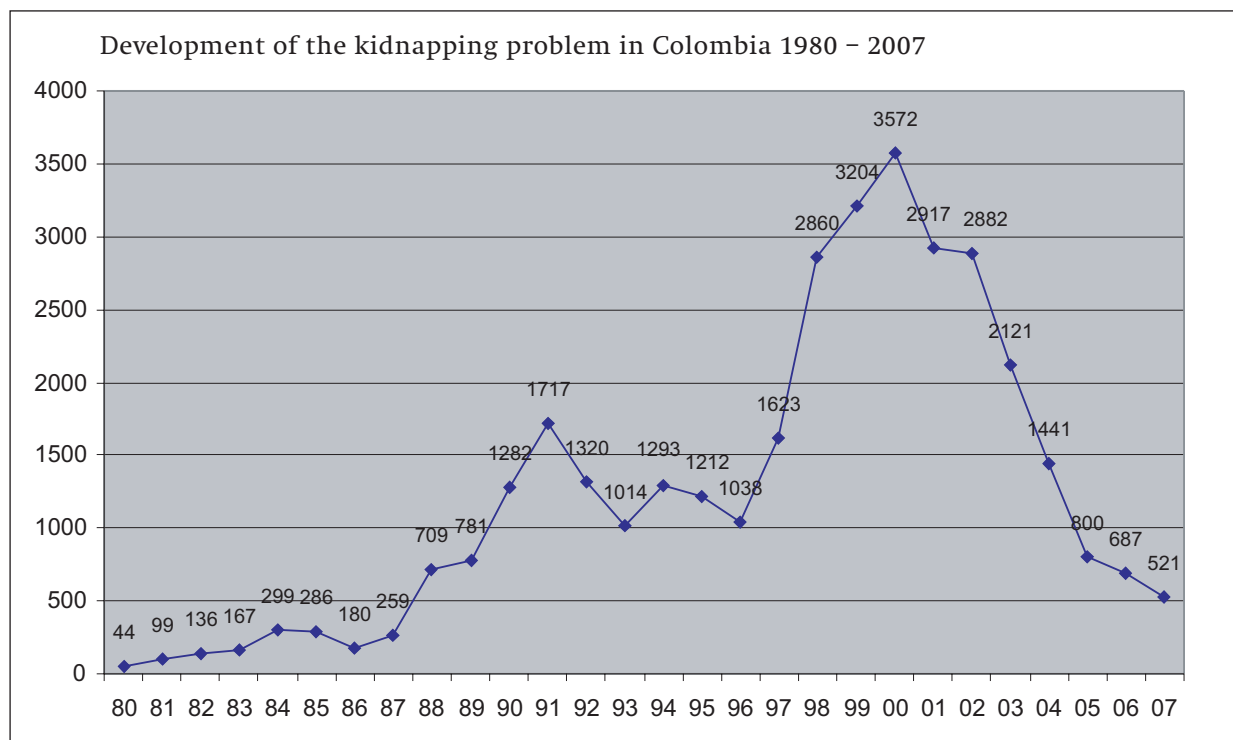
institute gathers kidnapping data from official bodies such as the Public Prosecution Service, DAS, GAULA,<sup>6</sup> and the police and army. Fundación País Libre, a Colombian NGO that campaigns for an end to kidnapping practices and changes in policy for the protection of victims, processes the information of Fondelibertad. From its support of the victims of kidnapping, País Libre concludes that many do not report the crime to the authorities.<sup>7</sup>

It is extremely hard to estimate how well these official figures reflect Colombian reality. As elsewhere in the world, a certain proportion of victims fail to report kidnapping to the authorities. *Fundación País Libre* estimates that some 30% of kidnappings go unreported.<sup>8</sup> According to *Fundación País Libre*, Fondelibertad since 2004 has entered cases in the official database only if the public prosecutor qualifies the crime as kidnapping, which means that reporting an incident on its own is not enough.<sup>9</sup>

Until 2007 *express kidnap*, was not included in the kidnapping statistics. The legal category for this form of kidnapping was aggravated robbery.<sup>10</sup> However, in 2006 the high court of justice ruled<sup>11</sup> that the *paseo millonario* should be legally categorized as economic kidnapping, and as such Fondelibertad now includes it in the statistics.<sup>12</sup> Fondelibertad figures do not state what proportion of economic kidnapping is made up of express kidnap.

The weekly and monthly national police reports likewise have no separate figures for *paseos millonarios*, or express kidnap. The municipality of Bogotá declared, albeit on the basis of data from the same national police, 429 reported cases of this crime nationally in 2005, 394 of which were in Bogotá alone. The corresponding figures for 2006 were 311, of which 279 in Bogotá. This figure has fallen since 2002, when there were 630 reported cases nationally.<sup>13</sup>

It can be concluded on the basis of Fondelibertad figures that the annual number of kidnappings has fallen drastically since 2002. After a peak in 2000 (3572 cases), the number of kidnappings initially remained high. In 2001 there were still 2917 reported cases, with only a slight fall in 2002 to 2882 cases. The following year saw a sharp fall in the number of cases, and this trend has continued to this day. In the successive years from 2003 to 2007 there were 2121, 1441, 800, 687 and 521 reported kidnappings, respectively. The number of cases in the first five months of 2008 was 179, which means that Colombia has been overtaken, by a large margin, by countries such as Iraq, Mexico, Brazil, Venezuela and Ecuador.



Source: Fondelibertad

The observed decline is largely attributed to the *Política de Seguridad Democrática* (Democratic Security Policy), established by President Uribe, who was elected in 2002. This policy envisaged improving public safety by opposing and weakening the illegal armed groups by military means.<sup>14</sup>

Three government measures did at any rate produce a sharp fall in the number of kidnappings. The first was police and army presence in areas where government authority had hitherto been lacking, in some places for several decades. Army presence on the major roads increased considerably, forcing the armed groups that operated there to withdraw.<sup>15</sup> The guerrillas now restrict themselves to individual kidnap.<sup>16</sup> Another direct consequence of strengthening the army is that the FARC stopped committing group kidnapping on military bases.

Thirdly, the number of kidnappings by guerrillas declined because of the substantial impact on numerous FARC *frentes* of the increasing military pressure from the army. The units affected included some that were notorious for kidnapping, such as FARC *frentes* 22, 42, 53 and 54, which operated in Cundinamarca (Bogotá).<sup>17</sup> The police also broke up a criminal gang in Bogotá that carried out kidnappings for the FARC. The army also disabled the ELN *frente* Carlos Alirio Buitrago, which was responsible for the many ELN kidnappings on the road linking Medellín and Bogotá. Both the ELN and the

FARC were driven back to the more remote areas, where there are fewer opportunities for large-scale kidnapping.

The peace agreement with the paramilitaries also contributed to the fall in kidnapping numbers. Whereas the *Autodefensas* (paramilitaries) had been responsible in past decades for relatively few kidnappings compared with the FARC and the ELN, the numbers were nonetheless as high as 190 in the peak year 2000, even reaching 228 in 2001. The paramilitary groups that have not demobilized, now carry out very few kidnappings each year. The total was ten in 2006.<sup>18</sup> As yet there are no known data on possible kidnappings by demobilized fighters.

### The duration of kidnapping cases has become shorter in recent years

The ‘throughput’ of kidnap hostages in Colombia is relatively low. Compared with countries such as Mexico, Brazil, Venezuela and Ecuador, where many express kidnap victims are released within 36 hours, kidnappings in Colombia last far longer. This is connected with the vigorous growth of the kidnap industry in Colombia in past decades. Kidnappings involving high ransoms generally last longer. Also, the families in these kidnapping cases are often obliged to pay several times. But negotiations of this kind demand expertise and experience, which tends to be a specialty of Colombian groups. Moreover, the perpetrators of kidnappings that last for several months are well-



structured and strong organizations. They maintain a clear division of tasks, which include taking the hostage, transporting and guarding the victim, negotiating, and the overall organization of the operation. Well organized and sizeable groups of this kind are more common in Colombia than in the neighbouring countries.

The FARC's political hostages tend to be detained for an extremely long time. Some of this group have been waiting for release for more than ten years. But the political bargaining value of this group of hostages is high, and negotiating with the authorities is a laborious process (see 3.4). The victims often also have a high political profile, which the FARC can use to raise national and international attention.

However, the most recent kidnappings present a different picture. For the Colombian kidnappers, the army and police offensive over the past six years has meant that it is now more difficult to detain people for lengthy periods. The trend that can be observed in relatively recent kidnappings in Colombia is therefore for cases to be handled more rapidly, and for kidnappers to demand lower ransoms.<sup>19</sup> The durations of some kidnappings have therefore declined, but remain high compared with the neighbouring countries.

### 3.2.2. Ecuador

Ecuador is the most difficult of the three countries in obtaining a clear picture of the kidnapping scale and trends. The first problem is that the great majority of victims do not report kidnapping to the authorities.<sup>20</sup> According to the commander of the antikidnapping unit UNASE<sup>21</sup>, this reluctance is for fear of reprisals. But he says that it will only promote the growth of the crime, because 'the fear that kidnappers can instil in their victims is greater if the crime is not reported to the authorities'. The perceived fear then spreads throughout the population, creating a climate of insecurity, and endangering the peace and calm of a certain social sector.<sup>22</sup>

The statistical material in Ecuador is also limited, incomplete and contradictory. For instance, Ecuador has only official government figures of several state organizations, and these figures have great internal inconsistencies. There are no victims' social organizations or interest groups that gather statistics of their own. It is therefore impossible to compare sources of different kinds in Ecuador in the same way as in Venezuela and Colombia. This study used the following three government sources: the UNASE (the national police antikidnapping unit) the *Policía Judicial* (Judicial Police), and the ESPOL (Higher Police Academy of Guayaquil).

### Ecuador overtakes Colombia and Venezuela in number of economic kidnappings

The UNASE is the authority with power to lead the fight against kidnapping and extortion in Ecuador. UNASE statistics are extremely limited, and include only kidnappings in which the UNASE was directly or indirectly involved. The figures show an annual number of kidnappings that has varied in recent years between 35 and 45. In the respective years from 2000 to 2007, the UNASE recorded 10, 20, 43, 34, 20, 37, 47, and 36 kidnappings.<sup>23</sup> The UNASE also responds in extortion cases, of which there were 45 in 2006.<sup>24</sup>

The *Policía Judicial* has figures for 2004 – 2007 (until October), based on the official register of reports. This register has reports for the respective years from 2004 to 2007 (until October) of 203, 280, 431 and 356 cases. The *Policía Judicial* data are therefore substantially higher than those of the UNASE. Although express kidnap is not yet legally recognized as kidnapping, the *Policía Judicial* has distinguished this crime from ordinary economic kidnapping (*plagio*) in its statistics since 2006. In 2006 and 2007 (until October), there were 270 and 207 cases of express kidnap.

There is evidence in figures from the Higher Police Academy ESPOL,<sup>25</sup> based in the port city of Guayaquil, that the actual number of kidnappings is far higher than UNASE and *Policía Judicial* statistics would suggest. According to ESPOL there were 1048 kidnappings in Guayaquil in 2005, and 1000 in 2006.<sup>26</sup> This number is more than twenty times as high as the UNASE's national figures. In 2007 the number of kidnappings in the city fell to 831, 224 of which were express kidnap. This exceeds the total number of economic kidnappings committed in Colombia and Venezuela (see Section 3.4.2.). Kidnapping in Ecuador has only the economic motive of extracting ransom. There are no politically motivated kidnappings.

### 3.2.3. Venezuela

#### *Venezuela is rising up the world league table*

It is no simple matter to find a consensus in Venezuela on the statistical data for kidnapping, its impact on society, the perpetrators, and the best strategy for suppressing kidnapping and extortion. The current political reality of the Bolivarian Revolution under President Chávez has led to a pronounced polarization of society. The differences of opinion between the various sectors are hard to reconcile, and one way in which they manifest themselves is a controversy surrounding the kidnapping issue. The multiple sociopolitical groups each maintain their own insights and analyses. We have therefore been obliged to compare and analyse information from at least three different sectors.

The various social sectors at any rate agree that the number of kidnappings in Venezuela is rising consistently. According to the most conservative figures of the government body CICPC<sup>27</sup>, the number of kidnappings rose from 44 registered cases in 1999 to 297 in 2007, which is an increase of 700% in eight years.

The official figures of government bodies, such as the above-mentioned CICPC, consist of the registered kidnappings in the country, and so definitely do not provide a complete picture of the problem. A study carried out in 2007 by the Institute for Society and Citizens' Safety in Caracas showed that 62% of that year's victims did not file a report. A study for 2006 by the Venezuelan Observatorium for Violence suggests a nonreporting rate of 76%. A lack of trust in the resolve of the authorities was the most important reason. Some of the victims (16%) also feared reprisals by the perpetrators.<sup>28</sup> Account must also be taken of the fact that express kidnap is not included in the government statistics.

The official figures of the Venezuelan authorities come from the CICPC's antikidnapping department. They have the following figures for recent years:

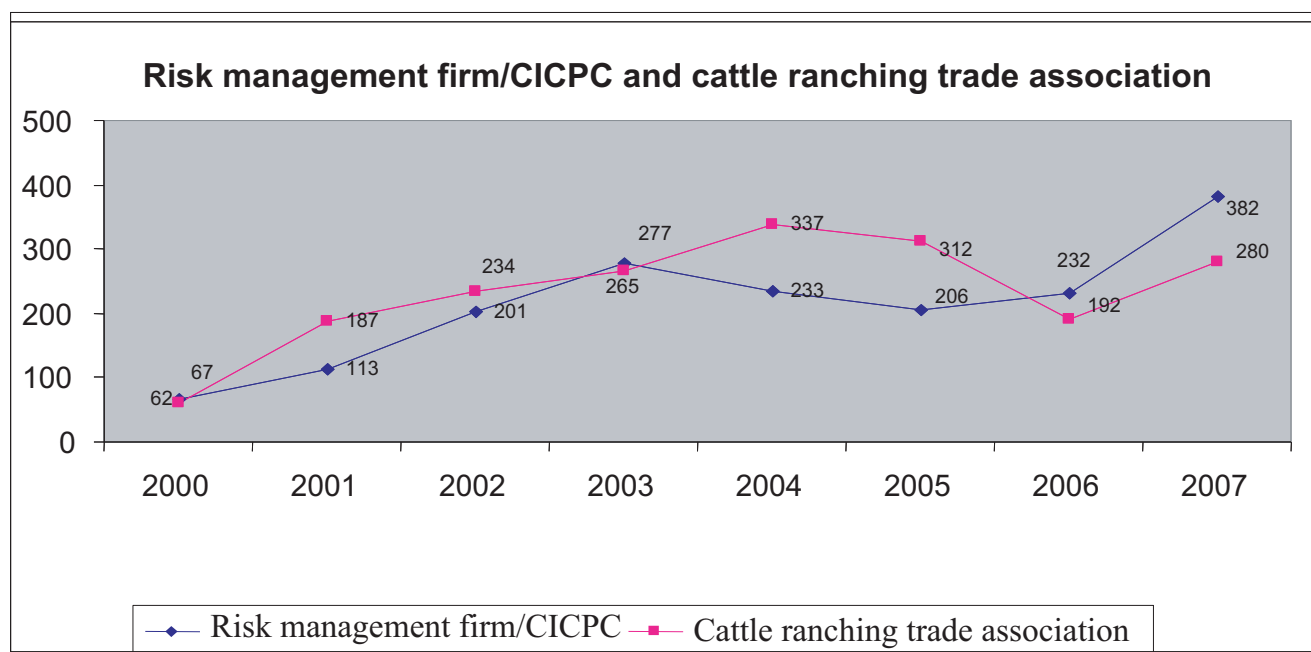
35 (1990), 54 (1991), 44 (1992), 57 (1993), 58 (1994), 51 (1995), 74 (1996), 59 (1997), 50 (1998), 44 (1999), 67 (2000), 113 (2001), 201 (2002), 277 (2003), 233 (2004), 206 (2005), 232 (2006), 382 (2007).<sup>29</sup>

The second source is an international risk management firm that specializes in kidnap response activities, and

which operates in Venezuela. This firm has the same figures as the Venezuelan authorities of the CICPC.

The third source is the cattle ranching trade association, which has started to keep its own statistics in response to the large numbers of its members kidnapped in recent years. In each of the years from 2000 to 2007, the cattle ranching trade association says the numbers of kidnappings were as follows: 62 (2000), 187 (2001), 234 (2002), 265 (2003), 337 (2004), 312 (2005), 192 (2006), and 280 (2007). In the first three months of 2008 they recorded 112 kidnappings. The number of kidnappings assumed by the cattle ranching trade association for 2007 is considerably lower than the official figures and those of the security firm. There is a difference with government statistics of 88 cases, and with the security firm's statistics of 112 cases. The ranchers' association includes cases in its statistics only if it is able to verify them with specific data.

Experts say that the deteriorating kidnapping problem in Venezuela is attributable to the increasing number of kidnappings in the Colombian border regions in the 1990s. Colombian groups, criminals, guerrillas, paramilitaries and drug dealers, all had free rein in these regions. The 2200-kilometre-long border was inadequately controlled by the Venezuelan and Colombian authorities, and the Colombian illegal groups enjoyed much freedom of movement in both border zones. The Venezuelan criminal organizations copied the practices of the Colombians operating in Venezuela, and introduced these practices into other



Source: Fundación País Libre

parts of the country. Military pressure from the Colombian army on the illegal armed groups in recent years has tended to push them over the border into the neighbouring countries.<sup>30</sup>

The drugs trade in Venezuela, which has close links with Colombia, also involves crimes such as kidnapping, gangland killings and money laundering. The kidnappings in this circuit are not generally reported to the authorities, and therefore seldom reach the statistics. However, it is a fact that the states with a substantial drugs trade, such as Zulia, Táchira and Mérida, also have more crime related issues, including kidnapping and extortion.<sup>31</sup>

### Brief economic kidnap

In 1974 there was a single isolated case of political kidnapping in Venezuela. Since then, there have been only economic kidnappings. This partly explains why kidnappings in Venezuela are relative brief affairs. Only one fifth of the victims of the 88 kidnappings in the first three months of 2008 were still in captivity halfway through the year. More than 60% were released or freed, and six died in captivity.<sup>32</sup>

### Venezuela has overtaken Colombia in the number of economic kidnappings

2007 was the first year in which there were more economic kidnappings in Venezuela than in Colombia. The total number of kidnappings in Colombia in 2007

was greater than in Venezuela, with 521 cases in Colombia against 297 officially registered cases in Venezuela. But the kidnapping statistics in Colombia, unlike those in Venezuela, comprise economic kidnappings, express kidnap, and not-economic kidnappings. The Venezuelan government categorizes express kidnap as a serious form of robbery.

Assuming the number of economic kidnappings in Colombia (without kidnap for other than economic motives), there were 230 cases. The economic kidnappings in Venezuela (without express kidnap) in 2007 would be, depending on the source consulted, 280, 362, or 297.

### 3.3. Vulnerable regions and target groups

#### 3.3.1. Colombia

##### *The lower middle classes as primary target group*

The kidnapping problem in Colombia affected almost the entire country in the 1990s. For many years, however, the regional statistics were put forward by the departments of Antioquia, Tolima and Cundinamarca (Bogotá). However, the decline in the number of kidnappings in recent years, has not led to any significant change in picture of the most vulnerable departments. The statistics for 2006 and 2007 show that the departments of Antioquia and Tolima still have 22% of all kidnappings. The capital city Bogotá accounts for 10% of the number of kidnappings, followed by Boyacá (9.5%),

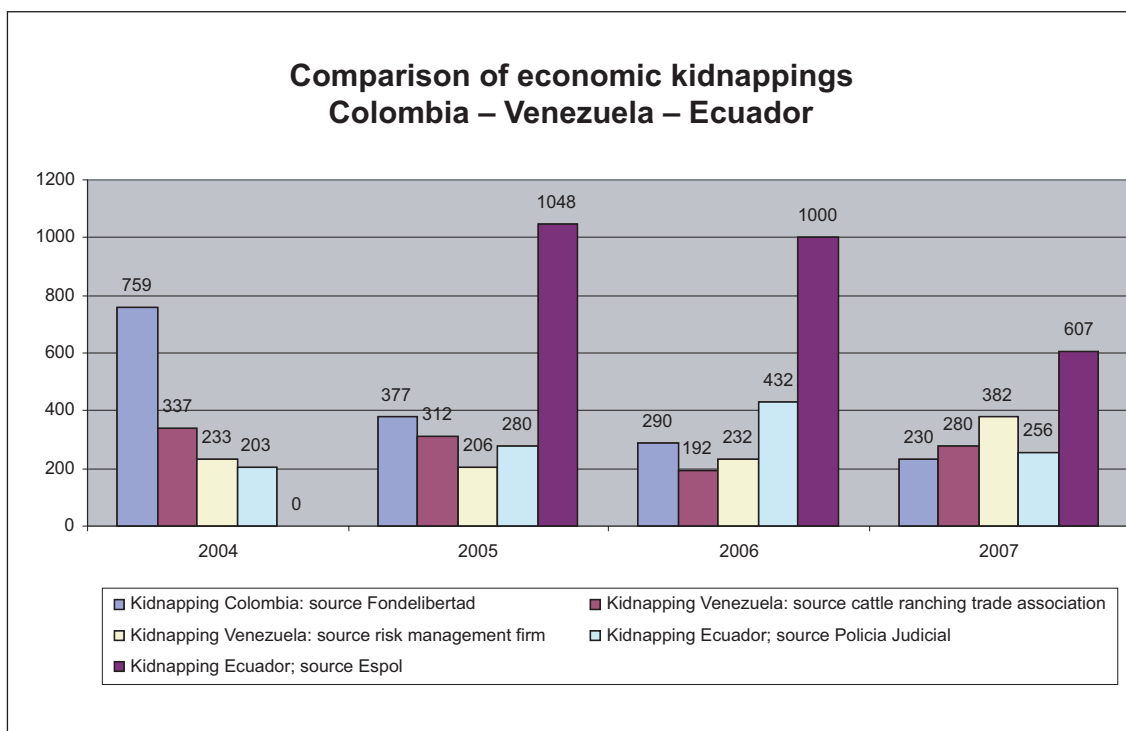


Chart produced by IKV Pax Christi (in collaboration with Fundación País Libre)

Meta (8%), Valle (7%), Cundinamarca (6%), Cauca and Nariño (both 5%).<sup>33</sup> The ELN kidnaps mainly in Santander and Norte de Santander, where there is an ongoing power struggle with the FARC about the monopoly in the region.

The most striking change in the victims' profile is that they are increasingly from the middle classes. One important reason for this change is that potential victims from the elite and higher middle class are taking ever more effective security measures, or have moved some or all of their families to other regions or abroad. The low middle class perceives itself as less vulnerable, and therefore takes fewer preventive measures. For example, most of the ELN's victims in the 1990s were from 'estratos' 5 and 6, the two highest categories of the population socioeconomic scale used by the Colombian government. Their main target group of Colombians in the past two years has been from *estrato* 3 (low middle class).<sup>34</sup>

A very conspicuous group of victims is foreigners, although few foreigners in absolute and relative terms are kidnapped in Colombia. There were 325 foreign victims in the 1996 - 2006 period, which is 1.4% of the total.<sup>35</sup> Public Prosecution Service information shows that the rate of kidnapping among this group has declined substantially, in line with the overall trend. In 2001, 2002, and 2003, 49, 31 and 30 foreigners, respectively, were kidnapped. Only two cases were registered in 2004. Most foreign victims were Europeans (35) and Lebanese (14).<sup>36</sup> The last-mentioned group consists mainly of first-generation migrants.

### 3.3.2. Ecuador

The Ecuadorean statistics also exhibit contradictions regarding kidnapping in the worst affected regions. The UNASE says that the northern region around the capital city of Quito, in the province of Pichincha, has suffered most from kidnapping in recent years. The province is not itself on a border, but is fairly close to the border region. More than one third of the kidnappings are said to have taken place there. The second affected region, the province of Guayas, where the capital city Guayaquil is located, accounts for some 12% of the kidnappings.

However, *Policía Judicial* figures suggest that in 2004 and 2005 40% of the kidnappings were in the province of Guayas and 21% in Pichincha. In 2006 and 2007 both provinces accounted for 23% of the total number kidnappings in the country. The third affected region in this period was the department of Tungurahua. Express kidnap occurs mainly in the province of Guayas, with 94% of the total number taking place there in 2006. It is therefore hardly surprising that public calls for

improved safety are loudest in Guayaquil. On 26 January 2005 more than eighty-thousand people took to the streets in this city in what is known as the White March, to protest against the city's increasing crime, including kidnapping.<sup>37</sup>

The kidnapping issue is assuming particularly serious forms in the areas with the most commercial activity, which are the port of Guayaquil, the capital city Quito, the coastal zone and the banana region. As in Venezuela, kidnappers' primary targets are the elite and higher middle classes in the economically strong regions. There are also occasional kidnappings of foreign employees of oil companies.

There is a growing tendency for the middle classes, and even the low middle class, to fall victim to kidnap. The deputy head of the Public Prosecution Service, Ms Cecilia Armas Erazo de Tobar, says that kidnapping is not directed exclusively towards wealthy citizens: '...more to the point, many kidnappings take place in residential areas and involve people of modest means, although the kidnappings are usually carried out by less experienced kidnappers. The criminal organizations generally engage in threatening and kidnapping the higher classes, which is why many famous businesspeople and artists are kidnapped'.<sup>38</sup>

### 3.3.3. Venezuela

#### *The border areas are severely affected*

An analysis of the statistical material of the three sources mentioned above shows that the provinces in the border area with Colombia are the worst affected. The first is the province of Zulia, where 28% of the kidnappings in 2007 took place. Looking at the first three months of 2008, as many as 39% of kidnappings took place in Zulia. The border provinces of Táchira, Barinas, Mérida and Apure were also severely affected. Records for the district of Caracas show 8% of the kidnappings in 2007. These six states account jointly for more than 70% of kidnappings in the country. People in these border regions are confronted with illegal armed groups from Colombia, who cross the border into Venezuela. But ordinary criminals also operate there, as well as Colombian *milicianos* (unarmed fighters), who collaborate with Venezuelan gangs. This last group has successfully copied the most effective methods and techniques of the illegal armed groups.

The CICPC says that the Venezuelan authorities have identified 'refuges' where 'large rural kidnapping gangs' are said to operate:

- Táchira state: San Joaquín de Navai;
- Barinas state: Cerro de los Monos;
- Lara y Yaracuy state: Reserva de Ticoporo;

- Portuguesa y Carabobo state: San Carlos de Cajesdes;
- Mérida state: Corredor de la Fría y El vigía.<sup>39</sup>

Only mainstream criminals operate in Caracas and the regions surrounding the capital city. They indulge in very high profile kidnappings and express kidnap. Kidnapping also occurs to a limited extent in the departments of Orinoco and Anzoátegui, where criminals not only commit express and ordinary kidnapping, but some cases are said to be connected with the drugs trade in the region.

### Victims from the elite and higher middle classes

Kidnap victims in Venezuela are nearly always the better-off citizens, from the high middle classes and the elite. Ranchers (34%), merchants (26%), students (15%) and entrepreneurs (8%) are the most vulnerable groups. Although the kidnappers have no political motives, their victims' socioeconomic position means they are likely to be part of the opposition to Chávez. The sixty-six foreigners kidnapped in Venezuela in 2007 were members of this social sector. They make an interesting target because of their commercial or industrial activities, rather than their nationality. They included seventeen Italians, fifteen Portuguese and nine Chinese.

The other social sectors, including the mainly lower middle classes, have been out of range so far, and would also appear to have little interest in the issue. Nonetheless, it would seem reasonable to assume that, as in Colombia, kidnapping practices in Venezuela will tend to become more 'democratic'.

## 3.4. Kidnapping as an instrument of war

### 3.4.1. Colombian

#### *Colombian armed groups are kidnapping less*

Since the 1990s, the FARC and ELN guerrilla groups have been responsible for most of the kidnapping in Colombia. According to official figures, the FARC accounted for a total of 6727 registered kidnappings in the 1996 – 2006 period, which was almost 30% of the total number of kidnappings in the country. The ELN carried out 5374 kidnappings between 1996 and 2006, or 23% of the total. However, the chart below shows a fast dwindling share of the categories 'ELN', 'FARC' and 'paramilitaries' since 2002.<sup>40</sup>

The chart shows that the number of ELN kidnappings had already started to fall after 2000, while the number of FARC kidnappings continued to rise until 2002. The early fall might have been connected with the paramilitaries and FARC attacks, and the loss of control of the city of Barrancabermeja. It does not mean that

the ELN had abandoned kidnapping. Even during the negotiations about a peace agreement, between 2005 and 2007, the ELN refused publicly to announce a cessation of kidnapping. Kidnapping simply continued as normal in this period.<sup>41</sup>

Ordinary crime has accounted for most kidnappings in Colombia since 2005.<sup>42</sup> The security policy of the present government seemed to have had less impact on this group of perpetrators than on the guerrillas and paramilitaries. In some cases the criminal gangs carry out kidnappings to the order of other armed groups, such as the drugs mafia, the paramilitaries, FARC or ELN.<sup>43</sup> The kidnap victims are then handed over to the clients for further processing. The cases involved are mainly in urban regions where the groups lack the resources and the territorial control to organize kidnapping for themselves.<sup>44</sup> On their own account, criminals also kidnap people with a view to selling them to one of the factions. The statistics may put kidnapping of this kind into the category 'ordinary crime' or under the category of the 'kidnappers' that carry out the actual negotiations.

There is also a sizeable group of 'perpetrator unknown'. The perpetrators now go to more trouble than in the past to remain anonymous. The main attraction of anonymity for the illegal armed groups is that they avoid harming their reputation, as their kidnapping practices are meeting with ever greater resistance both inside and outside Colombia.

### Falling income from kidnapping

The illegal armed groups in Colombia have been generating ever less income from kidnapping since 2002. The substantial decline in kidnapping numbers in recent years has resulted in a drop in their ransom income.<sup>45</sup> The yield from these kidnappings is also falling, in connection with the observed trends towards briefer detention and lower financial demands.<sup>46</sup> The ELN is possibly the party most severely affected by the government's security policy. According to government figures, the ELN was still earning 122 million dollars and 84 million dollars from kidnapping in 1997 and 1998, respectively. The UNDP put the ELN ransom income in 2003 at some 74 million dollars.<sup>47</sup> Estimates of the *Departamento Nacional de Planeación* (DNP, National Planning Office) are far lower, with ransom received in 2003 down to 670,000 dollars.<sup>48</sup> Unfortunately, there are no known figures for the most recent years.

FARC kidnapping income has also fallen. Their estimated income from kidnapping was still 137 million dollars in 1996, and 39 million dollars in 1998. Estimates



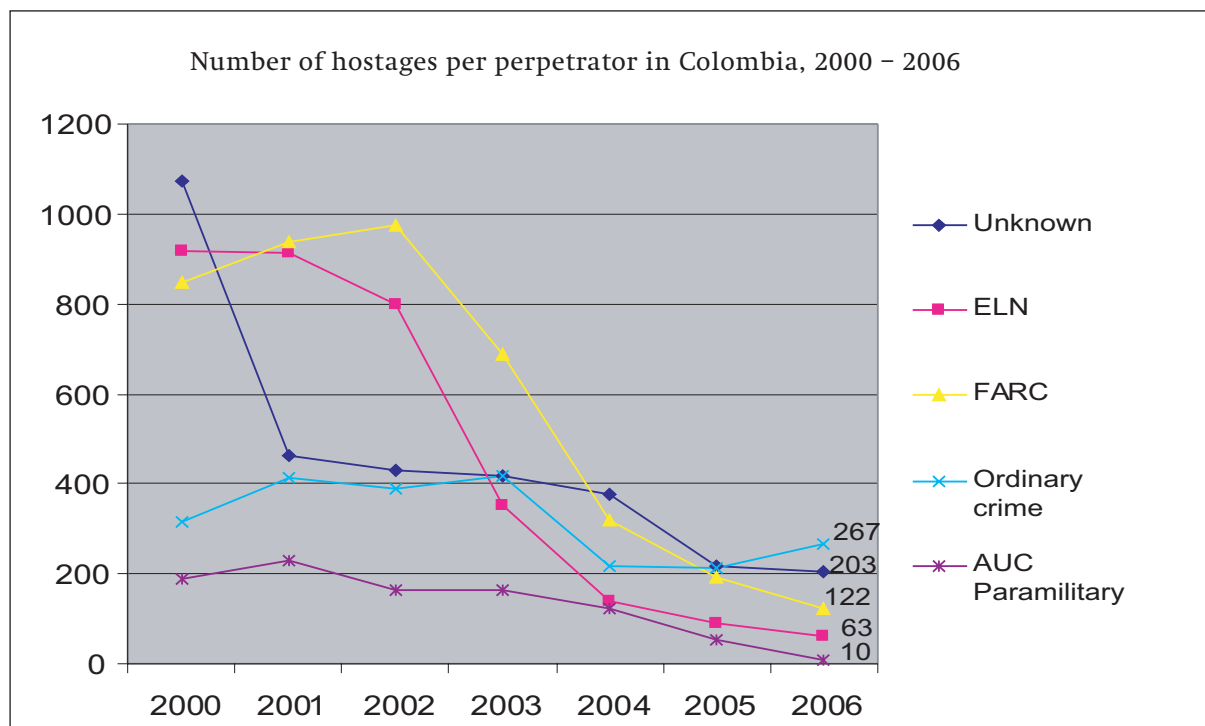


Chart produced by Fundación País Libre (Source: Fundación País Libre and Fondelibertad).

for 2003 from the UN and various government bodies diverge considerably, but all point to a decline. According to the UNDP, the FARC received 32 million dollars from kidnapping in that year.<sup>49</sup> The UIAF estimate for 2003 was somewhat lower, at between 27.4 million and 30.8 million dollars.<sup>50</sup> However, the DNP put 2003 ransom revenues at only 793,000 dollars.<sup>51</sup>

There is no difference of opinion about the fact that the drugs trade is the FARC's most important source of income. There were articles in various newspapers in early 2007 based on the annual secret report of the intelligence services umbrella organization, the *Junta de Inteligencia* (JIC), to the effect that drugs income was still approximately one billion dollars a year.<sup>52</sup> Compared, for example, with the DAS estimate for 1999, which was quoted in the previous Pax Christi Netherlands report, this would indicate strong growth in drugs trade income.<sup>53</sup> So much so, Jane's Intelligence Review concluded, that the FARC has more money than it knows what to do with. In their view, the FARC is now the wealthiest rebel group in the world.<sup>54</sup>

The traditional main sources of ELN income are kidnapping and extortion. However, there are signs that the ELN has started to shift its focus to the drugs trade in recent years, as a way of compensating for the loss of income. According to Luis Restrepo, the government negotiator in the peace talks with the ELN, the drugs trade, not kidnapping, is now their most important source of income.<sup>55</sup> The ELN leaders persistently and

strongly deny this involvement, saying they merely levy a tax on third party drug transactions in the areas they control.<sup>56</sup>

The traditional sources of the paramilitary income are extortion and the drugs trade. The UN estimated the income of the paramilitary groups in 2003 at approximately 286 million dollars, 200 million dollars (70%) of which was from the drugs trade.<sup>57</sup> The peace agreement between the paramilitaries and the Colombian government in Santa Fé de Ralito, was followed by a disarmament and demobilization process, which completed in 2006. An unknown number of demobilized paramilitaries (and demobilized guerrilla fighters) have since relapsed into their old ways. The government classifies the twenty-three new armed groups as ordinary criminal gangs, while NGOs refer to them as the second generation of paramilitaries.<sup>58</sup> It is a fact that all these new groups are involved in the drugs trade and extortion and, albeit less than previously, they engage in kidnapping.

### Extortion: a growing source of income for armed groups

The Public Prosecution Service stated in 2005 that there had been no rise in the number of extortion cases in Colombia in the preceding years. However, they also considered a decline in the phenomenon to be unlikely.<sup>59</sup> Fundación País Libre nonetheless reported in 2006 that it had evidence that the ELN in particular was being forced to compensate for loss of kidnapping

income through extortion.<sup>60</sup> The Colombian police intelligence service, DIPOL, observed a general increase in extortion in the country.<sup>61</sup>

These last two points of view are confirmed by the most recent estimates of the Colombian guerrillas' extortion income. According to government figures, the FARC and the ELN received an average of 112 million dollars a year in the 1990s. In 2003 the UNDP estimated FARC extortion income at some 96 million dollars, and that of the ELN at 54 million dollars.<sup>62</sup> The Ministry of Finance research department,<sup>63</sup> estimates that the FARC received between 313.2 million dollars and 545.1 million dollars in 2004.<sup>64</sup> The JIC report referred to above gives an amount of 1.2 – 2 billion dollars for 2003, or, in other words, 41% of total FARC income.<sup>65</sup>

Extortion has become an everyday occurrence in many departments of Colombia. The population is becoming inured to the phenomenon, and there is widespread resignation to paying protection money to avert kidnapping or to be allowed to run a business. The population in rural areas, in particular where the illegal armed groups have influence, is extremely vulnerable. The victims tend to be operators of medium-sized farms, ranchers, businesspeople, mining and oil contractors, transport operators, and building contractors.<sup>66</sup>

In recent years, managers of mining and oil companies in Colombia have become increasingly aware of the negative consequences of paying extortion money. Not only does success increasingly encourage the groups to step up the extortion, but the companies also run the risk of seriously harming their reputation if it should emerge that they have paid money to an illegal armed group that is responsible for human rights violations. Most large companies in recent years have therefore introduced a nonpayment policy for extortion.<sup>67</sup>

The illegal armed groups, the most important extortioners in the mining and oil regions, therefore concentrate their efforts on the relatively small and medium-sized companies in the energy sector, in particular the subcontractors of state-controlled and other major companies and multinationals. This effectively siphons off the risk from the large companies onto the contractors, who lack the knowledge and resources to avoid extortion. The extortioners demand a percentage of the contract amount, or employment for people attached to the armed group, or the disclosure of information. The threats are regularly backed up by attacks on infrastructure, the kidnapping of employees, theft, and setting fire to machinery and vehicles. Fundación País Libre has even observed some cases of murder of employees. In order to keep working, these

relatively small entrepreneurs succumb to the threats. It is not uncommon for them eventually to be forced to pay extortion money on a permanent basis, under extremely variable conditions.<sup>68</sup>

Entrepreneurs in various districts of Bogotá have suffered a wave of extortion in the past five years. The perpetrators are illegal armed groups, ordinary criminals and organized criminal gangs. Entrepreneurs in the San Andresitos<sup>69</sup> district, the old centre and the hilltop districts on the city's eastern periphery have had to put up with the presence and activities of the illegal armed groups and criminals.<sup>70</sup> Merchants may be vulnerable because they trade at the edge of legality, and because their businesses demand that they have large amounts of cash available. Extortion is commonplace here. Because they are afraid, more than 60% of victims do not report the crime.<sup>71</sup>

Criminals, drug dealers, and former fighters (in particular of the paramilitaries) commonly resort to extortion, also in major cities such as Medellín, Cali, Barranquilla and Montería. Another sign of their extortion in the cities is the presence of *oficinas de cobro*. These are a sort of debt collection agency that force entrepreneurs to pay off their loan to ensure their 'safety' and 'protection'. The offices are also engaged to force criminals to repay their drugs debts.<sup>72</sup> These offices commit kidnap to force the extortion victims to pay up, or to settle scores in the criminal world.<sup>73</sup>

#### Political kidnapping between 2001 and 2004

The majority of ELN kidnappings are economic in nature, but there are also sporadic political kidnappings. An example is the kidnapping of a group of tourists (four Israelis, one Spanish, one German, and one British person) in 2003. The ELN demanded the release of imprisoned fighters and an investigation of repression, by the paramilitaries, of the region's Indian population. The investigation was carried out by a UN delegation, the *Defensoría del Pueblo*, and the Catholic Church in November 2003, after which the hostages were released.<sup>74</sup> Another example is the kidnapping in 2006 of two Médecins Sans Frontières workers in Norte de Santander province. The ELN's demand for the return of the body of the dead commander Wildemar Castro Lora was complied with.<sup>75</sup>

The paramilitary groups had political motives in only a small number of cases, as in the kidnapping of family members of FARC commanders in 1997, in which Pax Christi Netherlands facilitated the release, and the kidnapping of members of parliament in 1999. In general, people kidnapped by the paramilitaries were murdered a short time later. Since the victims' bodies



were rarely recovered, they continued to be stated in the statistics as ‘kidnapped’ or ‘missing’.

The FARC embarked in 2001 on the deployment of elite units for kidnapping high profile victims, such as political leaders and army and police officers, and their families. In April 2002 they kidnapped twelve members of the Valle del Cauca departmental parliament, followed by the then Minister of Development Fernando Araújo (in December 2000), the ex-governor of the department of Meta, Alan Jara (June 2001) and a group of members of parliament, including Ingrid Betancourt and her assistant Clara Rojas.<sup>76</sup> They also kidnapped three American citizens in February 2003.<sup>77</sup> The group of political hostages also included the thirty-three army and police commanders and deputy commanders. The FARC ceased political kidnapping four years ago. They were forced to withdraw themselves gradually to the remoter areas, and no longer ventured into risky urban operations.

While the Uribe government opted for a military offensive against the guerrillas, and for pursuing and eliminating the commanders, the FARC aimed for a humanitarian exchange between the group of political hostages and approximately five hundred imprisoned FARC fighters.<sup>78</sup> As an extension to the demilitarized

zone established under the Pastrana government, the FARC demanded the temporary demilitarization of the two municipalities of Florida and Pradera in the department of Valle del Cauca (in southwest Colombia) for the purpose of the humanitarian exchange. The intended exchange was of the group of forty-six political hostages.

However, the exchange did not materialize. Neither party would shift its position, although the Colombian government did make the occasional gesture of good will towards the FARC. For instance, President Uribe unilaterally released a group of twenty-three FARC fighters in December 2004. There was no response from the FARC. Another group of about two-hundred FARC fighters was released in June 2007. At the insistence of the French President, the FARC member Granda was also included in this group, with the intention that after his release he would facilitate contact between the government and the FARC.

### Kidnapping as an obstacle and a key to (peace) negotiations

The FARC, with the mediation of President Chávez of Venezuela, decided in 2008 unilaterally to release six of the kidnapped citizens being held for political purposes.<sup>80</sup> The other political hostages, which include citizens, soldiers and police officers, would be retained for a humanitarian exchange. According to many people, the FARC opted for this initiative because they wanted to obtain official international recognition as a ‘warring party’ (*Fuerza Beligerante*).

In August 2007 the Colombian government and the FARC accepted the services of Venezuela’s President Chávez as the official intermediary in setting the terms for the humanitarian exchange. However, the Colombian government resolved on 22 November unilaterally to terminate Chávez’ mediation. He was said to have ignored rules set by the Colombian government.<sup>81</sup> Nonetheless, Chávez continued his mediation efforts, and obtained the release of six political hostages at the beginning of 2008. Chávez also publicly urged the award of ‘warring party’ status to the FARC, and proposed removing the FARC from international terrorism lists.<sup>82</sup>

The FARC’s international contacts concerning negotiations for the release of the political hostages ended in March 2008, when the Colombian army bombarded a FARC camp in Ecuador. The commander Raúl Reyes lost his life in the attack. Ecuador protested against the violation of its territorial integrity, and announced diplomatic measures, with the support of both Venezuela and Nicaragua.<sup>83</sup> The death of Reyes

#### Exchange of prisoners of war or humanitarian exchange?

The terms *canje* (*exchange of prisoners of war*), *intercambio humanitario* (*humanitarian exchange*) and *humanitarian agreement* generally coexist in common parlance. However, the FARC’s vocabulary is restricted to the word *canje*. This is the term used in the law of war for an exchange of prisoners of war following a military confrontation between two or more states. The FARC considers the captured guerrilla fighters to be prisoners of war and political prisoners, and likewise the soldiers, police officers and politicians they have taken hostage. On the other hand, the government avoids using the word *canje*, so as not to suggest acknowledgment of the FARC as an equal. The state considers the imprisoned FARC fighters not to be prisoners of war, but arrested members of an illegal armed group. Neither do they consider the political hostages to be prisoners of war, but victims of kidnapping. This is why the authorities refer consistently to *intercambio humanitario*, which is a far broader concept, and that also covers nonmilitary personnel and political prisoners. An exchange requires a humanitarian agreement between the parties concerned.<sup>79</sup>

meant that the FARC had lost its international representative for political negotiations.

The Uribe government paid a political price at a regional level, for the success of the military operation in Ecuador. The only contact that the government had with the FARC, the dialogue about the release of the hostages and the exchange, was broken. The FARC reported a few days after Reyes' death that there would be no new unilateral gestures. The liberation of the political hostages – the police officers, soldiers and citizens – would henceforth take place only through humanitarian exchange in the two demilitarized zones. The FARC also insisted on the release and return of the FARC commanders Simón Trinidad and Sonia, who had been extradited to the USA, as a condition for the release of the three American hostages. To date, the Colombian government has given no sign of willingness to concede to the FARC's demands. This political panorama changed completely on 2 July 2008 with the successful rescue of fifteen political hostages, including Ingrid Betancourt and the three North American citizens.

The FARC's international isolation is now even greater. Raúl Reyes' laptop computers, which were found in the camp, were said to contain compromising information about Venezuela's and Ecuador's support to the FARC in recent years.<sup>84</sup> Probably under pressure of this information, the Chávez government publicly dissociated itself from the FARC, urging it to abandon its armed struggle and move into the political arena. These were surprising comments, because only a few months earlier the Chávez government had still been arguing for the FARC's recognition as a warring party. Reyes' death also deprived the FARC of an international networker.

Kidnapping also played a crucial part in the peace talks with the ELN. Between 2005 and 2007 there was dialogue involving the government and the ELN regarding a possible peace agreement. Nine rounds of talks took place in the Cuban capital Havana. The ELN expressed willingness to talk about the possible release of their hostages, and the cessation of their kidnapping practices. Although the ELN publicly endorsed the importance of 'humanitarian measures' concerned with the release of hostages and mine clearance in certain areas, they never actually took measures of this kind. However, the ELN did release in 2008 a few hostages. While the negotiations in Havana were taking place, the ELN proceeded to kidnap 173 people.<sup>85</sup> In late 2007 the ELN requested the Venezuelan government to act as guarantor in the negotiations with the Colombian government. Talks would then move to Caracas. A consequence of the diplomatic crisis between Colombia

and Venezuela in early 2008 was that the first planned round of negotiations in Caracas did not take place. This also put the negotiating process on a road leading nowhere.

The kidnappings carried out by paramilitary groups, in particular the AUC, generally had an entirely different background from that of the guerrillas. Their nature was neither economic, nor political. The aim of their kidnappings was to murder the victim shortly afterwards. Far from all the victims' bodies were recovered. Kidnapping was not mentioned in the peace talks with the AUC, which were to culminate in the demobilization of more than forty thousand fighters. It was not a condition for their demobilization that they should provide information about the fate of their hostages. The group therefore continues to be stated in the statistics as missing or kidnapped.

### The current number of detained hostages

Although the kidnappings play a crucial part in the talks between the government and the FARC and ELN, it is unclear how many hostages are really still detained. The various state institutions each have their own figures. In order at least to coordinate the information of the state institutions, a platform was set up consisting of several government bodies, including *Fondelibertad*, DIGAU, DIASE, DAS<sup>86</sup>, the Public Prosecution Service, and the NGO *Fundación País Libre*. The purpose of this partnership is to merge the information from the various organizations and to rationalize the lists of names. The social security organizations and migration data were also monitored in order to detect any hostages released without informing the authorities.

This platform concluded that 3235 people were still in the hands of their kidnapers.<sup>87</sup> Their numbers were as follows:

* FARC	783 people	(24%)
* Criminals	296 people	(9%)
* Paramilitaries (including AUC)	279 people	(8,6%)
* ELN	240 people	(7,4%) <sup>88</sup>

It is extremely likely that a substantial proportion of these victims are now dead. However, since the armed groups are unwilling to provide information on this subject, it remains unclear to the families concerned whether their loved ones are still alive.

The FARC and ELN use their own overall figures in negotiations. However, these figures cannot be verified. The commanders are not always informed of the kidnappings carried out by local *frentes*. Furthermore,

the guerrilla groups may tend to adjust the figures downwards, because of the legal implications of kidnapping, and to limit harm to their reputations.

The late FARC commander Raul Reyes said in a report on the Dutch television programme Nova in November 2007 that this rebel movement was holding **forty or fifty hostages**.<sup>89</sup> The ELN told IKV Pax Christi in a discussion that it had a **few dozen hostages**. In view of the fact that the ELN generally settles kidnapping cases quickly, it is unlikely that hostages from a few years ago are still alive. The provision of names of hostages who have died in captivity should be made a prominent item on the agenda of future peace talks.

The hope of the next of kin of hostages in 279 unsolved the paramilitary kidnapping cases rests on the witness statements to be made by the commanders in order to be eligible for the Law on Justice and Peace. The leaders are believed to have information about the fate of the hostages, or the locations of the bodies. The question is whether the commanders already extradited to the United States in connection with the drugs trade are still sufficiently interested in the possible remission of sentence in Colombia under the Law on Justice and Peace, to make statements of this kind.

#### What fate awaits the remaining hostages?

Three events gave an enormous boost to public interest in the fate of the FARC's political hostages. The individual action of the father of the kidnapped soldier Moncayo, held hostage since 1997, aroused much passion in Colombia. The father, Gustavo Moncayo, embarked on 17 June 2007 on a 1200 kilometre walk from his home to Bogotá, in order to secure his son's release. Tens of thousands of people were waiting for him on his arrival in the capital city. Colombians throughout the country expressed solidarity with his proposal for a humanitarian agreement.<sup>90</sup> The second event was the FARC's announcement at the end of June 2007 of the death of eleven kidnapped members of the Valle del Cauca departmental parliament. They are said to have died in an 'attack from an unidentified military unit'.<sup>91</sup> Their death provoked a storm of protest in Colombia.<sup>92</sup> On Thursday, 5 July 2007 millions of people throughout the country took to the streets to demand the release of all hostages and the surrender of the victims' bodies.<sup>93</sup>

The publication of Ingrid Betancourt's letter to her mother in the daily newspaper *El Tiempo* on 1 December 2007, pushed the public debate on the humanitarian exchange to a new, unprecedented height.<sup>94</sup> There is broad support among the Colombian population for a humanitarian agreement. The problem is that there is absolutely no consensus about the

concessions that should then be made. On the one hand, some Colombians, such as Moncayo, think that the government should concede to the FARC's demands. But many evidently disagree, judging from the reactions to his ideas, even if the ultimate goal is almost unanimously endorsed.<sup>95</sup> At the other end of the spectrum are many people who want nothing less than an immediate, unconditional and unilateral release of the hostages.

The public debate regularly erupts on the risky rescue actions carried out by the army and police.<sup>96</sup> Under normal circumstances, the authorities consult with the family concerned about a possible rescue action, but reserve the right to resort to rescue (*rescate*) without family involvement.<sup>97</sup> A part of the families of hostages reject rescue actions. According to Olga Lucía Gómez, the director of *Fundación País Libre*, the debate on *rescate* is wrongly very black and white. It is as if rescue actions and exchange are mutually exclusive. In her view, they are merely two of the options in a range of resources available to a state to bring a kidnapping to a satisfactory conclusion.<sup>98</sup>

The interest inside and outside Colombia in political hostages was until recently substantial. The general public often knew the members of this group of victims by name. This is in stark contrast with the public interest in the group of economic hostages of the ELN and the FARC, and likewise with the paramilitary's kidnap victims. Generally, people cannot name a single hostage in this group. The associated and clear danger is that, with the freeing of the victim's figurehead, Ingrid Betancourt, in July 2008, these economic hostages and the remaining 31 political hostages will be forgotten.

#### The failure of kidnapping as a political weapon

For the FARC, kidnapping has failed as a political weapon in various respects. Firstly, the phenomenon has been a significant obstacle to dialogue with the government. In the case of the ELN, the theme of kidnapping, and the economic variety in particular, was an almost fatal stumbling block to peace talks. As an instrument, political kidnapping actually gained the FARC nothing. On the contrary, they are further away than ever from being recognized internationally as a 'warring party'. They have also yet to succeed in arranging the exchange of a single guerrilla fighter. Furthermore, the political price of this form of kidnapping has turned out to be extremely high. A few years ago, the theme of FARC hostages carried little political weight in the international community, and many countries were not even acquainted with the phenomenon. Today, it is possible to state that the FARC has been discredited internationally.

It is very likely that the Colombian army's successful liberation of Ingrid Betancourt, the three North American citizens, and the eleven soldiers, will encourage future rescue attempts. However, it is plain that rescue actions can never completely end the kidnapping problem. A final end to illegal armed groups' kidnapping practices must ultimately come from a negotiated solution to the problem.

Any future peace process – after preparatory talks and before starting the actual negotiations – must satisfy three minimum requirements if it is to have sufficient credibility and a reasonable probability of success. The first condition is a total cessation of kidnapping practices by the illegal armed groups. The second is the release of all political and economic hostages. Intensive efforts will also be required in the peace process on clarifying the fate of the hostages, including the release of information about the locations of the deceased hostages.

The full cooperation of the guerrillas (FARC and ELN) will be required in any future peace process, in order to guarantee an organized and serious dismantling of the kidnap industry. This recognizes the substantial risk of demobilized fighters reverting to kidnapping, for their own account or in criminal gangs, after the end of the peace process. Ensuring the guerrillas' willingness to cooperate will still require the government to find a solution to the kidnapping problem and to incorporate related offences in a proposal for peace negotiations.

### 3.4.2. Ecuador

#### *A Colombian connection?*

A complicating factor in analysing the perpetrators of kidnapping in Ecuador is that the authorities recognize only ordinary criminals as perpetrators. It is hard to raise discussion of the possible involvement of illegal armed groups from Colombia with the Ecuadorean authorities, who make hardly any comment. They have become more entrenched in this attitude since the diplomatic crisis between Ecuador and Colombia, which is concerned specifically with the presence and activities of the illegal armed groups in the border region.

The UNASE denied the involvement of Colombian guerrillas and paramilitaries in 2007 in kidnappings in Ecuador. According to the UNASE: 'the crime mainly affected the country's major cities and an equal number in the provinces in the border regions; these are places where crime is simpler, because of collaboration with foreign criminals, or because of the vicinity of areas with no regular armed forces that might oppose activities of this kind'.<sup>99</sup>

It is clear that most kidnapping in Ecuador is carried out by gangs and groups from mainstream crime. The border provinces with Colombia – Sucumbíos Esmeraldas, Carchi and Imbabura – suffer from kidnapping, but the numbers remain below 5% of the total national number. However, sources outside official channels provide sufficient evidence to conclude that the Colombian illegal armed groups are kidnapping in Ecuador.

It is a fact that parts of the 620-kilometre border between Ecuador and Colombia are hardly under control of the authorities, if at all. Moreover, the presence in Ecuador of illegal armed groups from Colombia has increased in the past ten years. They go there not only to recover, but also to expand their criminal activities.<sup>100</sup> Drug and weapons routes of the illegal armed groups and drugs mafia from Colombia run through the border regions.<sup>101</sup>

The press is an important source of information about the kidnapping practices of Colombian illegal groups in Ecuador. A disadvantage of the press is that they almost exclusively report cases involving foreign victims. It is known that twelve foreigners were kidnapped in the jungle of Sucumbíos province in September 1999. They were seven oil company engineers, three tourists and a volunteer working on development projects. The Ecuadorean press attributed the kidnapping to the ELN *frente* Domingo Laín. This group was also active in the region with the extortion of money from oil companies. The victims were unwilling to reveal any details.<sup>102</sup>

The following year, in October 2000, ten oil industry workers were kidnapped by Colombian guerrillas in Sucumbíos province. It is said that a ransom of US \$ 13 million was thrown from a helicopter in the jungle.<sup>103</sup> In 2001 the Ecuadorean authorities reported two kidnapping cases committed by the Colombian guerrilla group ELN.<sup>104</sup> The Ecuadorean press in 2003 again reported the kidnapping of eight foreigners by the ELN in the north of the country.<sup>105</sup>

Moreover, there are also Colombian members of Ecuadorean kidnapping gangs. In August 2007 the Ecuadorean police arrested four women for kidnapping, and two of them had Colombian nationality. They had been arrested earlier for their part in a Colombian-Ecuadorean kidnapping, which also involved several Colombian criminals.<sup>106</sup> In 2006 an Ecuadorean businessman was kidnapped in the border town of Tulcán. The four kidnappers sold him directly to FARC *frente* 48. He was released after eighty-three days for a



ransom of one-hundred million Colombian Pesos (approximately € 40,000).<sup>107</sup>

Besides the media, the actual victims are the most interesting source of information. Since no organization at all surrounds the victims in Ecuador, it is no simple matter to acquire their information. Fundación País Libre has provided support in Ecuador in eight kidnapping cases, and the involvement of the Colombian armed groups is clear from their statements. The following perpetrators were identified in the eight cases.

✓ **FARC**

Five engineers kidnapped in 2003 worked for an international oil company through a contractor. This economic kidnapping took place in northern Ecuador (Lago Agrio) near the Colombian border. The multinational paid a one-million dollar ransom after seven months. An investigation by the Ecuadorean authorities showed that the FARC was responsible for the kidnapping.

✓ **Ex-members of the FARC and Ecuadorean criminals**

A well known businessman was kidnapped in Quito in 2004. The methods and the weapons used raised the suspicion that the perpetrators were FARC. They demanded ransom of four million dollars, but the victim was freed by the UNASE after two months. It transpired later that the group consisted of Ecuadorean criminals and former members of the FARC.

✓ **Ordinary criminals**

An international oil company employee was kidnapped in 2005. The initial intention appeared to be express kidnap, in which the victim would have been forced to withdraw money from his bank account at cash machines. But once the kidnappers realized that they had a high-profile victim, they detained him for seven days instead. They demanded a ransom of US \$ 200,000. The kidnapping was not reported. The methods suggest the involvement of ordinary criminals.

✓ **Ecuadorean and Colombian criminals**

A merchant kidnapped in 2008 was travelling from Guayas province (in the coastal region of Ecuador) to the border province of Suay. According to the Colombian authorities, the crime took place in collaboration with Colombian criminals, because the communication and negotiations were conducted from Pasto (Colombia, department of Nariño). At the time of publication of this report, the victim was still in captivity.

### 3.4.3. Venezuela

It is not easy to distil the reality from the many (biased) accounts, witness statements and myths circulating about the alleged cases of kidnapping and extortion by Colombian groups in Venezuela. The polarization of Venezuelan society mentioned above, and diplomatic tensions between Colombia and Venezuela, obstruct a clear view of the issue. Another major problem is that official sources provide no offender profiles. The only category used is the '*Hampa Común*' (ordinary crime). The lack of reliable information is exacerbated by the increasing difficulty of identifying Colombian illegal armed groups as perpetrators. They are now usually reluctant to make their involvement identifiable in kidnapping cases, because of the possible international political repercussions of their crimes.

The current Venezuelan government representatives and authorities involved in suppressing kidnapping appear unwilling to admit that Colombian groups are violating their territory to commit crimes. The director of the CICPC, Sergio Gonzáles, made the following statement:

'There is no denying the participation of Colombian citizens in the export of this crime. However, some myths have NO relationship with the reality of kidnapping and extortion. Yes, there have been kidnappings by the Colombian guerrilla movements ELN and FARC, as there once were by the former AUC. But they were only four isolated cases, and there have been no more in the past two years. Neither does the myth about the sale of hostages by organized criminals to the Colombian guerrillas have any truth. What has some basis in truth is that organized criminal gangs are keen to have Colombians in their group so they might be seen as guerrillas or paramilitaries'.<sup>108</sup>

However, in a few cases, Venezuelan government representatives have given statements to the press confirming Colombian involvement in kidnapping and extortion in Venezuela. In 2006, the then Venezuelan Minister of the Interior and Justice, Jesse Chacón, stated that Colombians were involved in 95% of kidnapping cases.<sup>109</sup> The governor of the border state of Apure, Jesús Aguilarte, stated in 2006 that the guerrillas did not govern Apure, but did have the state under control. He added that people in the region 'had had to learn to live with evil'.<sup>110</sup> In 2007 the Minister of the Interior and Justice, Pedro Carreño, stated that illegal Colombian groups were kidnapping and extorting in the Venezuelan border provinces.<sup>111</sup> The governor of the kidnap-ravaged state of Zulia made an explicit statement to the Colombian press that paramilitaries, ELN and FARC were responsible for



kidnapping Venezuelan citizens, and that they sold Venezuelan hostages to criminal groups.<sup>112</sup>

The unreliable and contradictory information from the Venezuelan authorities and political opposition about the perpetrators of kidnapping means that other sources have to be found. The only alternative of any value would appear to be the actual kidnap victims. The Colombian NGO *Fundación País Libre* has supported thirty-four Venezuelan kidnap victims and their families in the past five years. The cases were in the states of Zulia, Táchira, Mérida, Barinas, Anzoátegui, Apure and Caracas. As far as possible, they recorded the identities of the perpetrators, and were willing to disclose the information to IKV Pax Christi. The data provide a glimpse of the diversity of the groups involved in kidnapping in Venezuela.

Ordinary crime:	15 victims
FARC	7 victims
ELN	4 victims
Unknown	4 victims
Mixed gangs	3 victims
FBL <sup>113</sup>	1 victim

The statements of these thirty-four victims, and of those who received psychological support from *Fundación País Libre*, have yielded extremely interesting information about the perpetrators, the people who conduct the negotiations, and the transfer of the hostages to other countries. The Colombian illegal armed groups are apparently extremely creative in how they use the opportunities presented by the border regions for optimizing their local kidnapping practices. The following patterns can be observed:

✓ **The kidnapping of Venezuelans detained in Venezuela**

An example is a Venezuelan family from the border region confronted with two kidnapping cases involving three family members. In both cases they were certain that the perpetrator was the ELN. A ransom of more than one million dollars was paid for each of the victims.

A rancher was kidnapped by a group of Colombians in the Venezuelan state of Táchira. In the first months of the kidnapping the family had to negotiate with a Colombian who claimed to be a FARC member. The negotiations were broken off after six months, and the hostage was never heard of again. The victim is now missing.

✓ **The kidnapping of Venezuelans transferred to Colombia**

An example is a Venezuelan family of ranchers that had two brothers kidnapped, one by the FARC and the other by the FBL. The FARC's hostage had to march for more than five days to his place of captivity. He observed that he was in Colombia, in a guerrilla camp. Everyone there had a Colombian accent. The family negotiated with someone who identified himself as a FARC member. The brother kidnapped by the FBL was held captive for six months in Venezuela. The family negotiated with a commander who called himself 'Jerónimo'.

A rancher who was kidnapped in a Venezuelan border region by a group of Colombians was likewise required to march for five days. He concluded from the people's accent in the place where he was held captive that he was in Colombia. Ransom was paid after six months of negotiation, and the victim was released.

✓ **The kidnapping of Colombians transferred to Venezuela**

*Fundación País Libre* provided psychological support in 2005 and 2006 to two Colombian kidnap victims from Arauca. These people stated that they were transferred to the Venezuelan state of Apure, one by road and the other by river.

In 2007 four oil industry workers were kidnapped by the FARC between Boyacá and Arauca. The perpetrators' aim was to extort money out of the company. After one was released with a message from the kidnapers, the other three were transferred to the Venezuelan state of Apure. The three were able to escape after three months because of a military confrontation between the FARC and the ELN.

✓ **The kidnapping of Colombians in Venezuela**

An example is the kidnapping of a couple from Arauca (Colombia). The couple failed to return after going out to fill their car with petrol in Guasualito (Venezuela). When their family approached the *Guardia Nacional Venezolana*, they were told that the car had been stopped by a white car, and that two armed people entered their own car. Days later the couple's daughters received a telephone call from the ELN. The father was released after five months of negotiation. The mother was held captive in Venezuela for another four months while her husband raised the money for her release.

A relatively new perpetrator in Venezuela is the FBL (*Fuerza Bolivariana the Liberación*). The then Minister

of Defence, José Luís Pietro, admitted the existence of the FBL in 2003. The FBL is categorized as an illegal armed group, and is said to be the military arm of the Bolivarian movement. The Bolivarian movement was allegedly founded by FARC commander Alfonso Cano in 2002, and the movement has mixed Venezuelan-Colombian coordination.<sup>114</sup> It is unknown whether the FBL shares members with the FARC. *Fundación País Libre* has provided psychological support to several of the kidnap victims. The economic kidnappings concerned took place in the states of Mérida and Barinas.

### Extortion in the border regions

The Venezuelan states near Colombia are ravaged not only by kidnap, but also by extortion. This practice too was originally introduced by the Colombian illegal armed groups in Venezuela, and later adopted by Venezuelan criminals.

The work of *Fundación País Libre* with kidnap and extortion victims shows that it is quite usual for merchants and ranchers in the border regions to pay monthly, weekly and annual protection money instalments to Colombian illegal groups. A rancher from the border region who was supported by *Fundación País Libre* has said that he was required to pay protection money to three different groups in order to be allowed to continue his work on the farm. They threatened to kidnap one of his family. He paid to:

- the ELN: annually 10,000,000 bolivars (€ 3,000);
- the FARC: annually 10,000,000 bolivars (€ 3,000);
- the FBL: annually 10,000,000 bolivars (€ 3,000).



The above FARC pamphlet is addressed to a border region resident, and orders the victim, on pain of death, to pay 50,000,000 bolivars (€ 14,772).<sup>115</sup>

It is not unlikely in due course that extortion in

Venezuela will develop in the same way as in Colombia. In other words, the practice will be increasingly copied by Venezuelan organized criminals, as a lucrative and low-risk alternative to kidnapping. Indeed, the crime is logistically and organizationally far less complicated than keeping a hostage captive for months.

## 3.5. Policies of the governments

### 3.5.1. Colombia

Colombia is at an advanced stage in various respects in the suppression of kidnapping. The institutional framework against kidnapping in Colombia dates from 1996. The Law 282 (*Ley 282/1996*) establishes the legal authorities, and sets out the police methods and investigative measures. The most important organ in the fight against kidnapping and extortion is the GAULA.<sup>116</sup> This umbrella organization coordinates the various police and army units that deal with kidnapping and extortion on a daily basis. Specialized army units are usually deployed for rescue actions. Although there have been cases of corruption, it can be stated in general that the specialized government extortion and kidnapping services perform efficiently.

Colombia has also had a pioneering role in Latin American legislation. The Colombian antikidnapping law, the *Ley 40* came into force in 1993. This law followed strict Italian legislation in prohibiting ransom payment, the lending of money to pay ransom (e.g. by banks), and the provision of insurance against kidnap. The law gave the authorities power to block the financial resources of the immediate family. Only a few months after the act came into force, the high court of justice ruled that the payment of ransom was justified on humanitarian grounds.<sup>117</sup> More than ten years later, the Uribe government strongly discourages the payment of ransom, but has refrained from making it an offence.<sup>118</sup> Colombia was the first Latin American country to legally categorize express kidnap as economic kidnapping.<sup>119</sup> The minimum penalty for an economic kidnapping is twenty-eight years, with a maximum of forty years under aggravating circumstances. The same is true for express kidnap.

Colombia is less consistent when it comes to insurance against kidnapping. The *Ley 40* of 1993, mentioned above, prohibited insurance of this kind within Colombia. The profit motive attached to this type of insurance led the high court of justice to rule that the ban should be upheld.<sup>120</sup> In practice, insurance companies could circumvent the ban by offering the insurance in the neighbouring countries. At the initiative of Senator Vargas Lleras, allegedly under pressure from the insurers' political lobby, the ban on

kidnapping insurance and the mediation of commercial negotiators was lifted in February 2002. A new antikidnapping law, *Ley 733*, was duly enacted.<sup>121</sup>

### 3.5.2. Ecuador

The legal and institutional framework for suppressing kidnapping is not very well developed in Ecuador, but is nonetheless better than in Venezuela. Unlike Venezuela, kidnapping in Ecuador is considered to be a crime against personal freedom. As in many other Latin American countries, express kidnap in Ecuador is not legally categorized as kidnapping, but as a 'violation of property'. Ecuador also lacks realistic sentencing for kidnapers.

The current institutional infrastructure actually renders serious efforts against the kidnapping problem in Ecuador impossible. The Ecuadorean national kidnapping and extortion police unit, the UNASE, has insufficient staff and technical resources. Furthermore, the organization has no uniform information system for data on reports, releases, victims' situations, phases in the legal processes, etc. The UNASE is therefore incapable of gathering the relevant information that it would need in order to properly advise the various government bodies involved in suppressing kidnapping.

Ecuador has no state institutions that can support kidnap victims in a systematic way. The UNASE in 2008 had just one psychologist to support the victims of the kidnapping cases being handled. To date, no NGOs have taken on this task. The Fundación Atauala Libre was founded by an entrepreneur who had been kidnapped in 2004. This NGO wishes to operate in future as an organization to represent the interests of kidnap victims.

### 3.5.3. Venezuela

The deteriorating kidnapping problem in Venezuela has obliged the Venezuelan state to strengthen the specialized antikidnapping units. The CICPC was founded six years ago, and besides a national office, it also has independent regional offices in Zulia, Táchira and Bolívar. The CICPC played an important part in the centralization of information about kidnapping, and systematically exchanges information with, among others, the *Guardia Nacional*. The CICPC has a serious shortage of financial resources. It is well known that the families of hostages have to contribute to investigators' transport expenses to the crime scene.<sup>122</sup>

The *Guardia Nacional*, an army unit that also has police duties, created the GAES (*Grupos Anti-Extorsión y Secuestro*, groups against kidnapping and extortion).

The GAES has branches in several states and has its own limited logistics resources and vehicles. Their power is limited because they operate in only a few regions. Public prosecutors handling kidnapping cases make their own choice of investigative organization for their cases. The family can also influence the choice of organization.

The high court of justice recently approved the issue of a decree for the organization of a national police force. The merger of the multiple police organizations into a national police force would greatly help the fight against kidnapping and extortion. As matters stand, each Venezuelan municipality has its own police organization, on top of which each of the twenty-four states has a separate departmental police unit. For instance, the capital city Caracas has eight different police organizations.

The national parliament of Venezuela is currently considering a legislative proposal for a new antikidnapping law. Existing legislation has serious shortcomings, in that kidnapping is viewed as a 'crime against property'. The new legislative proposal sets a penalty and prohibits payment of ransom by the victim's family. This is therefore inspired by the Italian legislation and the old Colombian antikidnapping law. The Constitutional Court of Appeal in Colombia declared the law void, because 'the right to life and freedom cannot be sacrificed to the general interest'. The sectors of Venezuelan society most severely affected by kidnapping, such as the economic business sectors, consider the new legislative proposal to be unconstitutional. Specifically, there is substantial opposition to making the payment of ransom an offence.

### Notes

- <sup>1</sup> Pax Christi Netherlands, 'The kidnap industry in Colombia – Our business?', Pax Christi Netherlands, Utrecht, 2001. For a historical analysis of kidnapping in Colombia, see M. Rubio, 'Del rapto a la pesca milagrosa - Breve historia del secuestro en Colombia', Universidad de los Andes, 2003.
- <sup>2</sup> DAS: Departamento Administrativa de Seguridad (Administrative Department of Safety) is an intelligence service of the Presidency of the Republic.
- <sup>3</sup> 'Cae poderpsa red de secuestradores de extranjeros', in: *El Tiempo*, 23 June 2001.
- <sup>4</sup> Reyes, M., 'Duras palabras de Miquilena a guerrilla', in: *El Tiempo*, 18 May 2001.
- <sup>5</sup> The official name is Fondo Nacional para la Defensa de la Libertad Personal, [www.antisecuestro.gov.co](http://www.antisecuestro.gov.co).
- <sup>6</sup> GAULA: Grupos de Acción Unificada por la Libertad Personal (Unified Action Groups for Personal Freedom),

- which are elite units founded in 1996 to combat kidnapping and extortion.
- 7 Fundación País Libre, 'Estadísticas del Secuestro 1996 a 2006', July 2007.
  - 8 Interview Olga Lucia Gomez, Fundación País Libre, 19 June 2008.
  - 9 Actualidad Colombiana, www.actualidadcolombiana.org, 'Que se proscribe el secuestro como un arma de la guerra y se busque un Acuerdo más igualitario', Edición No. 445, febrero 5 - 19, 2007 (Interview met Olga Lucía Gómez en Hugo Alonso Pineda, Fundación País Libre).
  - 10 El Tiempo, 'Aunque es un delito muy frecuente, en Bogotá nadie tiene estadísticas del 'paseo millonario'', 2 May 2006.
  - 11 Corte Suprema de Justicia, invullen uitspraak datum
  - 12 Corte Supremo de Justicia, S. Penal, Sent. 20326, 25 May 2006. M. P. Edgar Lombana Trujillo. Some countries legally recognize kidnapping only 48 hours after an unlawful deprivation of liberty. The Colombian court gave less weight to how long a paseo millonario lasts, than to whether someone is deprived of their liberty as a coercive tactic for economic gain. See: DIJIN, 'Paseo millonario, ¿Secuestro extorsivo' in: Boletín Semanal de Criminalidad no. 034, August 2006.
  - 13 Alcaldía Mayor de Bogotá D. C., 'Paseo Millionario en Bogotá', PowerPoint presentation, 2007.
  - 14 Uribe presented his Política contra la Extorsión y el Secuestro Extorsivo on 4 March 2003; for additional information, see: www.extorsion-secuestro.gov.co. Also available there is the Documento de Política on this policy, as approved on 4 March 2003 by the Consejo de Seguridad Nacional.
  - 15 The peak of this mass kidnapping tactic was in 2001 and 2002, which was therefore after the number of kidnappings had already started its sharp decline. Ditto, p. 21
  - 16 Interview IKV Pax Christi with Jeremy McDermott, 8 May 2005.
  - 17 DNP, Archivos de Economía, Secuestro en Colombia; Caracterización y Costos económicos, 9-6-2004, p. 18.
  - 18 Fundación País Libre, 'Estadísticas del Secuestro 1996 a 2006', July 2007.
  - 19 Fundación País Libre, email van Olga Gómez aan Pax Christi Nederland, 19 February 2006.
  - 20 Fundación País Libre, Olga Lucía Gómez, 'Secuestro en el Ecuador 2002-2007', June 2008. Study performed on behalf of IKV Pax Christi.
  - 21 UNASE: Unidad anti-secuestro de la Policía Nacional. national police antikidnapping unit.
  - 22 Revista Gaceta, Fundación País Libre: 'La Denuncia en Latinoamérica', por TTe Coronel Licenciado E. Mosquera, UNASE.
  - 23 E-mail exchange with M. Vallier, Dutch embassy in Quito, 10 November 2004.
  - 24 Agencia de Noticias de la Policia del Ecuador (SIPOL), 'UNASE cumplio 91 operativos en el ano', 26 December 2006.
  - 25 Escuela Superior Politecnica del Litoral.
  - 26 Centro de Estudios e Investigaciones Estadísticas ICM-ESPOL, www.icm.espol.edu.ec/delitos.
  - 27 Cuerpo de Investigaciones Científicas Penales y Criminalísticas / Organization for scientific judicial and criminal research. Formerly the PTJ.
  - 28 Encuesta nacional, Observatorio Venezolano de violencia. Estudio sobre violencia interpersonal y percepción ciudadana de la situación de seguridad.
  - 29 Official figures of the CICPC, published by INCOSEC, Caracas, on the congress 'Kidnapping and Extortion', February 2008.
  - 30 Fundación País Libre, Claudia M. Llano R., 'El secuestro en Venezuela 2002-2007', June 2008. Study carried out on behalf of IKV Pax Christi.
  - 31 Rodrigo Rojas Orozco, Las acciones estatales contra el secuestro en Venezuela, May 2008, study carried out at the request of IKV Pax Christi.
  - 32 Fundación País Libre, Claudia M. Llano R., 'El Secuestro en Venezuela', June 2008. Study performed on behalf of IKV Pax Christi.
  - 33 Fundación País Libre, 'Secuestro 2006-2008', 30 May 2008.
  - 34 Fundación País Libre, '¿Y de los secuestrados del ELN, qué? Bitácora de acontecimientos 2000 - 2007', p. 5.
  - 35 Fundación País Libre, 'Estadísticas del Secuestro 1996 a 2006', 2007.
  - 36 Colombian Public Prosecution Service, 'Extranjeros secuestrados en Colombia', 2005 - 2006.
  - 37 Revista Lideres, 'El Secuestro diversifica sus rostros', 14 February 2005.
  - 38 Revista Gaceta Fundación País Libre: 'La justicia frente al secuestro y la extorsión'.
  - 39 Rodrigo Rojas Orozco, Las acciones estatales contra el secuestro en Venezuela, May 2008, study carried out at the request of IKV Pax Christi.
  - 40 Ditto.
  - 41 El Tiempo, 'Eln congela contactos con el Gobierno por 'inflexibilidad de las condiciones'', 5 April 2005.
  - 42 The chart and figures in the following paragraphs are also based on 'Estadísticas del Secuestro 1996 - 2006'.
  - 43 Junta de Inteligencia, 'Estimación de los ingresos y egresos de las FARC durante 2003 basados en información de inteligencia recolectada por las agencias del estado', Bogotá, 24 February 2005, p. 14
  - 44 DNP, 'Archivos de Economía, Secuestro en Colombia; Caracterización y Costos económicos', 9 June 2004, p. 16.
  - 45 Interview with DIPOL, Bogotá, June 2008.
  - 46 See also: UNDP, 'Hechos del Callejón. El secuestro en Colombia: disminuye pero se transforma', December 2005, p. 12.
  - 47 UNDP, 'El conflicto: callejón con salida - Informe Nacional de Desarrollo Humano Colombia - 2003', 2003, p. 285.
  - 48 Pinto Borrego, M. E., 'Secuestro en Colombia; Caracterización y Costos económicos' Departamento



- Nacional de Planeación, Documento 275, 9 June 2004, p. 38.
- <sup>49</sup> UNDP, 'El conflicto: callejón con salida - Informe Nacional de Desarrollo Humano Colombia - 2003', 2003, p. 285.
- <sup>50</sup> UIAF, 'Documento final versión 3', confidencial, 2004, p. 48.
- <sup>51</sup> Ditto.
- <sup>52</sup> El Universal, [www.eluniversal.com.mx](http://www.eluniversal.com.mx), 'FARC ganan mil mdd al año por venta de droga al narco', 21 February 2007.
- <sup>53</sup> Pax Christi Netherlands, 'The kidnap industry in Colombia - Our business?', Pax Christi Netherlands, Utrecht, 2001, p. 24.
- <sup>54</sup> Jane's Intelligence Review, 'Columbian report shows FARC is world's richest insurgent group', September 2001.
- <sup>55</sup> Reuters, 'Colombia accuses ELN rebels of drug smuggling', 3 April, 2007.
- <sup>56</sup> For example, ELN leader Pablo Beltrán in an RCNTV radio interview 'Todos somos parte del problema y de las soluciones', 23 May 2007.
- <sup>57</sup> UNDP, 'El conflicto: callejón con salida - Informe Nacional de Desarrollo Humano Colombia - 2003', 2003, p. 285.
- <sup>58</sup> MAPP/OEA. 'Eight quarterly report of the secretary general to the permanent council on the mission to support the peace process in Colombia', 14 February 2007.
- <sup>59</sup> Interview with the Vice Fiscalía, Bogotá, 2 May 2005.
- <sup>60</sup> Fundación País Libre, e-mail Olga Lucía Gómez, 19 February 2006.
- <sup>61</sup> Interview with DIPOL, Bogotá, June 2008.
- <sup>62</sup> UNDP, 'El conflicto: callejón con salida - Informe Nacional de Desarrollo Humano Colombia - 2003', 2003, p. 285.
- <sup>63</sup> The Unidad de Información y Análisis Financiero (UIAF) of the Ministerio de Hacienda y Crédito Público.
- <sup>64</sup> UIAF, 'Documento final versión 3', confidencial, 2004, p. 49. The UIAF is department of the Ministry of Economic Affairs and Finance that is responsible for investigating and combating money laundering. The exchange rates applicable at the time were used for converting pesos to dollars for the 1996 to 2000 period (see Pax Christi, Chapter 2, note 14). For the 2001 to 2003 period, the average of the exchange rates on 1 January and 31 December of the year concerned was used.
- <sup>65</sup> Junta de Inteligencia, 'Estimación de los ingresos y egresos de las FARC durante 2003 basados en información de inteligencia recolectada por las agencias del estado', 24 February 2005.
- <sup>66</sup> E-mail correspondence with Fundación País Libre, June 2008.
- <sup>67</sup> Interview with DIPOL, June 2008.
- <sup>68</sup> E-mail correspondence with Fundación País Libre, June 2008.
- <sup>69</sup> Tax-free goods that are sold on the markets of San Andresitos came from the Caribbean island of San Andrés. Existing legislation has brought an end to this situation. However, it is alleged that goods now on sale on these markets come from smuggling, or other ways of avoiding tax.
- <sup>70</sup> Revista Gaceta, A. Daza, 'La Extorsión', Fundación País Libre - Cámara de comercio, August 2006.
- <sup>71</sup> 'Ecueta de Victimización de Hogares 2003-2004'. DANE - DNP (Siseño temtico y análisis preliminar Ana Daza).
- <sup>72</sup> El Tiempo, 'Auge de 'oficinas de cobro' por guerra entre algunos grupos paramilitares y narcotraficantes', 11 September 2005.
- <sup>73</sup> See e.g.: International Crisis Group, 'Colombia's New Armed Group's, Latin America Report, May 2007.
- <sup>74</sup> See e.g.: AP, 'Liberan a extranjeros secuestrados en Colombia', 24 November 2003; El País, 'Entre lunes y martes liberarían a extranjeros', 20 December 2003.
- <sup>75</sup> See AZG, [www.artsenzondergrenzen.nl](http://www.artsenzondergrenzen.nl), 'Detainees in Colombia released', 10 February 2006; The Daily Journal, 'Colombia's leftist rebels blamed for workers' abduction', February 2006; El Diario/ La prensa, 'Médicos extranjeros dicen que se quedan en Colombia', 10 February 2006.
- <sup>76</sup> Las Voces del Secuestro; [www.lasvocesdelsecuestro.com](http://www.lasvocesdelsecuestro.com).
- <sup>77</sup> The three Americans were Thomas Howes, Marc Gonsalves and Keith Stanse.
- <sup>78</sup> In the meantime, some of the imprisoned FARC members (650 of the total of 1700 FARC prisoners) have stated that they are unwilling to return to the FARC, and will therefore not be part of a humanitarian exchange. El País, 'No queremos ser cajeables', 28 April 2008; see also [www.manosporlapaz.org](http://www.manosporlapaz.org).
- <sup>79</sup> See for a detailed discussion of these terms González Posso, 'Lo que usted debe saber sobre el intercambio humanitario', especial para El País ([www.elpais.com.co](http://www.elpais.com.co)).
- <sup>80</sup> The release took place in two phases: In January 2008: Clara Rojas and Consuelo González. In February 2008: Gloria Polanco, Jorge Eduardo Gechem, Orlando Beltrán and Luis Eladio Pérez.
- <sup>81</sup> BBC, 'Colombia's Farc back in limelight', 28 February 2008.
- <sup>82</sup> Ditto.
- <sup>83</sup> BBC, 'Neighbours cut ties with Colombia', 4 March 2008.
- <sup>84</sup> [www.semana.com](http://www.semana.com), 'El computador de Reyes', 3 April 2008.
- <sup>85</sup> Fundación País Libre, '¿Y de los secuestrados del ELN, qué?' Bitácora de acontecimientos 2000 - 2007, p 56.
- <sup>86</sup> These are all government bodies tasked with investigating kidnapping and extortion.
- <sup>87</sup> Fundación País Libre, '¿Y de los secuestrados del ELN, qué?' Bitácora de acontecimientos 2000 - 2007, p 6.
- <sup>88</sup> Ditto.
- <sup>89</sup> [www.novativ.nl](http://www.novativ.nl), 'Looking for Tanja in the jungle', broadcast on 16 November 2007. Quoted, among others, by El Tiempo, 'En programa de TV holandesa, Farc pidieron a Unión Europea sacarlas de lista de grupos terroristas', 16 November 2007.
- <sup>90</sup> For a comprehensive summary of Moncayo's walk, see the dossier 'Camino de la Paz', El Colombiano, [www.elcolombiano.com](http://www.elcolombiano.com).



- <sup>91</sup> Semana: 'Un año después de la muerte de los 11 diputados del Valle', 18 June 2008. An e-mail from Alonso Cano, which was found by the Colombian authorities in the late Raul Reyes' laptop computer, is said to reveal that the FARC murdered the representatives because of suspicions that they were being attacked by an ELN frente. It transpired later that it was not an ELN frente, but another FARC unit.
- <sup>92</sup> For a chronological overall summary of this matter, see El País, 'Recordar, no es vivir – ex diputados: cinco años de ausencia', April 2007.
- <sup>93</sup> El Tiempo, 'Estos son los cinco conclusiones de la Fiscalía sobre la muerte de los once diputados de la Valle', 27 September 2007.
- <sup>94</sup> El Tiempo, 'Aquí vivimos muertos', dice Ingrid Betancourt en la carta que le envié a su madre', 1 December 2007.
- <sup>95</sup> The many reactions to the newspaper articles on the internet sites of the Colombian newspapers (www.eltiempo.com, www.elpais.com), internet forums and the many blogs give a good impression of this debate.
- <sup>96</sup> Explicitly described in points 16 to 19, inclusive, in the documento de política of 4 March 2003.
- <sup>97</sup> 'Se evaluará la necesidad de aquiescencia de los familiares para realizar los operativos de rescate.' See point 17 of the documento de política.
- <sup>98</sup> Actualidad Colombiana, 'Que se proscriba el secuestro como un arma de la guerra y se busque un Acuerdo más igualitario', Edición No. 445, 5 - 19 February 2007 (Interview with Olga Lucía Gómez and Hugo Alonso Pineda, Fundación País Libre).
- <sup>99</sup> Revista Gaceta Fundación País Libre: 'La Denuncia en Latinoamérica, TTe Coronel Licenciado Eduardo Mosquera UNASE. 2007.
- <sup>100</sup> Dutch embassy in Quito, M. Vallier in e-mail exchange with Pax Christi, 10 November 2004.
- <sup>101</sup> BBC, 'Analysis: Colombia's conflict spills over', 5 April 2002.
- <sup>102</sup> Hoy, www.hoy.com.ec/e, consulted on 14 August 2007.
- <sup>103</sup> BBC, <http://news.bbc.co.uk/1/hi/>, consulted on 10 August 2007.
- <sup>104</sup> People Daily, <http://spanish.peopledaily.com.cn/>, consulted on 14 August 2007.
- <sup>105</sup> El Mercurio, [www.elmercurio.com.ec/](http://www.elmercurio.com.ec/), consulted on 14 August 2007
- <sup>106</sup> El Diario, [www.eldiario.com.ec/](http://www.eldiario.com.ec/), consulted on 14 August 2007.
- <sup>107</sup> [www.fac.mil.co/](http://www.fac.mil.co/) consulted on 14 August 2007.
- <sup>108</sup> Fundación País Libre, Claudia M. Llano R., 'El secuestro en Venezuela 2002-2007', June 2008. Study carried out on behalf of IKV Pax Christi.
- <sup>109</sup> Gobierno Bolivariano de Venezuela, Ministerio del Poder Popular para la Comunicación y la Información, [www.mincigov.ve/](http://www.mincigov.ve/), 'Ha sido efectiva cooperación entre Colombia y Venezuela para enfrentar inseguridad fronteriza', 16 November 2006. These two operating methods have also been observed by the Fundación País Libre in: El Tiempo, 'Venezolanos relatan cómo es el secuestro por parte de la guerrilla colombiana', 19 January 2008.
- <sup>110</sup> 'El mundo' de Caracas, 4 September 2006, p. 10.
- <sup>111</sup> El Universal, 'Carreno acusa a Colombia de no tener una franca integración fronteriza con Venezuela', 9 March 2007.
- <sup>112</sup> El Tiempo, 'Gobierno venezolano insiste en que no hay ciudadanos de su país secuestrados por la guerrilla', 19 January 2008.
- <sup>113</sup> Fuerza Bolivariana de Liberación (Bolivarian Liberation Army).
- <sup>114</sup> Interview with DIPOL, June 2008.
- <sup>115</sup> The original text of the pamphlet: "Señor: XXXXX  
Un gran saludo revolucionario. Nos dirigimos a usted persona ubicada la región Pueblo Nuevo centro de FARC\_EP operaciones Merida y Zulia. Siendo persona que nunca a aparecido en el libro. Respetuosamente se le pide una colaboración valorada en cincuenta millones de BS pacto de sangre por el cual tiene nuestro total respaldo y respeto a su dignidad familiar. Cualquier Negativa Paz o Muerte. (Una firma ilegible) Con Bolívar por la paz y la soberanía nacional."
- <sup>116</sup> Grupos de Acción Unificada por la Libertad Personal y Antiextorsión (Unified Action Groups for Personal Freedom and against Extortion).
- <sup>117</sup> Judgment C-542/93 of the Corte Constitucional, 24 November 1993.
- <sup>118</sup> See e.g.: El País, 'Gobierno condena pago de rescates en caso de secuestro', 15 July 2004.
- <sup>119</sup> Corte Supremo de Justicia, S. Penal, Sent. 20326, mayo 25/06. M. P. Edgar Lombana Trujillo. Some countries legally recognize kidnapping only 48 hours after unlawful deprivation of liberty. The Colombian court gave less weight to how long a paseo millonario lasts, than to whether someone is deprived of their liberty as a coercive tactic for economic gain. See: DIJIN, 'Paseo millonario, ¿Secuestro extorsivo?', in: Boletín Semanal de Criminalidad no. 034, August 2006. [www.policia.gov.co](http://www.policia.gov.co).
- <sup>120</sup> Judgment C-542/93 of the Corte Constitucional, 24 November 1993.
- <sup>121</sup> See Article 15 of Ley 722, 2002. La Semana, 'Secuestros Inc.', 20 October 2003.
- <sup>122</sup> Rodrigo Rojas Orozco, Las acciones estatales contra el secuestro en Venezuela, May 2008, study carried out at the request of IKV Pax Christi.



## To pay or not to pay? The issue of international responsibility

In its 2001 report, IKV Pax Christi held Europe partly responsible for prolonging the armed conflict in Colombia. The large ransoms that were paid augmented the illegal armed groups' income from the drugs trade and extortion, resulting in an explosive expansion of their military machinery. The financial success of the kidnappings in the early 1990s also gave rise to a veritable kidnap industry.

In 2008, kidnapping is still an instrument of war in conflict zones. Besides Colombia, the phenomenon can also be observed in Nigeria, Iraq, Afghanistan and Pakistan. Westerners are often important targets of the illegal armed groups in these conflict regions. This involvement obliges the international community in general, and foreign governments, companies and NGOs in particular, to think about their share of the responsibility for prolonging armed conflicts, and their own policy on kidnapping.

### 4.1. Two thorny topics

Two topics dominate the international debate about kidnapping. The first has to do with whether governments, companies and NGOs should actually concede to kidnappers' economic or political demands. The related European policy is discussed extensively in Sections 4.4. and 4.5.

The second has to do with insurance against kidnapping and extortion.<sup>1</sup> These policies cover not only a possible ransom payment, but usually also the services of kidnap response firms. These firms advise clients and their families in the event of kidnapping, and make recommendations on security. The insurance premiums range from 1500 to 5000 dollars a year per person.<sup>2</sup>

The World Bank in its 2003 report 'The conflict trap' adopted a clear stance against insurance of this kind, concluding that it would make the payment of possibly excessive ransoms more likely. The insurance would then encourage new kidnapping, and provide economic fuel to illegal groups. The World Bank has recommended banning this kind of insurance, and ceasing to allow ransom to be tax deductible.<sup>3</sup> The insurers actually deny in general that they make large payouts for ransom to their clients. They even add that the amounts involved are lower than what the insured victims would be prepared to pay. The insurers attribute

this effect to the professionalism of the kidnap response firms' experts that they engage.<sup>4</sup> Insurers also point out that their commercial interests are served by keeping ransoms low.<sup>5</sup> The problem is that insurers never release figures about ransoms, making it hard to verify their claims.

However, staff of the Colombian Public Prosecution Service and the GAULA<sup>6</sup> think differently. They claim that in the kidnappings mediated by kidnap response firms, between two and four times as much ransom is paid than strictly necessary.<sup>7</sup> The experience of the Colombian NGO *País Libre* is that kidnap response firms handle kidnapping cases too rapidly. This nonprofit organization supports families of kidnapped people, and actually advises to be patient and not to rush the negotiations. Quick payment gives the kidnappers the impression that the family has ample funds available, which will encourage other kidnappings close to the former victim. *País Libre* also says that paying too fast can lead to the victim not being released, with new ransom demands following.

The involvement of kidnap response firms in a kidnapping can lead to problems with the national, possibly specialized, security services.<sup>8</sup> Officially, the firms inform the national security services during the operation, but the Colombian GAULA has the impression that its work is hindered when a kidnap response firm is involved in the case. The victim's family will then be working on two fronts at the same time, and often will not disclose all the information to the GAULA.<sup>9</sup> We are aware of at least one case from 2003 in which a kidnap response firm insisted that the family of a kidnapped Colombian entrepreneur break all contact with the Colombian authorities.<sup>10</sup>

### 4.2. The international debate: the UN

It has become increasingly apparent to the international community in recent years that a joint approach to kidnapping is needed. This conclusion is supported, among other things, by the more intense international debate in the UN, the G8 and the EU, with sharp condemnation of the kidnapping phenomenon, and a cautious start on coordinated international antikidnapping efforts. To date, however, no internationally binding communal guidelines regarding kidnapping have emerged whatsoever. State

autonomy would appear to have priority over an effective joint approach to kidnapping.

At the 1979 International Convention against Kidnapping in New York, the UN condemned kidnapping and hostage-taking as a ‘serious crime against the international community’. It was also determined that ‘within the legal provisions of this Convention, anyone guilty of kidnapping will be prosecuted or deported’.<sup>11</sup> There was no comment on the payment of ransom.

There was more international attention for the vulnerable position of aid workers and NGO staff in conflict zones in response to the 2003 attacks on UN targets and aid workers in Iraq.<sup>12</sup> UN Security Council resolution no. 1502 was passed in 2003, for the protection of humanitarian aid workers and UN staff. The resolution includes condemnation of kidnapping and hostage-taking of humanitarian aid workers, and an appeal to states to guarantee the safety of humanitarian aid workers and to punish kidnappers.<sup>13</sup>

The UN Economic and Social Council established a legal framework in December 2004 for cooperation between the member states on combating kidnapping, and the money-laundering of ransom and extortion proceeds (resolution number 59/154).<sup>14</sup> The UNODC produced a manual for governments involved in this issue, and provides training for national governments. The resolution recommends paying no ransom. However, the countries retain autonomy regarding their actual decisions on this point.

#### 4.3. The international debate: the G8

In the spirit of the 1979 UN Convention, the G7 declared<sup>15</sup> in 1995 that it wished to arrive at a joint approach to international terrorism, including kidnapping. The G7 called on the member states to condemn kidnapping, not to accede to kidnappers’ demands, to stop kidnapping being profitable for the perpetrators, and to secure the punishment of kidnappers. All the above with due regard to the safety of the victims.<sup>16</sup>

The chair of the G8,<sup>17</sup> the United Kingdom, put kidnapping back on the agenda in 1998. At an official level, the G8 agreed several guidelines on how to handle kidnapping, including the nonpayment of ransom.<sup>18</sup> However, on a ministerial level the declaration was less clear. The G8 foreign ministers declared that there should be no concessions to terrorists, and that a ‘united front against the payment of ransom’ was needed in order to deter kidnappers.<sup>19</sup>

#### 4.4. The international debate: the EU

At the 1977 European Convention on the Suppression of Terrorism, in Strasbourg, the member states agreed that kidnapping should not be treated as a political offence. This change of policy facilitated the extradition of kidnappers between member states. No statements were made at the convention about paying ransom.<sup>20</sup>

However, the discussion of this subject regularly flared up as new kidnapping cases occurred. The United Kingdom in particular repeatedly put the subject on the European agenda. The United Kingdom proposed in 1998 the incorporation into EU foreign policy of the G8 guidelines that had been agreed earlier that year. The proposal was not adopted.<sup>21</sup> At the first European Conference on Terrorism in Madrid in February 2001, the EU resolved to ‘work out a common strategy concerning the kidnapping of EU citizens outside the EU’.<sup>22</sup> However, this joint strategy has yet to materialize.

After the attacks in New York in September 2001, there was more political willingness in Europe to arrive at a joint policy on suppressing terrorism. As a result, the European Council, within the framework of its antiterrorism legislation, defined kidnapping as a ‘terrorist act’.<sup>23</sup> This pronouncement likewise failed to lead to a common European strategy. A European Council official was willing to confirm that ‘there is no such thing as an EU policy’ on the kidnapping of EU nationals. The elaboration of the general policy falls ‘under the responsibility of the individual member states’.<sup>24</sup> Nonetheless, the EU regularly condemns kidnapping in public statements, and calls for the release of victims.<sup>25</sup>

The discussion in the EU surrounding the payment of ransom or making political concessions to kidnappers continues unabated. The then vice-chairman of the European Parliament Committee on Foreign Affairs, Baroness Nicholson, responded censoriously to media reports of the payment of ransom by France, Germany and Italy alike. She wanted to ‘propose an emergency resolution, and to table parliamentary questions for the Commissioner for External Relations’.<sup>26</sup>

In 2005 and 2006, IKV Pax Christi studied European member states’ positions on a common European policy on kidnapping. The Swedish government reported: ‘Until now Sweden has taken no decision on a common policy on this topic’.<sup>27</sup> The United Kingdom again appeared to be the champion of a European policy, in line with the G8 principles, based on nonpayment of ransom.<sup>28</sup> Most European member states, conversely, although willing to arrive at better European coordination, did not want future agreements to be binding.

For instance, the Belgian Ministry of Foreign Affairs stated: ‘a binding European policy on this issue would appear to me not to be useful, precisely because of the diversity and complexity of the dossiers concerned. Nonetheless, it should be possible to arrive at a few practical agreements on a European level, such as how to deal with dossiers in which citizens of multiple European member states are kidnapped together’.<sup>29</sup> According to the German government, a ‘joint European approach to kidnapping in line with EU principles could be useful’. However, a common policy of this kind should not ‘have a binding effect’.<sup>30</sup> The Netherlands supports a ‘closer partnership’ in the event of kidnapping abroad, but considers it important for this to be ‘informal, voluntary and practical’.<sup>31</sup>

#### 4.5. To pay or not to pay: the policy of the EU member states, and what happens in practice

In the absence of shared European guidelines, each individual member state has its own policy on kidnapping. Many EU member states base their formal policy on the principle that kidnappers’ demands should not be met. However, there are several striking discrepancies between the official nonpayment policy and how European member states resolve kidnapping cases abroad in practice.

##### 4.5.1. Belgium

Belgium has been involved with ten kidnappings in the past ten years. They were said to be ‘criminal kidnappings without political connotation’.<sup>32</sup> The kidnappings were in Colombia (three), Indonesia, Nigeria, the Philippines, Mexico, Somalia, and Yemen. According to Mr Veestraeten, the Director-General of the Belgian Federal Public Service for Foreign Affairs<sup>33</sup> ‘the Belgian State has never paid ransom’.<sup>34</sup> ‘None of the dossiers handled involve negotiations between the Federal Public Service for Foreign Affairs and the kidnappers. In each case, the family concerned used a confidential adviser. The ministry did sometimes help in identifying a suitable negotiator’.<sup>35</sup>

##### *Practice*

In the kidnapping of the Belgian student Karel Dick (Colombia, September 2001 – March 2002), the Belgian government actually did negotiate through third parties. But the Belgian government also made concessions to the kidnappers. The Colombian guerrilla group ELN kidnapped Karel Dick while he was on his way by bus from Medellín to Cali. The Belgian Ministry of Foreign Affairs and the Belgian embassy in Bogotá worked together with the Colombian authorities, the Federal Police kidnapping specialists and the International Red Cross.<sup>36</sup>

‘A genuine breakthrough was reached by AGALEV member of parliament Lode Vanoost. He used his good contacts with ELN and worked together with the Ministry of Foreign Affairs to work out a scenario for release with favourable effect’, as the Ministry of Foreign Affairs press release says.<sup>37</sup> The press release states explicitly that no ransom was paid. However, since Belgium held the presidency of the EU at the time, the Ministry of Foreign Affairs was able to make political concessions to the ELN.<sup>38</sup> The research institute IPIS says that, with Belgian government help, the ELN was not placed on the European list of terrorist groups.<sup>39</sup> On the other hand, the Colombian armed groups FARC and AUC were added to the list in that year. The ELN eventually followed suit in April 2004.

##### 4.5.2. France

IKV Pax Christi has attempted several times through numerous channels to acquire information about official French policy on kidnapping. However, the French Ministry of Foreign Affairs and the French embassies in Bogotá and The Hague have never answered our questions.<sup>40</sup> In the absence of an official response, we have attempted to distil the French government’s approach from two actual kidnapping cases.

##### *Practice*

The first case was that of the Colombian presidential candidate Ingrid Betancourt, who was kidnapped in Colombia on 23 February 2002. She has French nationality, and the case has therefore been causing a stir in France for some years. Ingrid Betancourt is one of the FARC kidnap victims who could qualify for an exchange with imprisoned FARC fighters. From the outset, France has worked actively on Betancourt’s release. They have apparently been prepared to make concessions to the FARC, and even to risk a diplomatic crisis with Colombia.

It came to light by chance in July 2003 that France had sent a military aircraft to the Brazilian Amazon area, with French soldiers and members of the secret service on board. The French refused to allow the Brazilian authorities to inspect the aircraft.<sup>40</sup> The Brazilian press reported that the aircraft had soldiers, medical facilities and ransom on board.<sup>42</sup> Some of the medical support was said to be destined for the then FARC commander Raúl Reyes.<sup>43</sup> The Colombian government publicly accused France of holding discussions with the FARC without their permission.<sup>44</sup> The Brazilian Minister of Foreign Affairs announced that the government had demanded the departure of the French aircraft as soon as they learned of the delegation’s aims.<sup>45</sup> The diplomatic row ultimately fizzled out.



The French government then focused pressure on the Colombian government to effect an exchange between the kidnapped group and FARC prisoners. On 27 July 2005 the French Ministry of Foreign Affairs announced that France was ‘willing to receive’ any FARC members released in a humanitarian exchange with Ingrid Betancourt.<sup>46</sup> Although, after his re-election, president Uribe stated that no exchange of this kind would take place under his administration, the French president Sarkozy managed to change his mind in 2007. With the knowledge of the Colombian government, France then maintained contacts with the FARC and Venezuelan president Hugo Chávez, who was supposed to facilitate the release of the kidnap victims. As is known, Chávez’ mediation led to the release of a small group of kidnap victims. Ingrid Betancourt was released by the Colombian army in July 2008.

The second case is that of Florence Aubenais, a French journalist who was kidnapped by a criminal gang together with her Iraqi driver in Iraq on 5 January 2005. Upon her release five months later, Robert Mênard, the director of Reporters Without Borders in France reported that ‘no release happens without something in return, and one of the demands was for ransom’. The French government insisted that the organization retract this statement, and issued a clarification to the effect that the director had ‘expressed himself carelessly’.<sup>47</sup> The French government gave reassurances that: ‘there was absolutely no ransom demand. No ransom was paid’.<sup>48</sup> However, The Times reported that some 10 million dollars had been paid, as evidenced by confidential documents in the possession of security people in Baghdad.<sup>49</sup>

#### 4.5.3. Spain

Spain has substantial national experience with kidnapping, because of the government’s conflict with the Basque ETA. However, ‘it cannot be said that Spain has an official policy on the kidnapping of Spanish citizens abroad’.<sup>50</sup> The Spanish government states that it is ‘opposed to the payment of ransom’, because ‘payment provides no guarantee whatsoever of the return of the kidnap victim alive, and can also cause a repetition of the offence in the future’. Furthermore, ransom paid could be used to finance illegal activities.<sup>51</sup>

##### *Practice*

The international and Spanish press stated in their reports of a recent kidnapping in Somalia that Spain in practice is at least willing to provide extensive logistical support in the payment of ransom. The case involved the kidnapping by Somalian pirates of 26 passengers (13 of whom were Spanish) from the fishing vessel Playa de Bakio on 20 April 2008. The victims were released six

days later. El País says that the Spanish government facilitated payment of the ransom, by instructing the Spanish government body CNI (*Centro Nacional de Inteligencia*) to deliver it. The 1.2 million dollars ransom was said to have been paid by the vessel’s owner.<sup>52</sup>

#### 4.5.4. Germany

The German Ministry of Foreign Affairs informed IKV Pax Christi that ‘the German government does not give in to extortion’. Furthermore ‘it pays no ransom, nor does it accede to other demands of kidnappers. However, if the victim is a private individual, the government will advise and support the family with a view to bringing the matter to a satisfactory conclusion.’<sup>53</sup>

##### *Practice*

The international press in recent years has on several occasions reported the payment of ransom by the German authorities for the release of German kidnap victims in Algeria and Iraq. The cases include the kidnapping of 32 tourists in the Algerian Sahara in 2003 by the Islamic militant group GSPC. Seventeen of the 32 were released by Algerian commandos in May 2003. One woman died, and the other fourteen were taken to Mali, where they were eventually freed. The then chancellor, Schröder, called the liberation of the victims a victory over international terrorism, but reports appeared in the press soon after the release that the German government had paid ransom. They were said to have done so in the form of foreign aid to Mali, which then channelled the money to the kidnappers.<sup>54</sup>

Three German citizens were kidnapped in Iraq in 2005 and 2006. After the release of the German archaeologist Susanne Osthoff on 18 December 2005, Chancellor Merkel was at first unwilling to comment on whether payment was made. She claimed that the German government had not been held to ransom. However, in an article in The Times, the Iraqi ambassador in Berlin stated that the German government had paid ‘a substantial amount’. A report appeared in the press that the German government had paid a ransom of three million dollars. It was said that the demand was for 10 million.<sup>55</sup> Payment was also said to have been made for the release of the Germans Rene Braunlich and Thomas Nitzschke (who were kidnapped in January 2006). The press mentions an amount of five million dollars.<sup>56</sup>

These payments acted as a precedent. Since then, the number of Germans kidnapped abroad, in particular in Iraq and Afghanistan, has risen sharply, and the economic value of kidnap victims has increased. This phenomenon has prompted a heated debate in Germany about German policy.<sup>57</sup> ‘We have to consider whether we can justify paying money for kidnap victims, if it will



ultimately be used to buy weapons to kill our soldiers in Afghanistan', commented a senior security adviser of the German Ministry of Internal Affairs.<sup>58</sup> According to anonymous sources within the German government, Germany is now considering adopting the policy of the United States, the United Kingdom and Israel, which they say have a more stringent nonpayment policy, and refuse to negotiate with kidnappers.<sup>59</sup>

#### 4.5.5. The United Kingdom

The British government 'is able to confirm that British government policy on kidnapping is nonpayment of ransom', according to an e-mail message from the Counterterrorism Policy Department.<sup>60</sup> 'As both the prime minister and the foreign secretary have stated, the British government will never give in to kidnappers' demands'. The safety of kidnap victims nonetheless has a high priority for the British government too.<sup>61</sup>

The British government will listen on 'humanitarian grounds alone to what the kidnappers have to say'.<sup>62</sup> They distinguish between humanitarian and substantial concessions to kidnappers. Humanitarian concessions involve the supply of clothing, medicines, or clean drinking water. They define substantial concessions as the payment of ransom and the release of prisoners. The British government does not make concessions of this kind.<sup>63</sup>

#### *Practice*

Various kidnapping cases of British citizens in conflict zones have shown that it is indeed hard to get the British authorities to back down in practice. An article in The Times claimed that the United Kingdom 'had never paid for its citizens, despite pressure from the employers of some kidnap victims' with respect to kidnappings in Afghanistan and Iraq. However, the British in Iraq are said to have paid an 'expense allowance' to intermediaries for establishing contacts with the kidnappers.<sup>64</sup> The other side of British policy is that kidnapping cases can be prolonged, or may culminate in the death of the kidnap victim. For instance, the British Margaret Hassan was murdered by her Iraqi kidnappers in October 2004 after the British prime minister Tony Blair made a statement on television that the government would never pay for her release.<sup>65</sup>

Unlike most other European countries, the British government works actively on locating and liberating victims. In various cases the British government has been prepared to deploy antiterror units of SO13, MI6 and the SAS abroad.<sup>66</sup> Because rescue actions are extremely risky, in at least one case the British troops gave the liberation of the victims priority over arresting the perpetrators.

For instance, the liberation of the kidnapped British peace activist Norman Kember<sup>67</sup> and his two Canadian colleagues (Iraq, March 2006) was led by British special forces.<sup>68</sup> They gave the kidnappers 'time to escape', in order to avoid a perilous exchange of fire.<sup>69</sup> It transpired later that the kidnappers were members of a gang, 'which worked closely with Abu Musab al-Zarqawi, a wanted al-Qaeda leader in Iraq' and had been responsible for various kidnappings. The American authorities in Baghdad, which allowed the British to take the lead in the liberation of Kember and his two colleagues, sharply criticized the British approach in this case.<sup>70</sup>

#### 4.5.6. Italy

Italy had been confronted for many years with kidnapping on its own territory by the Italian Mafia, which led them to enact legislation to suppress kidnapping practices.<sup>71</sup> The payment of ransom has been illegal since 1991, as has taking out kidnap insurance.<sup>72</sup> However, Italians abroad are not forbidden to pay ransom.<sup>73</sup> The Italian embassy in The Hague assured IKV Pax Christi by phone that the legislation was still in force.<sup>74</sup> Otherwise, Italy does not wish to provide information about its policy on the payment of ransom.

#### *Practice*

The Italian's restraint may have to do with the wave of criticism directed at the Italian government after articles in the Italian newspaper *La Repubblica*, about evidence in a military police report of substantial ransom payments by the Italian government for the release of kidnapped Italian citizens in Iraq. In the case of the kidnapping of the two Italian volunteers, Simona Torretta and Simona Pari (September 2005), the kidnappers were said to have received ransom of five million euros.<sup>75</sup> It appeared later that even more concessions had been made to the kidnappers. The Italian Red Cross in Iraq had smuggled four Iraqi terrorist suspects through American army posts in order to provide them with medical care.<sup>76</sup>

*According to La Repubblica*, another five million euros was paid for the release of the journalist Giuliana Segrena in the spring of 2005. The money was said to have been transferred by officials of the Italian military intelligence service and the Italian Red Cross.<sup>77</sup> The Italian prime minister Silvio Berlusconi's initial response to the sharp criticism from the British and American governments was to comment coolly that 'difficult decisions had to be taken'.<sup>78</sup> Berlusconi appears to have taken the criticism more to heart in 2005. He told the press that the Italian government 'should revise its strategy for kidnapping'.<sup>79</sup>

#### 4.5.7. Sweden

The Swedish authorities say they have no official policy regarding the kidnapping of Swedes abroad. There are few known kidnappings of Swedes. The Iraqi-Swedish secretary-general of the Iraqi Christian Democratic party, Mr Minas Ibrahim al-Yussufi, was kidnapped in Iraq in January 2005. The Swedish government stated after his release on 18 March that it did not know whether ransom had been paid.<sup>80</sup>

#### 4.5.8. Austria

Austria has had relatively little to do with kidnapping. The ambassador will not comment on Austria's policy on the payment of ransom, nor on the desirability of a European policy in this area.<sup>81</sup>

Recently, on 22 February 2008, two Austrian tourists were kidnapped in Tunisia by the Algerian *Al-Qaeda in Islamic Mahgreb* (AQIM).<sup>82</sup> The kidnappers stated that 'Western tourists were seeking pleasure in Tunisia, while our people in Gaza are being slaughtered', referring to the recent Israeli offensives in Gaza.<sup>83</sup> In the first instance, they demanded the release of several Islamists imprisoned in Algeria and Tunisia. The demand for release has since been dropped, and it seems likely that ransom will be demanded. The Arab media reported that the Austrian government had contacted Gaddafi to request mediation in the release. This was confirmed by Libyan diplomats. The Austrian authorities refuse to confirm this report. Nonetheless, Vienna reiterated that they 'will not negotiate with kidnappers'.<sup>84</sup>

#### 4.5.9. The Czech Republic

The Czechs say they never pay ransom, but do negotiate.<sup>85</sup> The country does not distinguish between criminal gangs and illegal armed political groups. The Czech Ministry of Foreign Affairs says that many criminal organizations try to justify their actions by claiming to have political motives.<sup>86</sup> We are unaware of any kidnapping cases involving Czech citizens.

#### 4.5.10. The Netherlands

'The official policy of the Dutch government regarding the kidnapping of Dutch citizens abroad is that the Dutch government will not negotiate on the release of Dutch citizens', according to a letter from the Ministry of Foreign Affairs to IKV Pax Christi.<sup>87</sup> The Netherlands therefore never pays ransom in principle. The Dutch government does not actively discourage families or anyone else involved from paying ransom, but neither does it do anything to encourage the practice.<sup>88</sup>

#### Practice

The two cases described below illustrate how Dutch policy can be given variable interpretation in practice. The Netherlands had only a facilitating role in one of the cases, while the Dutch government paid ransom to the kidnappers in the other. The first kidnapping, of the Dutch biology student Roelant Jonker, took place in Colombia in October 2001. The academic institution at which Jonker studied eventually paid between six and eight thousand euros<sup>89</sup> in ransom to the guerrilla movement FARC.<sup>90</sup> After his release in June 2002, the Dutch government had to answer critical questions in parliament about the payment and the negotiations. However, the Dutch government appeared to have adhered to its nonpayment policy in this case .

The Minister of Foreign Affairs claimed not to have been involved either in the payment, or in its delivery, so the role of the Netherlands was only facilitative. 'In the case of Roelant Jonker, his parents asked the Ministry of Foreign Affairs to act as an intermediary, as far as possible, in the contacts between them and their son. The Dutch embassy in Bogotá then contacted the International Committee of the Red Cross, which was willing to deliver medicines and letters [...] to him. There was also regular contact with the kidnappers' representative in the negotiations. The Dutch embassy [...], as soon as the family had sanctioned the idea, also informed the Colombian authorities of the kidnapping'.<sup>91</sup>

The sequence of events in the kidnapping of the Dutch Médecins Sans Frontières worker, Arjan Erkel, in the Russian republic of Dagestan in 2002, presented an entirely different picture of the Dutch approach. The Dutch government acted not only as facilitator, but also delivered the ransom of 1 million euros. Throughout the entire process, there was no clear delineation of the various roles of the employer, the Dutch government and the family. Moreover, relations became strained as the kidnapping progressed, and coordination between the various parties did not run smoothly. Recriminations flew back and forth. 'Médecins Sans Frontières accused Russia of never taking the task of locating Erkel seriously, and the Netherlands of failing openly to put pressure on Moscow.'<sup>92</sup> Furthermore, both the family and the Ministry of Foreign Affairs criticized Médecins Sans Frontières, 'because the organization, suddenly and with no warning to the Erkel family or the ministry, started down a path of noisy diplomacy'.<sup>93</sup>

After Arjan Erkel's release in 2004, the lack of coordination and cooperation was the subject of much legal wrangling about who was responsible for paying the ransom. Although Erkel was plainly freed after ransom was paid, neither the Dutch government nor

Médecins Sans Frontières would own up to paying it. The official policy of both parties is not to pay. The one million euros was made up of 230,000 euros from Médecins Sans Frontières, and 770,000 euros from the Dutch government. The Dutch government said the 770,000 euros was just a loan, because the Netherlands never pays ransom. Médecins Sans Frontières countered that it was a gift, because Médecins Sans Frontières likewise never pays ransom.<sup>94</sup>

The case ended up before a court in Switzerland<sup>95</sup>, which gave the first judgment on 15 March 2007. Both the Dutch government's demand for repayment by Médecins Sans Frontières of the 770,000 euros, and Médecins Sans Frontières' counterclaim for repayment by the Dutch government of 230,000 euros, were rejected.<sup>96</sup> The Dutch government then appealed, leading to a second judgment on 28 February 2008. Médecins Sans Frontières won the case ('there never was any kind of contract between Médecins Sans Frontières and the Dutch government'), and the Dutch government was ordered to repay the outstanding 230,000 euros plus legal costs to Médecins Sans Frontières.<sup>97</sup> In July 2008, the Federal Tribunal in Lausanne, the highest Swiss court competent to give judgment, ordered both MSF and the Dutch state to pay half of the total amount.<sup>98</sup>

The case is a painful illustration of how poor coordination between the government, the employer and the family ultimately gives the kidnappers the advantage. They were able to play the various parties off against each other, and received a substantial ransom. It is impossible to escape the conclusion that parties that might become involved in a kidnapping must have clear guidelines in advance. Coordination of the strategy with the other involved parties must then have the highest priority. The importance of guidelines is not a matter for the Dutch government alone. Arjen Erkel's kidnapping shows how NGOs and companies that work in areas with an increased kidnapping risk also need clear instructions.

#### 4.6. European NGOs

At least four parties are involved in resolving the kidnapping of a foreign aid worker in a conflict zone: the government of the country where the kidnapping took place, the authorities of the victim's country of origin, the victim's family and the victim's employer. It goes without saying that it is vital for everyone involved to coordinate their activities and be aware of their role, their obligations and their limitations.

Unfortunately, little is known about the policy of European NGOs that operate in conflict zones. There

was a survey of thirteen NGOs in the Netherlands in 2005,<sup>99</sup> into their security policy for employees working in risk areas. The survey shows that almost half these Dutch NGOs have no kidnapping policy. The other seven NGOs have drafted a general risk policy, or at least have a definite protocol or multistep plan in the event of kidnapping. The NGOs' policy would appear to be far from unequivocal.

The PSO survey reveals that eight of the thirteen investigated organizations have a principle of nonpayment. Some organizations deliberately refrained from commenting on their position. However, some state that they are willing to be pragmatic with their position where small sums are involved. Several NGOs ask their workers to sign a contract agreeing to the nonpayment policy. The NGOs that operate a nonpayment principle say that they would do all in their power to arrange for a worker's release. They see the most important task as exercising diplomatic pressure on the governments concerned.

The NGOs are strongly divided on the question of the appropriate role of the Dutch government in resolving kidnapping cases. Some, mainly larger, NGOs think the Dutch government has no obligations towards the organization. Other, mainly smaller, organizations think the Dutch government should do all in its power to promote the safety of humanitarian aid workers. They point to matters such as the provision of information and recording the presence of Dutch citizens in risk areas, exercising diplomatic pressure, and even providing military assistance. Only one of the thirteen organizations has made clear agreements with the Dutch government about the handling of possible kidnapping cases.<sup>100</sup>

#### 4.7. European investors in conflict zones

The 2001 IKV Pax Christi report explicitly recommended the European Union to produce a code of conduct for foreign investors in conflict zones, including a guideline for nonpayment of extortion money and ransom. No such European code of conduct has materialized to date.

International companies do attempt to curb the payment of extortion money and ransom in conflict zones. The emphasis then is often on stepping up security measures and engaging local subcontractors for the riskiest work. Indeed, this last tendency has led in Colombia, for example, to some companies paying less to armed groups. However, the vulnerable local subcontractors are being exposed increasingly to threats, kidnapping and extortion. (see chapter 3).

## Notes

- <sup>1</sup> Insurance of this kind is generally known as 'Kidnap & Ransom', or 'Kidnap, Ransom & Extortion' insurance.
- <sup>2</sup> The insurance company Chubb Group says that the increasing threat of terrorism has pushed up sales of Kidnap & Ransom insurance substantially (i.e. by 20%) between 2002 and 2004. Colombia News Service, [www.jrn.columbia.edu](http://www.jrn.columbia.edu), 'Insurers meet rising demand for kidnap and ransom insurance'.
- <sup>3</sup> Worldbank, 'Breaking the conflict trap – civil war and development policy', Washington, 2003, p. 179.
- <sup>4</sup> Asset Security Managers, [www.asm-uk.com/site/insurance\\_cover/41.asp](http://www.asm-uk.com/site/insurance_cover/41.asp).
- <sup>5</sup> Interview IKV Pax Christi with Control Risk Group, London, 7 May 2005.
- <sup>6</sup> GAULA: Colombian police specialist anti-kidnapping units.
- <sup>7</sup> Interview IKV Pax Christi with *Vice-fiscalía* and *Policía anti-secuestro*, Bogotá, 4 May 2005.
- <sup>8</sup> Control Risks Group, Kroll Associates and Pinkerton say they do not actually negotiate with kidnapers, but restrict themselves to advising clients and coordinating all the organizations involved. The Ackerman Group and Clayton Consultants do admit to conducting negotiations. [www.crg.com](http://www.crg.com); [www.pinkerton-europe.com](http://www.pinkerton-europe.com); [www.chubb.com](http://www.chubb.com); [www.claytonconsultants.com](http://www.claytonconsultants.com).
- <sup>9</sup> Interview IKV Pax Christi with *Vice-fiscalía* and *Policía anti-secuestro*, Bogotá, 4 May 2005.
- <sup>10</sup> La Semana, 'Secuestros Inc.', 20 October 2003.
- <sup>11</sup> NRC Handelsblad, 'Gijzelingenbeleid', 13 April 2004; International Convention Against the Taking of Hostages, [www.unodoc.org](http://www.unodoc.org), New York, 18 December 1979.
- <sup>12</sup> One of the targets was the headquarters of the United Nations Assistance Mission in Baghdad. United Nations Security Council, Resolution 1502, 26 August 2003.
- <sup>13</sup> United Nations Security Council, Resolution 1502, 26 August 2003.
- <sup>14</sup> Resolution 59/154, 20 December 2004, 'International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims.
- <sup>15</sup> The G7 is formed by the Ministers of Finance of the following industrialized countries: Canada, France, Italy, Germany, the United Kingdom, Japan and the United States.
- <sup>16</sup> Ottawa Ministerial Declaration on Countering Terrorism, 12 December 1995, [http://www.ciaonet.org/cbr/cbr00/video/cbr\\_ctd/cbr\\_ctd\\_32.html](http://www.ciaonet.org/cbr/cbr00/video/cbr_ctd/cbr_ctd_32.html).
- <sup>17</sup> The G8 consists of the G7 plus Russia. There are several meetings of the ministries each year.
- <sup>18</sup> The Financial Times (2000) in: The Kidnap Industry in Colombia; Our business? Pax Christi, 2001, p. 107.
- <sup>19</sup> 'Conclusions of G8 foreign Ministers', 9 May 1998, <http://www.g8.utoronto.ca/foreign/fm980509.htm>.
- <sup>20</sup> European Convention on the Suppression of Terrorism, Strasbourg, 27 January 1977,
- <sup>21</sup> Pax Christi, 'The kidnap industry in Colombia: Our business?', Utrecht, 2001, p. 98.
- <sup>22</sup> 'Documento de Madrid', Comunicado de Prensa, 2 February 2001, <http://www.mir.es/oris/notapres/year01/np020202.htm>.
- <sup>23</sup> EU, <http://ue.eu.int>, 'Fight against terrorism' – Acts adopted by the council, 27 December 2001.
- <sup>24</sup> E-mail correspondence with Karl Buck, Head of Division, Council of the EU, 1 August 2005; e-mail correspondence with Giorgio Porzio, General Secretariat of the Council of the EU, 27 October 2005.
- <sup>25</sup> 'Declaration by the Presidency, on behalf of the European Union on the Peace process in Colombia', Brussels 7 December 2001; 'Declaration by the presidency on behalf of the European Union of murders of kidnapped personalities in Colombia', Brussels, 7 May 2003; 'Declaration by the presidency on behalf of the European Union on the occasion of the formal start of talks the Government of Colombia and the AUC paramilitary Groups', Brussels 30 June 2004, <http://europa.eu.int>.
- <sup>26</sup> BBC News, 'Iraq ransom payments criticised', 23 May 2006.
- <sup>27</sup> E-mail G. Stjernblad, Desk officer, Department for Consular Affairs and Civil Law, 27 January 2006.
- <sup>28</sup> Letter A. Dunkling, Counterterrorism Policy Department, Foreign & Commonwealth Office, 10 August 2005.
- <sup>29</sup> Letter R. Veestraeten, Director-General of the Belgian Federal Public Service for Foreign Affairs, 8 September 2005.
- <sup>30</sup> Letter from Kriminalhauptkommissar Brusberg, Krisenreaktionszentrum. Auswärtiges Amt, Berlin, 25 August 2005.
- <sup>31</sup> Letter M. Th. G. van Daalen, Director of Consular Affairs, Ministry of Foreign Affairs, 16 August 2005.
- <sup>32</sup> Letter R. Veestraeten, Director-General of the Belgian Federal Public Service for Foreign Affairs, 8 September 2005.
- <sup>33</sup> Federale Overheidsdienst Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking.
- <sup>34</sup> Letter R. Veestraeten, Director-General of the Belgian Federal Public Service for Foreign Affairs, 8 September 2005.
- <sup>35</sup> Ditto.
- <sup>36</sup> Belgian Federal Public Service for Foreign Affairs, [www.diplomatie.be](http://www.diplomatie.be), 'Vrijlating van Karel Dick (Colombia)', 5 March 2002.
- <sup>37</sup> Ditto.
- <sup>38</sup> Ditto.
- <sup>39</sup> Vranckx. A. 'European policies on Colombia', IPIS background paper, March 2005, pp. 28-30.
- <sup>40</sup> See correspondence IKV Pax Christi and the various French organizations in 2005.
- <sup>41</sup> BBC Mundo, 'Francia pide disculpas a Brasil', 1 August 2003.
- <sup>42</sup> BBC Mundo, 'FARC no negocia a Betancourt', 31 July 2003; IPS Noticias, 'Frustrado acercamiento de Paz', 28 July 2003.



- <sup>43</sup> BBC Mundo, 'Colombia/Betancourt: sigue la polémica', 25 July 2003.
- <sup>44</sup> BBC Mundo, 'Franceses abogan por Betancourt', 2 September 2005.
- <sup>45</sup> BBC Mundo, 'Francia pide disculpas a Brasil', 1 August 2003.
- <sup>46</sup> Deutsche Presse Agentur (DPA), 'Uribe reconsidera el canje de cautivos', 12 January 2003 ; Caracol Noticias, 'No sólo Ingrid betancourt está secuestrada', 21 February 2005; Comisión Andina de Juristas, 'Cronología Andina-Colombia', 9 January 2003; Statement by the Ministry of Foreign Affairs Spokesperson', Paris, 27 July 2005, <http://www.diplomatie.gouv.fr>.
- <sup>47</sup> The New York Times, [www.nytimes.com](http://www.nytimes.com), 'French journalist is released and returns home from Iraq', 13 June 2005.
- <sup>48</sup> Het Nieuwsblad, 'Florence Aubenais is eindelijk vrij', 16 June 2005.
- <sup>49</sup> The Times, [www.timesonline.co.uk](http://www.timesonline.co.uk), 'How \$45m secretly bought freedom of foreign hostages', 21 May 2006.
- <sup>50</sup> E-mail I. Escobar Guerrero, Minister Counsellor, Spanish Embassy in The Hague, 29 March 2006.
- <sup>51</sup> Ditto.
- <sup>52</sup> El Pais, [www.elpais.com](http://www.elpais.com), 'El gobierno ecargó al CNI el pago del rescate del 'Playa de Bakio'', 5 May 2008.
- <sup>53</sup> Letter from Kriminalhauptkommissar Brusberg, Krisenreaktionszentrum, Auswärtiges Amt, Berlin, 25 August 2005.
- <sup>54</sup> BBC News, 'Freed hostages head for Germany', 20 August 2003.
- <sup>55</sup> The Times, [www.timesonline.co.uk](http://www.timesonline.co.uk), 'How \$45m secretly bought freedom of foreign hostages', 21 May 2006.
- <sup>56</sup> Ditto.
- <sup>57</sup> Guardian, [www.guardian.co.uk](http://www.guardian.co.uk), 'German may end ransom payments for kidnap victims', 31 July 2007.
- <sup>58</sup> Ditto.
- <sup>59</sup> Ditto.
- <sup>60</sup> E-mail A. Dunkling, Counterterrorism Policy Department, Foreign & Commonwealth Office, 24 August 2005.
- <sup>61</sup> Brief A. Dunkling, Counterterrorism Policy Department, Foreign & Commonwealth Office, 10 August 2005.
- <sup>62</sup> Ditto.
- <sup>63</sup> E-mail A. Dunkling, Counterterrorism Policy Department, Foreign & Commonwealth Office. 18 April 2006.
- <sup>64</sup> The Times, [www.timesonline.co.uk](http://www.timesonline.co.uk), 'How \$45m secretly bought freedom of foreign hostages', 21 May 2006.
- <sup>65</sup> Ditto.
- <sup>66</sup> The Sunday Times, [www.timesonline.co.uk](http://www.timesonline.co.uk), 'Bigley beheaded after MI6 rescue backfired', 10 October 2004.
- <sup>67</sup> Kember was the director of the *Christian Peace Education Fund*, which was founded by Pax Christi in 1984.
- <sup>68</sup> Guardian, [www.guardian.co.uk](http://www.guardian.co.uk), 'Kember asks for clemency in kidnapper trial', 8 December 2006.
- <sup>69</sup> The Times, [www.timesonline.co.uk](http://www.timesonline.co.uk), 'How \$45m secretly bought freedom of foreign hostages', 21 May 2006.
- <sup>70</sup> Ditto.
- <sup>71</sup> Pax Christi, 'The kidnap industry in Colombia: Our business?', Utrecht, 2001, pp. 99.
- <sup>72</sup> The payment of ransom is possible only in exceptional circumstances, in which case the authorities control payment, with the aim of gathering additional evidence to help in the prosecution of the kidnapper. In: 'Seminario sobre Secuestro', Evento patrocinado y organizado por miembros de la Sociedad Civil Mexicana, el Gobierno de México, 9, 10 and 11 October 2003, Mexico City, DF.
- <sup>73</sup> Pax Christi, 'The kidnap industry in Colombia: Our business?', Utrecht, 2001, p. 99.
- <sup>74</sup> Call with Mr Madeddu, Italian embassy in The Hague, 18 April 2006.
- <sup>75</sup> The Times, [www.timesonline.co.uk](http://www.timesonline.co.uk), 'How \$45m secretly bought freedom of foreign hostages', 21 May 2006; AD Utrechts Nieuwsblad, 'Italië heeft betaald voor vrijlating van gijzelaars', 31 January 2006.
- <sup>76</sup> The Guardian, [www.guardian.co.uk](http://www.guardian.co.uk), 'Italian Red Cross Admits Hostage Deal', 26 August 2005.
- <sup>77</sup> AD Utrechts Nieuwsblad, 'Italië heeft betaald voor vrijlating van gijzelaars', 31 January 2006. The British daily newspaper The Times mentioned ransom of six million dollars. [www.timesonline.co.uk](http://www.timesonline.co.uk), 'How \$45m secretly bought freedom of foreign hostages', 21 May 2006.
- <sup>78</sup> BBC News, [www.bbc.co.uk](http://www.bbc.co.uk), 'Italy paid \$1m to free hostages', 29 September 2004.
- <sup>79</sup> Times Online, [www.timesonline.co.uk](http://www.timesonline.co.uk), 'Italy criticized over alleged ransom to free hostage', 9 March 2005.
- <sup>80</sup> BBC News, [www.bbc.co.uk](http://www.bbc.co.uk), 'Swedish hostage in Iraq freed', 18 March 2005.
- <sup>81</sup> E-mail Ambassador C.B.M. Berlakovits, 2 November 2005.
- <sup>82</sup> AQIM is the new name of the GSPC, the Algerian Salafist Group for Combat and Preaching, after forging an alliance with al-Qaeda. Time, [www.time.com](http://www.time.com), 'Al-Qaeda threat to N. Africa Tourists', 13 March 2008.
- <sup>83</sup> Reuters, 'Austrian tourists kidnapped', 11 March 2008.
- <sup>84</sup> Khaleel Times, [www.khaleejtimes.ae](http://www.khaleejtimes.ae), 'Austria seeks help to free kidnapped tourists', 18 March 2008.
- <sup>85</sup> E-mail R. Kovárová, spokeswoman for the Ministry of Internal Affairs, Press & Public Relations Department, 4 November 2005.
- <sup>86</sup> Ditto.
- <sup>87</sup> Letter from M. T. G. van Daalen, Director of Consular Affairs of the Ministry of Foreign Affairs, 16 August 2005.
- <sup>88</sup> Telephone call with Mr S. Hulisz, Department of Consular Affairs, 6 January 2006.
- <sup>89</sup> Sources mention various amounts. According to Trouw, 'Den Haag hielp bij vrijkopen in Colombia gegijzelde bioloog', 18 June 2002, 3 million was demanded and more than eight thousand paid. The Minister of Foreign Affairs, 'Antwoorden op de vragen van Koenders aan het parlement over losgeld ontvoering R. Jonker (Colombia)', 19 July 2002, said about 6500 euros was paid. Other sources mention amounts of around 7600 euros.



- <sup>90</sup> Volkskrant, 'Stel pubers hield bioloog maanden vast in Colombia', 18 June 2002.
- <sup>91</sup> Ministry of Foreign Affairs, 'Antwoorden op de vragen van Koenders aan het parlement over losgeld ontvoering R. Jonker (Colombia)', 19 July 2002.
- <sup>92</sup> NRC Handelsblad, 'Wie betaalde losgeld voor Erkel?', 25 May 2005.
- <sup>93</sup> www.planet.nl, 'Ontvoerde Arjan Erkel viert thuiskomst', 12 April 2004.
- <sup>94</sup> NRC Handelsblad, 'Nederland moet AzG betalen in zaak Arjan Erkel', 28 February 2008.
- <sup>95</sup> Erkel was employed by the Swiss branch of Médecins Sans Frontières.
- <sup>96</sup> Ministry of Foreign Affairs, www.minbuza.nl/, 'Uitspraak Zwitserse rechter in zaak Erkel', 15 March 2007.
- <sup>97</sup> NRC Handelsblad, 'Nederland moet AzG betalen in zaak Arjan Erkel', 28 February 2008.
- <sup>98</sup> Trouw, 'Artsen Zonder Grenzen moet toch helft van losgeld Erkel betalen', 15 July 2008..
- <sup>99</sup> The immediate reason for the survey was the kidnapping of Arjan Erkel and its aftermath (see policy of EU member states: the Netherlands), which led to a proposal from the Ministry of Foreign Affairs 'for making clear agreements with NGOs about the responsibility for the safety of their staff'. The survey was carried out by the PSO association. PSO, 'Security beleid en praktijk in beweging. De stand van zaken bij Nederlandse particuliere organisaties', March 2006.
- <sup>100</sup> Ditto.



## Conclusions

### Kidnapping worldwide

The information about specific cases from around the world, on which IKV Pax Christi has based this overview of the global kidnapping issue, is both extremely hard to obtain and heterogeneous. Nonetheless, six general tendencies can be distilled from the data.

The first is the growing number of kidnappings worldwide, which was already evident in the 1990s, and has continued for the past ten years. Official figures indicate at least 25,000 kidnappings in the world in 2006. Tentative estimates from other sources arrive at far higher numbers. The leaders in the current league table are Mexico, Iraq and India. While sparsely populated Trinidad & Tobago has few kidnappings in absolute terms, the probability of being kidnapped there is relatively high.

More than 90% of kidnappings in the world in 2000 were concentrated in a group of just ten countries, most of which in Latin America. The list has since grown substantially. Kidnapping now occurs on a large scale in countries including Iraq, South Africa, Trinidad & Tobago, Haiti, China, and Pakistan. Nonetheless, Latin America still has half of the thirteen worst affected countries.

There have been many movements up and down the global kidnapping league table in the past decade. Kidnapping numbers increased in Mexico, Ecuador, Venezuela, India and Afghanistan. On the other hand, the problem subsided in the Chechen Republic, Nepal and the Philippines, as the activities of militant groups have waned. The decline in the volume of cases in the Latin American countries of Brazil, El Salvador and Colombia has been fairly drastic, because of a better-structured government approach and improved security measures by individuals and companies.

In comparison with the 1990s, the number of countries where kidnappings occur within the context of an ongoing or past armed conflict has increased.

Foreigners have been, and still are, favourite victims for kidnappers in conflict zones and the surrounding countries. This target group generally yields significantly more ransom than hostages who come from inside the country. This is all the more true where well insured employees of international companies are concerned. In Somalia, Iraq, Afghanistan and the Palestinian Areas, militias also

kidnap foreigners for political motives, since their victims guarantee worldwide media attention.

Kidnappers in societies with an emerging kidnapping problem generally start by focusing on the economic elite. Once this social sector begins to take better security precautions, or to depart for somewhere safer, kidnappers shift their attention to the middle classes, or even the low middle class. All this group is able to do is publicly express their fear and dissatisfaction. There have been 'White Marches' in Mexico, the Ecuadorean port of Guayaquil, Argentina and Trinidad & Tobago.

National politicians in several Latin American countries have come up with an answer to this perceived lack of safety, with the authorities opting for a tough line on crime, including kidnapping. The strategy has reaped rewards in some of the countries concerned. However, many citizens view the approach as too unilateral. Recurring themes in the public protests are demands for tackling police and army corruption and for eliminating impunity.

### Kidnapping in countries without armed conflict

The kidnap industry in countries that are not plagued with armed conflict is in the hands of drugs criminals, criminal gangs, and *maras*. They operate mainly in the cities. These criminal groups have discovered kidnapping as a lucrative source of, or supplement to, their income. The less expert groups carry out brief kidnappings for relatively low ransoms, which in Latin America has ultimately developed into an extreme variant: the express kidnap. These are short kidnappings carried out in major cities or urban regions. With the exception of Colombia, express kidnap in most countries is still treated legally as aggravated robbery.

The kidnapping problem in Trinidad & Tobago and the north of Mexico is strongly related to the cross-border drugs trade. Most of the drugs come from Colombia. Kidnapping is an extra source of income for the drugs mafia, and a means of intimidation for the payment of unpaid debts. In turn, drugs crime stimulates the possession of illegal weapons and the expansion of criminal gangs, which also start to resort to kidnapping. The scale and nature of the issue in these countries is reminiscent of the disastrous influence of the drugs cartels on Colombian society in the 1980s and 1990s.

### Kidnapping in the context of fragile states and armed conflicts

Kidnappings in at least thirteen countries have been carried out by militias and groups with political or religious motives. These groups use the ransom to finance their struggle, or to exert political pressure on the state, the international community, political opponents, or even entire population groups. Besides Colombia, this phenomenon can be observed in Somalia, Iraq, Afghanistan, Pakistan and Nigeria. The last five states have failed to uphold the rule of law and the monopoly on violence, and provide insufficient protection to their citizens. In this situation, clans, traditional warlords, and groups such as the Taliban have a free rein in drugs trading and kidnapping.

Kidnapping in Nigeria is concentrated in the southern Niger Delta, where large quantities of oil are extracted. Both politically militant groups, such as MEND, and criminal gangs operate in this area. Kidnapping is a way for the militias to protest against the environmentally polluting activities of the oil companies, and to demand that they use more of the oil revenues for the benefit of the region's population. The foreign employees of multinationals are a favourite target in economic kidnapping.

The absence of the rule of law and administrative weakness in the failed state of Iraq led in 2003 to burgeoning crime, including kidnapping. Groups of criminals who had been released from prison and staff of the disbanded Mukhabarat security service were also on hand to help boost this expansion. The militias have copied the successful kidnapping practices of the criminals for their own purposes. For them, economic kidnapping is a source of income, but they also have a political and strategic goal. The militias want to sow fear among members of other religious population groups, and drive them away. Some kidnappings are purely politically motivated. The militias kidnap in order to pressurize foreign governments, aid organizations and companies in connection with their presence and their activities in Iraq.

The kidnapping and extortion problem deserves a high political priority, not only in the countries affected, but certainly elsewhere too. This is firstly because kidnapping is a serious violation of the fundamental right to a safe and dignified life. One reason for kidnapping and extortion in various countries is the fragility of the state. At the same time, these practices further undermine the confidence of the public in the state, thereby only reinforcing the lack of rule of law and impunity. Kidnapping and extortion also provide armed groups with a source of income, which they can

use to finance the continuation of the conflict, and that become goals in their own right. Moreover, the considerable media attention to kidnapping with political motives fuels the continuation and the expansion of this crime. Kidnapping and extortion therefore systematically undermine political and diplomatic efforts towards peace agreements.

### Kidnapping in Colombia, Ecuador and Venezuela

Colombia in 2000 was the country with the most kidnappings in the world. It had a veritable kidnap industry. The illegal armed groups, guerrillas and paramilitaries were responsible for the majority of the kidnappings in this period, which they used to help finance their hostilities. Eight years on, the situation has changed drastically. The number of kidnappings in Colombia has fallen sharply. A result of this trend has been a corresponding drop in the illegal armed groups' income, which they have compensated to some extent by stepping up extortion practices. An increasing number of kidnapping and extortion victims in Colombia come from the low and other middle classes.

Conversely, the number of kidnappings in Venezuela is on the rise. The expansion started in the 1990s, when Colombian criminals, guerrillas, paramilitaries and drug dealers exported their illegal practices to the border regions of Venezuela. The Venezuelan criminal organizations then copied these practices. More than 70% of the kidnappings in 2007 took place in the states near Colombia. The population is also being confronted with extortion.

The victims of kidnapping and extortion are often members of the socioeconomic elite, including a group of migrants from Italy and Portugal. Information from various sources suggests a highly varied perpetrator profile that encompasses Colombian guerrillas, current and former paramilitaries, Colombian criminals, Venezuelan gangs, and the politically motivated FBL. There are also mixed alliances. Venezuelan authorities tend to deny the kidnapping and extortion practices of the Colombian illegal armed groups in their territory. This reluctance is standing in the way of a structural regional partnership and an effective approach to the kidnapping issue in the border region.

As in Venezuela, the number of economic kidnappings has risen in Ecuador in recent years. Ecuadorean criminals are copying Colombian practices, or absorbing Colombians into their gangs. In a modest number of specific cases, it is possible to demonstrate the involvement of Colombian armed groups in kidnapping in Ecuador. The majority of kidnappings in Ecuador take place in and around the cities of

Guayaquil and Quito, and they are committed mainly by ordinary criminals. The kidnapping cases in the Ecuadorean border region are a minority. Kidnapping and extortion victims in Ecuador include both the economic elite and the lower and other middle classes.

### The policy of Colombia, Ecuador and Venezuela

The institutional and legal framework for combating kidnapping is more advanced in Colombia than elsewhere in the continent. However, the prohibition of insurance against kidnapping and of the services of commercial negotiators was lifted in 2002 under political pressure from the insurers. Much still remains to be done in Ecuador in terms of suppressing kidnapping. There is a lack of uniform statistical criteria, the statistical data are insufficiently coordinated, the legal framework is weak, and the antiskidnapping unit UNASE is a small organization without the financial, personnel and technical resources it needs. There are yet more problems in Venezuela. Kidnapping is still treated in existing Venezuelan legislation as a 'crime against property', which severely hampers the legal opportunities. Venezuela's antiskidnapping units, the CICPC and GAES, are insufficiently equipped for their task. The situation with government-provided psychosocial victim support in both countries is dire.

### Kidnapping as an obstacle and a key to (peace)negotiations

There is regular discussion in peace talks and other negotiations about the number of hostages in the hands of the armed groups. A complicating factor is that the Colombian government uses a variety of different figures. This information was therefore merged, and it was established that the FARC is still responsible for 783 hostages, the paramilitaries 279, the ELN 240 and criminal groups 296. The ELN and FARC state far lower numbers.

Kidnapping was a crucial theme in the peace talks with the **ELN**. The ELN expressed willingness to enter into dialogue about the possible release of their hostages, and the cessation of their kidnapping practices. The ELN publicly endorsed the importance of 'humanitarian measures' with regard to kidnapping and land mines. However, they never actually announced or implemented measures of this kind.

**The FARC** and the current Colombian government have never yet engaged in a peace dialogue. However, the FARC does control a group of political hostages, which can be used in political bargaining for a humanitarian exchange with the approximately five hundred imprisoned FARC fighters. The FARC, with the

mediation of President Chávez of Venezuela, decided in 2007 unilaterally to release several political hostages. It is said that this initiative was born of the FARC's desire to obtain international official recognition as a 'warring party' (*Fuerza Beligerante*). Despite the Colombian government's decision to terminate Venezuelan government mediation, Chávez persisted with his mediation attempts, securing the release of six political hostages.

The FARC's international contacts concerning negotiations for the release of the political hostages ended in March 2008, when the Colombian army bombarded a FARC camp in Ecuador. The death of Reyes meant that the FARC had lost its international representative for political negotiations. The Uribe government originally paid a high political price for the success of the military operation in Ecuador, as it broke the only contact that it maintained with the FARC. The FARC reported a few days after Reyes' death that there would be no new unilateral gestures. This political panorama changed completely on 2 July 2008 with the successful rescue of fifteen political hostages, including Ingrid Betancourt and the three North American citizens. To date, neither party has made any comment on their strategy regarding the thirty-one remaining political hostages.

**The paramilitaries** objective with kidnapping in the recent past has been to murder the victims shortly afterwards. The bodies of the victims were far from always recovered. The kidnapping theme was not mentioned in the peace talks with the paramilitaries, which were eventually to lead to the demobilization of more than forty-thousand fighters. No condition was placed on their surrender for providing information about the fate of these hostages. This group therefore continues to be stated in the statistics as missing or kidnapped.

There was very substantial public interest in the fate of the FARC's political hostages inside and outside Colombia. Since the liberation of Ingrid Betancourt, who was effectively the hostages' figurehead, there is a risk that the rest of the thirty-one political hostages will be forgotten. The fact is that the public exhibits far less solidarity with the FARC's, ELN's and criminal's economic hostages, and with the AUC's kidnap victims. It says much that most people in Colombia cannot name a single one of the victims in this group of hostages.

### The failure of kidnapping as a political weapon

For the FARC, kidnapping has failed as a political weapon in various respects. Firstly, the phenomenon

has been a significant obstacle to dialogue with the government. In the case of the ELN, the theme of kidnapping, and the economic variety in particular, was an almost fatal stumbling block to peace talks. As an instrument, political kidnapping actually gained the FARC nothing. On the contrary, they are further away than ever from being recognized internationally as a 'warring party'. They have also yet to succeed in arranging the exchange of a single guerrilla fighter. Furthermore, the political price of this form of kidnapping has turned out to be extremely high. A few years ago, the theme of FARC hostages carried little political weight in the international community, and many countries were not even acquainted with the phenomenon. Today, it is possible to state that the FARC has been discredited internationally.

It is very likely that the Colombian army's successful liberation of Ingrid Betancourt, the three North American citizens, and the eleven soldiers, will encourage future rescue attempts. However, it is plain that rescue actions can never completely end the kidnapping problem. A final end to illegal armed groups' kidnapping practices must ultimately come from a negotiated solution to the problem.

Any future peace process – after preparatory talks and before starting the actual negotiations – must satisfy three minimum requirements if it is to have sufficient credibility and a reasonable probability of success. The first condition is a total cessation of kidnapping practices by the illegal armed groups. The second is the release of all political and economic hostages. Intensive efforts will also be required in the peace process on clarifying the fate of the hostages, including the release of information about the locations of the deceased hostages.

The full cooperation of the guerrillas (FARC and ELN) will be required in any future peace process, in order to guarantee an organized and serious dismantling of the kidnap industry. This recognizes the substantial risk of demobilized fighters reverting to kidnapping, for their own account or in criminal gangs, after the end of the peace process. Ensuring the guerrillas' willingness to cooperate will still require the government to find a solution to the kidnapping problem and to incorporate related offences in a proposal for peace negotiations.

### International responsibility

There is growing international awareness that the 'export' of kidnapping expertise, and the mixing of political and criminal motives and groups, have greatly impeded the suppression of kidnapping and

extortion. The UN created a legal framework in 2004 for cooperation between member states on suppressing kidnapping. This led to a handbook for suppressing kidnapping for use by public authorities.

The question of international shared responsibility for the kidnapping problem in conflict zones is a current issue in the G8, the EU, and elsewhere. The United Kingdom has emerged as the champion of joint guidelines on kidnapping, with official guidelines being agreed in 1998. They included a clear 'nonpayment' policy, but this point was diluted by the G8 ministers of foreign affairs. The EU resolved in 2001 to develop a joint strategy, but to date there has been no joint European policy on kidnapping. An IKV Pax Christi survey has shown that most European member states want greater European coordination, but not a European binding policy, for which matters are seen as too diverse and complex.

IKV Pax Christi performed a study into the policies of nine EU member states that have been confronted in the past with the kidnapping of their citizens abroad. The study showed that six of these nine member states have a formal nonpayment policy. The Swedish authorities said they have no official policy, and the French and Austrian authorities declined to comment.

However, the practical examples suggest that these member states are willing to make far-reaching concessions to the kidnapers in specific kidnapping cases. To the extent that it is possible to ascertain the details, it is very plausible that France, Germany and Italy have made payment in several cases. The Netherlands paid ransom in the kidnapping of Arjan Erkel, although legal proceedings are ongoing, with the Netherlands claiming that the payment was a loan to the employer concerned, Médecins Sans Frontières. Spain facilitated the payment of ransom by arranging for a government body to transfer the money. Belgium made important political concessions on an EU level. On the intercession of the Belgian government, the ELN was not entered onto the European list of terrorist groups in 2002. The UK appears in practice to be the most consistent in the application of its nonpayment policy. An Austrian kidnapping that could have served as a touchstone for this study was still ongoing at the end of June 2008.

The importance of a clear policy and specific guidelines on kidnapping, are not a matter for supranational organizations and states alone. International employers in risk countries are also confronted with kidnapping. However, the subject is seldom or never raised for discussion by European



NGOs. Our study of thirteen Dutch NGOs revealed that a little over half the group has a policy on kidnapping, including the nonpayment principle. However, the details of the guidelines vary greatly. For instance, some NGOs would be willing to pay small amounts. The group of NGOs was strongly divided about the role the Dutch government should play if one of their employees were to be kidnapped.

The oil and mining sector in Colombia is an interesting example of the implementation of a nonpayment policy. These companies mainly have to contend with extortion by the armed groups. Most major oil and mining companies operate a nonpayment policy for protection money, despite the attacks and threats that this policy leads to. The extortion problem for these companies has now declined. However, it can be observed that some of the risks have been transferred to contractors, who have insufficient knowledge and resources to prevent the extortion. This group of contractors to multinationals and major companies currently has much to contend with in Colombia. They are often forced to pay protection money on a permanent basis, sometimes even to several different parties.

Colombian mining and oil sector operators are less consistent when it comes to kidnapping. Despite their nonpayment policy, their employees are generally insured against kidnap. Opinions are divided on the consequences of insurance of this kind, and the related services of 'kidnap response firms'. Because insurers never release figures about ransoms paid, it is impossible to give a definite opinion on the subject. What is plain, though, is that insurance companies are generally quick to pay ransom. In 2003 the World Bank urged a ban on insurance of this kind.

## Recommendations

### To the kidnapping victims

- ✓ The silence that surrounds kidnapping and extortion in many countries impedes an effective approach. Let your voices be heard en masse, and appeal to others who are involved (e.g. governments and employers) to speak out.

### To the European Union

- ✓ The European Union must arrive at a joint policy on kidnapping and extortion. This policy must unequivocally reject the use by European member states of public funds for paying ransom and extortion money, or for making political and other concessions of any kind.
- ✓ The European Union should formulate rules of conduct for European investors regarding the nonpayment of ransom and extortion money.
- ✓ The EU member states could disallow ransom or extortion payments as tax-deductible business expenses.
- ✓ It is important for the EU to pronounce on the desirability of a ban on insurance against kidnapping.
- ✓ The EU member states must develop clear national guidelines for their foreign ministries and embassies, covering the exact scope of their actions in response to the kidnapping of a resident. These guidelines must reject the facilitation of payments of ransom and extortion money by government representatives. It is also important for national public authorities to bring these guidelines to the attention of NGOs and businesses that operate in countries with a kidnapping problem. EU member states must also make prior agreements with NGOs and businesses about the coordination of any future kidnapping.

### To multinationals

- ✓ Multinationals that operate in conflict areas or fragile states, and that pay ransom or extortion money to illegal armed groups, are fuelling the violence and conflict. Their 'business principles;' should therefore state explicitly that they will pay no ransom and extortion money. Discussing and exchanging experiences with the practical ramifications of this principle are instructive and stimulating for both industry and civil society.
- ✓ Multinationals should not transfer the risks of kidnapping and extortion to Colombian contractors by subcontracting the risky activities. The responsibility of multinationals emphatically covers the work of any contractors. A nonpayment policy on the part of the foreign company therefore also applies to contractors, who should also be able to avail themselves of the same corporate services, preventive regulations, and support.

### To the Colombian government

- ✓ The kidnapping practices of the illegal armed groups cannot be ended through rescue actions alone. The Colombian government should therefore continue to aim for a negotiated solution to the kidnapping issue.
- ✓ Conditions concerned with kidnapping must be set in any future peace dialogue with the guerrillas. The first two conditions below should apply from the end of the preparatory talks, before proceeding to the actual negotiations:
  - an end to the use of kidnapping as a political and economic instrument;
  - the release of all economic and political hostages;
  - there must also be efforts in the peace process to clarify the fate of the hostages, including the release of information about the locations of the deceased hostages.
- ✓ The Colombian government must pressurize paramilitary leaders who wish to rely on the 'Law on Justice and Peace' to reveal the locations of the former AUC hostages.
- ✓ The kidnapping and extortion problem in the neighbouring country of Venezuela has grown as a consequence of the involvement and contribution of the expertise of Colombian gangs, criminals and illegal armed groups. This phenomenon calls for a joint effort, in which the hostages' interests should carry more weight than national interests or political disputes.

### To Colombian society

- ✓ Colombian society is in a position to prevent the economic and remaining political hostages from being forgotten about, by persistently asking about their fate in national and international forums.

### To the Venezuelan government

- ✓ A sustained expansion of the kidnapping issue in Venezuela must be prevented. The Venezuelan government must therefore give greater priority to suppressing kidnapping and extortion. Regional cooperation with Colombia will be indispensable in frustrating the continued strengthening of kidnapping networks in the border region.
- ✓ The CICPC and GAES, the Venezuelan antiskidnapping units, are currently inadequately equipped for their task. Both units must be strengthened with personnel, and logistical and financial resources. Furthermore, the work of the GAES must be extended into more departments of the country.
- ✓ Venezuelan kidnapping-related legislation and regulations must be strengthened. The fact that existing legislation still classifies kidnapping as an

'offence against property' hampers a legal approach to the crime.

- ✓ The National Parliament of Venezuela is handling a legislative proposal for a new antikidnapping law. The debate on this legislative proposal must involve all the social sectors involved, in order to create sufficient public support.
- ✓ The imminent merger of the numerous Venezuelan police organizations into one National Police could be very beneficial to the fight against kidnapping and extortion. These themes should be given specific attention in the merger.

#### To Venezuelan society

- ✓ An effective approach to the kidnapping problem demands the participation of all social sectors. The debate on kidnapping in Venezuela must therefore be depoliticized. Venezuelan society as a whole should publicly condemn kidnapping, and apply social pressure to the government to implement appropriate measures.

#### To the Ecuadorean government

- ✓ A fundamental condition for the efficient suppression of the kidnapping and extortion problem is logistical, financial and personnel strengthening of the government organizations involved, such as UNASE.
- ✓ The data and statistical material on kidnapping and extortion held by the various governmental services must be standardized and coordinated. These official data must be accessible publicly and readily.
- ✓ The legal approach to kidnapping in Ecuador would be substantially more effective if express kidnap were to be classified legally as kidnapping, as opposed to an offence against property.

#### To Ecuadorean society

- ✓ Ecuadorean society appears to be insufficiently aware of the scale and long-term nature of the kidnapping issue in their country. The media have a crucial part to play in making the phenomenon visible and in generating a public debate about issues surrounding kidnapping.
- ✓ Ecuador's kidnapping victims must be supported in setting up interest groups, so that their voices can be heard more clearly by politicians, the authorities and the public. The recently founded organization for kidnapping victims, *Fundación Atauala Libre*, is a good example. Organizations of this kind aim to influence policy on kidnapping, the tackling of impunity, social awareness, and victim psychosocial support.



