Psychosocial and Legal Perspectives on Terroristic Hostage-Takings Situations and Payment of Ransoms

Master Thesis Victimology and Criminal Justice

Tilburg University

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**LEGAL AND PSYCHOSOCIAL ASPECTS IN TERRORIST HOSTAGE TAKINGS**

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<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<tr>
<td>CAPS-DX</td>
<td>Inventory PTSD symptoms in line with the DSM IV definition</td>
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<td>DSM</td>
<td>Diagnostic and Statistical Manual of Mental Disorders</td>
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<td>EPCACE</td>
<td>Enduring personality change</td>
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<td>ETA</td>
<td>Euskadi Ta Askatasuna</td>
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<td>EU</td>
<td>Europe</td>
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<td>FAD</td>
<td>Family Assessment Device</td>
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<td>F-COPES</td>
<td>Family Crisis Oriented Personal Evaluation Scale</td>
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<td>HOBAS</td>
<td>Hostage Barricade Database System</td>
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<tr>
<td>ICD-10</td>
<td>International Statistical Classification of Diseases and Related Health Problems, 10th revision</td>
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<td>IMU</td>
<td>Islamic Movement of Uzbekistan</td>
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<td>ITERATE</td>
<td>International Terrorism Attributes of Terrorist Events</td>
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<td>MDD</td>
<td>Major depression disorder</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<td>OIC</td>
<td>Organization of the Islamic Conference</td>
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<td>PTSD</td>
<td>Posttraumatic stress disorder</td>
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<td>SCL90-R</td>
<td>Self-report inventory psychological distress</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>USSR</td>
<td>Union of Soviet Socialist Republics</td>
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Abstract
In this literature review the psychosocial and the legal perspective of terrorist hostage-takings are discussed. A short study on direct and indirect victims, provides additional information on both perspectives. The literature study shows that terrorist organizations tend to rationally make a cost-benefit calculation of certain kinds of hostage-takings. Kidnapping, which is the least risky type of hostage-taking, was therefore chosen most by terrorists. The literature study indicated that both direct and indirect victims can be greatly affected by hostage-takings. Hostage-takings affect them on a short- and long-term base due to multiple psychological disorders and mental issues. In order to reduce terrorist hostage-takings, legal counterterrorism strategies are developed. The non-payment of ransom as counterterrorism strategy is still a subject to debate in different countries. The main issue of this strategy is the lack of respect in human rights of the victim. The short study on direct and indirect victims examined their opinion on this counterterrorism strategy of the non-payment of ransom. The study shows that both think that it is a bad idea to pay ransom, but they also reported doubt whether prohibiting it would work in practice.

Keywords: non-payment ransom, terrorist hostage-taking, psychosocial effects, legal measurements
1. Introduction

On the 27th of January 2014, the United Nations Security Council adopted a resolution aimed at reducing the amount of money terrorists make in participating in activities such as hostage-takings (United Nations, 2014). Resolution 2133 (2014) calls upon the Member States to “prevent terrorists, directly or indirectly, from benefitting from ransom payments or political concessions, and secure the safe release of hostages.” The instrument tries to encourage the Member States not to pay ransom money to terrorists in hostage-taking situations.

Paying ransom to free individuals who are held hostage is eliminated as much as possible because this source of income is an important funding source of terrorist groups (Koh, 2006). It is questionable though whether this specific anti-terrorism approach would be respecting the human rights of the victims, as they have the right to life, liberty and the right to security: non-payment of ransom can endanger these rights since it can result in the hostage being harmed or killed (United Nations, 2013). This makes the decision whether ransom should be paid or not be paid a very challenging one. In which should be considered either paying the ransom and in this way indirectly financing future terrorist acts, or not paying the ransom and thus avoid financing terrorism, but taking the risk of violating the rights of the hostage. Because the debate on payment or non-payment of ransom in terrorist hostage-takings is ongoing in many countries today, it may be interesting to examine the pros and cons of this counterterrorism strategy. In order to come to appropriate counterterrorism strategies, such as the non-payment of ransom, understanding of terrorist hostage-takings as well as its psychosocial consequences on victims will be enhanced by exploring them further in this literature review.

Victims of hostage-takings are not merely physically influenced by such events; multiple studies indicate that victims of hostage-takings, as well as indirect victims, are psychologically influenced by hostage events (Busuttil & Busuttil, 2001). Studies indicated effects of hostage-takings on both direct and indirect victims because of the enforced separation of their families and friends caused by the hostage-taking (Busuttil & Busuttil, 2001). Busuttil and Busuttil (2001) argued that this enforced separation accompanied by threat of death can result in psychological health problems and can negatively influence the functioning of the family. Despite of the severe consequences terrorist hostage-takings can have on the psychosocial status of victims, the psychosocial impact of terrorist hostage-takings seemed to be overlooked in current academic literature. Therefore it may be
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interesting to examine this specific consequence on victims of terroristic hostage-takings in this literature review.

A lot of research has been done on the topic of terroristic hostage-taking in general (Brandt & Sandler, 2009; Nax, 2008; Sandler & Scott, 1987; Wilson, 2000; Yun & Roth, 2008) as well as on the psychological effects of terror acts on direct victims of hostage-takings (Alexander & Klein, 2009; Favaro, Degortes, Colombo, & Santonastaso, 2000; Van der Ploeg & Klein, 1988). Less research has been done on the specific psychosocial perspective on both direct as indirect victims of hostage-takings in combination with the legal perspective on payment of ransom money to secure the release of hostages. Therefore, this literature review focuses on both the psychosocial perspective on victims of hostage-takings as the legal perspective on payment of ransom money. In this, indirect victims can be defined as people who through physical proximity are exposed to the event, individuals who were close to the victim who directly experienced the incident, were relationally close to the person who was killed or injured or people who were exposed to the event by media coverage (Shamai & Ron, 2008).

Thus, the present study examines the debate on payment or non-payment of ransoms in terrorist hostage-taking situations within the broader framework of counterterrorism strategies; taking into consideration the psychological impact of terrorist hostage takings on victims. The main questions that will be answered in this literature review are:

1. What are the psychosocial effects of terrorist hostage-takings on victims?
2. What are the pros and cons of (non) paying of ransom money in terrorist hostage-takings?

In order to answer these research questions first the definition of hostage-taking will be discussed: which types of hostage-takings can be distinguished, by whom are they committed, how do these activities emerge, and what are the motivations of people engaging in such activities? Therefore, trying to provide a better understanding of what hostage-takings activities are. Secondly, the psychosocial effect in reaction to hostage-takings is further investigated. Then, the legal side of (non) paying of ransom money in case of terroristic hostage-takings will be reconsidered by discussing current policies concerning paying ransom money in hostage-taking situations. In order to reinforce the literature review, additional information will be provided derived from interviews of direct and indirect victims of hostage-takings. Finally, the findings of the literature study, the policies and the psychosocial effects on hostage-taking will all be considered in order to come to a general discussion and conclusion about whether to pay or not to pay ransom money in order to free hostages. The
literature review is not meant to give an ultimate advice on counterterrorism strategies, though it can be used as additional information reconsidering the legal perspective as well as the psychosocial perspective concerning this topic. Therefore, this paper can be useful as reference guide in future developing counterterrorism strategies.
2. Hostage-Taking

2.1 Introduction

Hostage-taking activities are activities in which a person is captured against his or her will in which the hostage taker enforces a third party to meet certain demands (Vecchia, Van Hasselt, & Romano, 2005). Multiple researchers made a classification system in order to group different types of hostage-takings (Alexander & Klein, 2010; Call, 2003; Lipsedge, 2004). Several studies (Alexander & Klein, 2010; Call, 2003) classified hostage-takings by different types of motivations: politically motivated hostage-takings, such as those made by terrorist groups, emotionally disturbed hostage-takings, such as barricades cases as reaction to a personal dispute, prisoner rebellion, in which hostage-takings occur in a correctional setting, and criminals trapped in commission of crime, such as a criminal threatening to hurt a hostage in order to keep the police away and flee the crime scene.

Lipsedge (2004) classified hostage-takings in ‘expressive’ and ‘instrumental’ hostage-takings. In this, expressive refers to hostage-taking as an expression of emotion, such as most barricade events, whereas instrumental hostage-takings refer to goal oriented hostage-taking such as most kidnappings for ransom (Lipsedge, 2004). Dolnik (2003) made a distinction in hostage-takings between kidnapping and barricades. In kidnappings, the location of the hostage(s) and the hostage taker(s) is unknown, but unlike kidnappings, in barricades the location of both parties is known (Dolnik, 2003). Dolnik (2003) states that a hostage-taking can be both a barricade and a kidnapping: barricades can turn into kidnapping and vice versa. Kidnapping can, for example, transform into a barricade when the location of the hostage taker is discovered. Moreover, barricades can, for instance, turn into kidnapping when the hostage taker escapes with a hostage from the scene to an unknown place (Dolnik, 2003).

An example of a hostage-taking that is both a kidnapping and a barricade, is an airliner skyjacking, which allows the hijacker to have control over a mobile platform (Dolnik, 2003). This makes the exact geographic location of both parties unknown, though one knows that they are in a certain place, namely the plane. Another difference between barricades and kidnapping is that barricades are often non pre-meditated acts. Kidnappings on the other hand are usually planned on forehand (Dolnik, 2003). This is also the reason why the perpetrators of these types of hostage-takings generally differ, perpetrators of barricade incidents are in 52 to 85 percent of cases individuals who are mentally disturbed. In kidnapping cases, the perpetrators are more often members of well-organized organizations (Dolnik, 2003).
2.2 Barricades

Barricade incidents often occur in situations in which domestic violence takes place and subsequently the police are being called or when a crime is interrupted. For instance when someone tries to rob a bank but accordingly is intervened by, for example the police (Dolnik, 2003). In the domestic barricade the perpetrators’ main use of the hostage is to keep the police away by threatening to hurt the person when the police try to approach the hostage taker. In barricades that occur when a crime is interrupted, the hostage is also used by the perpetrator to keep the police on a distance, or in order to escape the crime scene. Another example of why barricades are used is when a householder tries to resist eviction (Lipsedge, 2004). Thus, barricades can result from multiple situations in which individuals can have different personal motivations. Another setting in which barricades can occur is in institutional settings.

However, barricades occur more often in correctional facilities and to a lesser extent in health care settings (Völm, Bickle, & Gibbon, 2012). Because of the low frequency in which these kinds of barricades occur, there is little research done on this specific form of hostage-taking. Consequently, there is not much information available about hostage-taking activities in mental health settings (Völm et al., 2012). Peak, Radli, Pearson and Balaam (2008) claimed that the demands of hostage takers who are situated in such institutions are generally different from those in hostage-takings that occur outside such settings. The barricades for instance, usually are committed in order to escape the facility. Völm et al. (2012) argued that barricades in these settings often have an emotional basis: in four of the cases that the researchers examined, all the incidents were committed on an emotional basis as the hostage takers were triggered by different kind of emotions, like feelings of frustration, duress and feelings of hopelessness. All the four incidents were planned beforehand. A notable fact they found, was that all the barricade incidents were committed by male patients.

Barricades in correctional settings, for instance in prisons, often occur in an attempt to escape or to create a suicide by cop, the latter in order to end their lives and, accordingly, end their time in prison (Peak, et al., 2008; Mohandie & Meloy, 2010). Victims of barricades in correctional settings can be visitors, employees as well as inmates (Peak et al. 2008). A good example of a hostage-taking in a correctional setting is the hostage-taking in the Lewis Prison Complex, in which two correctional officers were taken hostage for a period of fifteen days (Peak et al., 2008). This hostage-taking is considered to be the longest prison hostage situation in the United States. These kinds of barricades can either be planned, or emerge without premeditation and can involve one hostage or a number of hostages (Peak et al.
2008). Mohandie and Meloy (2010) argued that prisoners are notably goal oriented and less emotionally driven, making them more willing to execute their hostage when they are not considered useful to them. This is why hostage-takings in prisons often result in a lot of deaths or injuries (Völm et al., 2012). In 1971 the Attica Correctional Facility in New York was the location where 39 inmates and employees were killed and more recent, in 2001 rioting prisoners took approximately 8,000 visitors and employees hostage (Peak et al., 2008). This latter protest spread itself to 22 other prisons and ended in 5 deaths. These incidents prove that these types of hostage-takings are quite dangerous for the parties involved, because of the violence that is used either by the hostage taker himself or the authorities who try to stop them. The reason why these incidents continue to exist is because “inmates stay inmates” and they are at a place where they do not want to be, forcing them to take any action possible (Peak et al., 2008, p. 4). The previously discussed hostage-taking types were mainly hostage-takings in which the location of the hostage taker, as well as the location of the hostage is known. Next, hostage-takings in which the location of both parties is unknown will be discussed further.

2.3 Non-terrorist Kidnappings

According to the Control Risk Group, kidnappings of foreigners increased by 275% at the global level in the period from 1997 to 2007 (Mohamed, 2008). This is a significant increase and gives an indication of the magnitude of the problem. Mohamed (2008) suggested multiple factors which can make individuals decide to kidnap someone: greed, political and religious beliefs, revenge, lust and love. The author further suggests that kidnappings for these reasons happen all over the world, in both the high society and the low society. Kidnapping cases are more elaborately planned on forehand in comparison to barricades (Dolnik, 2003). These kinds of hostage-takings are often committed in a highly emotional state of the hostage taker, and most of the time the hostage taker does not gain anything from it (Noesner and Webster, 1997). Lipsedge (2004) argued that, in domestic hostage-takings, revenge is a frequent drive that makes the individual decide to engage in the kidnapping. The loss of custody over the children or abandonment by a partner can be examples of this. According to Lipsedge (2004) the kidnapper in these situations tries to compromise the legal status, reputation and personal safety as a parent. Despite the fact that this type of hostage-takings in practice does nobody any good, neither for the kidnapper nor for the hostage, some parents still engage in these practices (Lipsedge, 2004). One of the reasons why they continue to engage in such activities
is because people think their acts in real life are perceived as heroic as the hostage-takings that are shown on television (Lipsedge, 2004). Lipsedge (2004) gives the example of a father who kidnaps his child because authorities want to take it away from him. According to Lipsedge (2004) the father would kidnap the child because he thinks he can commit this act because it would be considered as someone who “acts in the role of a lone crusader” (Lipsedge, 2004, p. 26). Therefore, his act would be justified.

Another example of non-terrorist kidnappings are abductions committed by criminal gangs. Criminal gangs have important networks for kidnappings (Briggs, 2001). In Mexico, Colombia, the Philippines and Brazil among others, kidnapping is so common that it tends to be an “urban phenomenon” in these areas (Briggs, 2001, p. 14). According to Manwaring (2007) Mexico counted approximately 3,000 kidnappings in 2004, the highest number of kidnappings in the world that year. Another country where a lot of kidnappings occur is Colombia. In 2008 approximately one kidnapping per 100,000 citizens was reported (Montenegro & Pedraza, 2009). The gangs that are behind these activities vary from street gangs to more “traditional transnational criminal organizations”, like Mafia families, illegal drug traffickers and warlords (Manwaring, p. vii, 2007). Briggs (2001) argued that kidnap activities often are committed in countries where risks of being caught and ultimately punished are relative low. Due to corruption within the police and judicial systems there is high level of impunity in these countries (Briggs, 2001). For example, Mexico’s level of impunity is approximately 95% (Moloeznik, 2003) and in Colombia 97% of the crimes committed go unpunished (Bouvier, 2008). The impunity of kidnappings reduces the risks for being caught and being punished for the kidnappers, therefore the chance their operation would succeed becomes larger. Therefore, the rate of kidnappings in countries in Latin America, such as Mexico and Colombia, are fairly high.
3. Terrorist hostage-takings

3.1 Introduction

Hostage-takings are also committed by terrorist organizations (Brandt & Sandler, 2009; Nax, 2008; Sandler & Scott, 1987; Wilson, 2000; Yun & Roth, 2008). The legal definition among other things of terrorism will be elaborated in more detail in chapter 5.2 of this paper. Brandt and Sandler (2009) classified terrorist hostage-takings in four different categories: skyjackings, barricades and hostage-taking missions (i.e. taking over buildings with hostages), capturing non-aerial means of transportation and kidnapping. Terrorist kidnappings can be classified by motivation as well as non-terrorist hostage-takings (Briggs, 2001). Kidnappings can be primarily motivated by financial gain or merely by a political goal. Kidnappers who primarily try to gain profit out of their kidnappings are financially motivated, kidnappers who aim to achieve certain political goals are politically motivated. Though, terrorist hostage-takings can account for both political and economic goals, these hostage-takings are mainly used in political oriented goals.

3.2 Skyjackings and hijackings of non-aerial means of transportation

Skyjacking is an act in which an aerial mean of transportation is captured along with the crew and passengers on board and is also defined as "aircraft hijacking," "aerial hijacking," and "air piracy" (Holden, 1986, p. 874). There are different forms of skyjackings that can be distinguished: hijackings for the use of transportation and extortion hijackings (Holden, 1986). In the majority of hijackings, transportation is the main goal. This simply means that the hijacker demands transportation to a certain destination (Holden, 1986). In fact, all hijackings include extortion, because demands are being forced by threatening to hurt the people on board of the plane and the plane itself (Holden, 1986). Though, extortion hijackings stresses the hijackings in which hijackers demand something different than, or in addition to, transportation (Holden, 1986). Hijackings for transportation are mostly used in situations in which, for example, criminals try to escape (Holden, 1986). Individuals who engage in extortion hijackings are for instance individuals who have political objectives in the Middle East and Europe. In the United States, the majority of extortion attempts were committed in order to gain more personal objectives, such as to obtain money and sometimes in order to free prisoners (Holden, 1986). Holden (1986) distinguishes different kinds of
individuals engaging in skyjackings. On the one hand, the ‘mentally ill’ individuals are identified. On the other hand the ‘goal seeking’ individuals are typified. The ‘mentally ill’ individuals would have a desire for publicity and ‘goal seeking’ hijackers engage in skyjacking activities in order to achieve certain goals or to solve personal or political problems (Holden, 1986).

According to Sandler, Tschirhart, & Cauley (1983), terrorists often choose the type of hostage-taking activity they want to use by opting for the type of hostage-taking which has the lowest risk factor for them. Brandt and Sandler (2009) analyzed data of terrorist hostage events which were retrieved from the International Terrorism Attributes of Terrorist Events (ITERATE). They found that of the 1,941 hostage events which took place in the period of 1968 until 2005, 1,318 consisted of kidnappings. Of these kidnappings, 380 were skyjackings, and 243 were other hostage events (i.e., barricade missions and non-aerial hijackings) (Brandt & Sandler, 2009). Skyjacking is one of the hostage-taking types in which authorities are least successful in approaching the hijacker unseen. Consequently, skyjacking is the least risky form of hostage-taking and hijackings for terrorist groups (Brandt & Sandler, 2009). This is why terrorist organizations engage more often in skyjackings, in comparison to other forms of non-kidnapping events (Brandt & Sandler, 2009).

3.3 Barricades and hostage-taking missions

According to figures from ITERATE barricades are not often used in terrorist hostage-takings. This is surprising considering media attention is something terrorist organizations primarily like to achieve and this hostage-taking tactic does attract a lot of media attention (Weimann, 2005). Though terrorist hostage-taking activities are primarily meant to gain profit out of the obtained ransom in order to finance their terrorist organization, hostage-takings such as barricades are moreover a risky type of hostage-taking since the location is known and therefore they would be easy to be approached unseen by authorities (Brandt & Sandler, 2009). The FBI’s Hostage Barricade Database System (2007) indicated that 82% of the barricades that occur are resolved without injured hostages or perpetrators (Mohandie & Meloy, 2010). These figures are an indication of the relative safety for hostages and hostage takers in terrorist barricades, as most of the cases are shown to be resolved.

In February 1980, the Embassy of the Dominican Republic in Bogotá was taken over by a Colombian armed guerilla group which held twenty-five ambassadors hostage (El Universal, 2009). The guerilla group had several demands, namely, a certain amount of ransom money,
the release of political prisoners and of 320 members of their own organization (El Universal, 2009). However, not only terrorist organizations engage in this type of hostage-takings. In November 1979, the American Embassy in Teheran was taken over by students (History, n.d.). The students, who were supporters of a conservative Muslim group, held more than 60 Americans hostage and demanded the return of the Iran leader Shah Mohammed Reza Palevi who was residing in the United States (History, n.d.). The hostage-taking was a way for the students to “declare a break with Iran’s past and to put an end to American interference in its affairs” (History, n.d.).

Jenkins (1981) describes terrorist hostage-takings, as well as other forms of terrorist tactics, as contagious because one terrorist event inspires groups in planning other terrorist attacks. According to Jenkins (1981) terrorist groups who engage in hostage-taking missions can be classified under two broad categories: small terrorist groups who engage in missions at home and abroad and large groups of militants, who often seize embassies at home (Jenkins, 1981). Although the large groups of militants often use most armed elements, the small terrorist groups are more frequently involved in violence than the large groups of militants (Jenkins, 1981). In 26 of the 36 cases, the hostage takers demanded the release of prisoners. In only a few cases the demands were financially oriented, money often was the secondary goal (Jenkins, 1981). Jenkins (1981) explained that business men would be better targets, as these would be more lucrative when demanding ransom money. The study of Jenkins (1981) showed that less demands of embassy sieges were met during the passage of time. Of the eleven cases between 1971 and 1975, the demands of seven of the cases were met. In the cases between the period of 1976 and 1980, only in four the demands were met. According to Jenkins (1981) this would be a clear indication that governments are more capable of resisting terrorist hostage-taking missions during the passage of the time. In 48 percent of the cases in which they made demands, terrorist were either arrested or killed (Jenkins, 1981). Taking this together, engaging in terrorist hostage-taking missions as sieges on embassies appears to be a losing proposition for terrorist groups (Jenkins, 1981).

More recent studies show sieges of embassies currently occur less often (Enders & Sandler, 1993). In 1976 some security policies were taken in order to fortify and secure the embassies of the United States. For instance, metal detectors were installed, these served to screen on weapon possession of visitors of the embassy. In 1986 an additional 2.6 billion American dollars were spend in order to rebuild and fortify American embassies and missions. In 1984 the so called ‘Reagan Laws’ were enacted. One of these laws constituted the Public Law 98-473 that criminalized the hostage-taking of citizens of the United States,
either within or outside the nation. Therefore, terrorists could be punished for committing hostage-takings, accordingly increasing the risks of terrorists to commit sieges on embassies. The research of Enders and Sandler (1993) showed that the security measurements that were taken reduced attacks on the American embassies.

3.4 Non-aerial hijackings

The capturing of non-aerial means of transportation also known as non-aerial hijackings is a type of hostage-taking which is not often used by terrorists (Enders & Sandler, 2006). The study of Enders and Sandler (2006) showed that of all transnational terrorist events, hostage-taking incidents are represented by 14.2% of the events, kidnappings represent 9.44%, skyjackings 2.88% of the events, barricade missions 1.42% and just 0.46% of the all the events are represented by non-aerial hijackings. Hence, the capturing of non-aerial means of transportation is not a very popular way of taking hostages and this form of hostage-taking does not occur often. Non-aerial hijacking is one of the hostage-taking types in which authorities are more often successful in approaching the hijacker unseen than, for instance, skyjackings. Consequently, non-aerial hijackings are considered as a risky form of hostage-taking for terrorist groups (Brandt & Sandler, 2009).

3.5 Kidnappings and ransom

The main financial recourse of terroristic groups are criminal activities, in which drug-trafficking, tobacco smuggling, credit card fraud, and kidnapping are the most common (Koh, 2006). Since 1990 terrorists started to engage in kidnapping activities (Jenkins, 2006). Before this it was often avoided by terrorist groups, because the criminal aspect would tarnish the group. Terrorist organizations depended mostly on “rival superpowers and their allies” in the 60s’ (Jenkins, 2006, p. 120). But after the Cold War this support declined significantly, therefore, terrorists were forced to find other financial resources. The Islamic Movement of Uzbekistan (the IMU), for example, received in 1999 about five million American dollars by performing hostage activities and the Euskadi Ta Askatasuna (ETA) collected about fifteen million American dollars in 1997 (Koh, 2006).

Unlike barricades incidents, terrorist organizations make more use of kidnapping (Dolnik, 2003). Brandt and Sandler (2009) argued that terrorist organizations engage more often in kidnappings than in barricades as this form of hostage-taking is less risky because of the
unknown location, accounting to two third of the hostage events of terrorist organizations. Briggs (2001) argued that kidnappings are most common in countries where politics are instable, as kidnappers are able to use the weaknesses of the systems to grow and capitalize on the instability. In these countries, the risks kidnappers take are relatively low as the weak legal system can cause the country to be a weak law enforcer, decreasing the risk of being punished when being caught (Briggs, 2001). Briggs (2001) also mentioned ‘the opening up of new economic territories’ in which more individuals who are part of Western multi-national companies travel more in order to reach out in new markets, as well as tourists who travel more to dangerous places, accordingly creating more potential victims and new opportunities for hostage takers. Briggs (2001) stated that kidnappers make a rational choice in engaging in the crime, as they reconsider the pros and cons before determining whether they should engage in kidnap activities. Whether a group decides to engage in kidnap activities, depends on their primary motivations to engage in such activities: politically motivated groups tend to take risks, as well as more unpredictable risks, rather than those groups who focus merely on economic objectives, as ransom money. (Briggs, 2001). Due to this the political motivated group are more likely to decide to engage in kidnapping despite the relatively high risk to be caught, whereas groups that have economic purposes will be generally more inclined to avoid such high risk situations.

3.6 Piracy

Piracy is defined as “the unlawful depredation on sea” (Murphy, 2013, p. 11). Maritime piracy activities include theft of cargo or of vessels in order to ask ransom money for the release of it, the kidnapping of the crew for ransom (Schoeman & Häefele, 2013). These pirates gain a lot of profit from these activities, in 2011 approximately 160 million American dollars was paid merely to Somali pirates. Though there are no quantitative studies regarding the total global costs of piracy, estimations are made between 1 billion and 16 billion American dollars a year (Hanson, 2009). Generally pirates are poorly educated, unemployed and disaffected men (Gilpin, 2009). Gilpin (2009) identified three different categories of men who engage in piracy activities: “Battle-hardened clan-based militia, youth who are looking to make quick money and forced recruits like fishermen who are recruited because of their navigational skills” (p. 6). Pirates generally operate in groups of four to six people and are very highly professionally organized (Schoeman & Häefele, 2013; Gilpin, 2009). Pirates try to serve one single purpose: to gain maximum monetary benefit out of it
(Schoeman & Häefele, 2013). According to Gilpin (2009) pirates have financiers who are not directly involved in piracy but are situated inland, from where they finance pirates in expectation of ultimately receiving a part of the ransom money obtained. Usually pirates are armed and hostages of pirates are often inhumanely treated as they, for instance, are used as a human shield to facilitate attacks, are forced to engage in piracy themselves and sometimes even tortured (Gilpin, 2009; Hurlburt, 2013). Schoeman and Häefele (2013) argued that modern pirates make use of psychological strategies to manipulate hostages, the families of the hostages and the media to make sure ransom money will be paid. Piracy occurs frequently in the waters off the Horn of Africa, in West Africa, in the waters off India, the South China Sea and the Straits of Malacca and the Caribbean (Schoeman & Häefele, 2013). Gilpin (2009) stated that the emerging of piracy runs parallel to unrest, maritime lawlessness and economic decline. Because of the economic demands that individuals who are engaging in piracy activities try to enforce, it is not surprising they try to pick out the ones who are financially more fortunate. Schoeman & Häefele (2013) suggested that pirates are inclined to pick western civilians, as they are perceived as wealthy people or at least coming from wealthy countries.
4. Psychosocial impact of (terrorist) hostage-taking

4.1 Introduction

The second and third chapter of the literature review showed that hostage-takings differ substantially, among other things in their aims, their motivations, the way they are conducted, the prevalence and intensity of violence that is used, the conditions in which hostages are captivated, the duration of the hostage-taking, and the way the hostage-taking end. Despite the fact that hostage-takings can have severe physical consequences on the hostage, these events also have many psychological and social consequences. The next section will elaborate the psychological and social impact of terrorist hostage-taking incidents on direct and indirect victims.

4.2 Direct Victims

There is relatively limited data on the psychological and physical characteristics of victims of terrorist hostage-takings. This is due to the ethical and practical reasons that one is confronted with in this type of research. This makes the study on psychological effects of terrorist hostages-takings rather difficult (Alexander, 2010). For that reason, the focus of this part of the study will not be specifically on victims of terrorist hostage-takings, but on victims of hostage-takings for ransom in more general terms. According to Alexander and Klein (2009), being a victim of a hostage-taking has cognitive, emotional and social influences on the hostage. These influences will be further described in the next sections.

4.2.1 General psychological effects

Van der Ploeg and Klein (1988) studied 138 victims of different hostage-taking events and psychological aftereffects in the Netherlands. The victims were asked to fill in a self-report, in which they could choose from a range of symptoms of negative psychological aftereffects. For example: tenseness, depressive mood, guilt feelings, nervousness, anxieties, worries, sleeping difficulties and other symptoms. The symptoms most mentioned by victims were tenseness, anxieties, and sleeping difficulties. The authors found that only in 25% of the cases, victims of hostage-takings claimed they did not experienced any symptoms and there was no effect of the hostage-taking on the victim at all. The rest of the victims reported to
have experienced one or more of the symptoms. 34% of the 138 victims that were studied, also experienced psychosomatic complaints after being taken hostage. These psychosomatic complaints included: “different forms of pain (such as headache, backache), respiratory diseases (such as hyperventilation, bronchial asthma), circulatory diseases (such as hypertension), nervous diseases and sleeping difficulties and extensive tiredness” (van der Ploeg & Klein, 1988, p. 161.). These results address rather general symptoms that were identified in victims. Therefore more specific psychological effects of hostage-takings will be discussed.

4.2.2 John Wayne Syndrome

People who used to be the victim of hostage-takings often feel continuing feelings of guilt towards other co-hostages who remain in captivity or who did not survive the hostage-taking. In addition, they feel guilty about the way they behaved during the hostage-taking (Fletcher, 1996). This phenomenon is called the John Wayne syndrome and appears often in the first few days after the release of the victim (Fletcher, 1996). According to Fletcher (1996), it is a strong emotion of guilt that victims feel when they think that they should have acted more heroic during the hostage-event. Feelings of weakness also often play a part in this. According to Slotkin (1992) the John Wayne Syndrome originates from a “complex of war-related stress disorders” that was often found in Vietnam veterans and their doctors (p. 212). A symptom of this syndrome is that the person internalizes an ideal of someone who is brave and invulnerable to guilt and grief. However, this ideal is impossible to live up to, therefore the person develops an excessive form of guilt or grief. Moreover, a soldier will feel guilty over his behavior on the battlefield that is often marked by fear and bravery (Slotkin, 1992). John Wayne would refer to this internalized imaginary superhero that refers to “the perfect representation of soldier masculinity” (Slotkin, 1992, p. 520). According to Ayalon (1982), ex-hostages who are slightly injured when released feel less guilt in comparison to the victims who escaped without being physically harmed. Due to the injury, a victim can feel that he or she ‘paid’ to be free with suffering from his injuries. This can make the victim feel less guilty about his or her release.

4.2.3. Stockholm syndrome

Another phenomenon that can occur in victims of hostage-takings during or shortly after a hostage-taking is the Stockholm Syndrome. The Stockholm syndrome is a mental
phenomenon that people in longer captivity often develop (Cantor & Price, 2007). In this, hostages sympathize with their hostage taker and even idealize him or her. Thus, the hostage and the hostage takers have a positive bond (Speckhard, Tarabrina, Krasnov, & Mufel, 2005). The name of the ‘Stockholm Syndrome’ originates from a bank robbery in 1973 in Stockholm (Strentz, 2006). During this robbery, four people were held hostage for a couple of days. After the hostages were released, the hostages showed paradoxically positive feelings towards their hostage takers. In addition, the hostage takers, although to a lesser extent than the hostages, also felt positive feelings towards their hostages (Strentz, 2006). In the defense of their hostage takers, the hostages felt negative towards the police that saved them (Strentz, 2006).

Although it is a phenomenon that often occurs during a hostage taking, different researches proved that the positive emotional bond between hostage and hostage taker is often very strong. It can even extend itself after the hostages are released from the kidnapping (Carver, 2011; Speckard et al., 2005; Strentz, 2006). The Stockholm syndrome can serve as a useful mechanism for both the hostage and the hostage taker during the hostage-taking: it can help the hostage to survive the hostage-taking and it can help the hostage taker to handle the situation and decrease the chance of engaging in violent behavior or escape attempts of the hostage (Favaro, Degortes, Colombo, & Santonastaso, 2000). Allodi (1994) indicated that feelings of anger and hostility against the hostage taker are dangerous which could accordingly make the Stockholm Syndrome a lifesaving condition for the victim. Though, there are two disadvantages of the syndrome (Alexander & Klein, 2010). First, authorities cannot trust hostages to give them correct information or that the victim will help them in a rescue plan. Second, when the hostage-taking has ended, the hostage might feel guilt or shame, because of the previous behavior towards its captor.

Symonds (1980) argued that a hostage experiences the negotiation phase between the hostage taker and third parties as very stressful and dangerous. The hostage interprets negotiation about the demands of his release as endangering to him. The hostage considers the ones negotiating to be indifferent and rejecting towards him, if they are not meeting the demands of the hostage taker. The combination of the life-threatening behavior of the ones who try to negotiate the release of the hostage and the hostage taker who promises to release the hostage without doing him harm, creates the possibility for a victim to develop the Stockholm Syndrome (Symonds, 1980).

Kuleshnyk (1984) claimed that the Stockholm Syndrome is more likely to occur in victims when the hostage event lasts longer. However, the hostage incident on October 23, 2002, the Moscow Dubrovka House of Culture proved otherwise. This event only took about
seventy two hours until the Russian Special forces stormed the theater and ended the hostage-taking. Still there were victims that suffered from the syndrome (Speckhard et al., 2005). Approximately 800 people were taken hostage. Of these people, 130 individuals died, of which 5 of these were killed directly by the terrorists. Other people died because of the unidentified sleeping gas that was used by the Russian Special forces before they entered the theater. Eleven of the victims of the event were interviewed by Speckhard et al. (2005) and they found that 10 of the subjects indeed suffered from the Stockholm Syndrome. Speckhard et al. (2005) believed that the syndrome occurred in hostages because of two reasons. First, the terrorist hostage takers did not use any violent behavior, except when hostages did not listened to them. Second, the hostages and the hostage takers conversed with each other during the hostage-taking. There is not much research done on how the phenomenon exactly arises. However, Carver (2011) listed some conditions which could be at the basis of developing the Stockholm Syndrome: “The presence of a perceived threat to one’s physical or psychological survival and the belief that the abuser would carry out the threat, the presence of a perceived small kindness from the abuser to the victim, isolation from perspectives other than those of the abuser, and the perceived inability to escape the situation” (p. 1).

The research of Favaro et al. (2000) showed that the development of the Stockholm Syndrome could be predicted by how much humiliation and deprivation the victim had to endure. The victims who suffered from the Stockholm Syndrome had endured significantly more humiliation and deprivation than the victims of hostage-takings who did not suffer from it. Different studies, most of them based on interviews of victims of hostage-takings, showed that the Stockholm Syndrome was more the rule than an exception in victims of hostage-takings (Cantor & Price, 2007; Carver, 2011; Speckhard et al., 2005). Carver (2011) argued that police hostage negotiators nowadays see the phenomenon not as unusual anymore. An experimental research to the effect of the Stockholm Syndrome showed that victims who had a positive bond with the hostage-taker adjusted better to the hostage-taking situation (Auerbach, Kiesler, Strentz, Schmidt & Serio, 1994). In this experiment, a highly stressful and realistic situation of captivity was simulated for four days. The experiment showed that the ones who perceived the hostage-taker as more friendly, were more able to adapt in the incident than those who perceived the hostage taker as dominant and unfriendly (Auerbach et al., 1994). According to Carver (2011), police hostage negotiators even encourage the reactions of victims suffering from the Stockholm Syndrome in crime situations, such as hostage situations, because it could enhance their chance to survive hostage-takings. With all means, despite the paradox that exists in the relationship between hostage and hostage taker,
the phenomenon of the Stockholm Syndrome seems to have benefits for both parties in hostage taking situations. However, it is not sure what exactly the benefits are for the victim suffering from Stockholm Syndrome after the hostage-taking has ended. For instance, the study of Speckhard et al., (2005) showed that ten of the victims suffering from the syndrome suffered from Posttraumatic stress disorder (PTSD) as well. This is a high prevalence number of PTSD in this little pool of subjects. Therefore, the Stockholm Syndrome does not ensure any positive long-term effects on, for example, PTSD. The absence of a connection between the two was also corroborated in the research of Favaro et al. (2000). The researchers found that there was no significant connection between the Stockholm Syndrome and PTSD.

4.2.4 Posttraumatic stress disorder

The first psychological reactions that occur after being held hostage are mainly anxiety-based (Fletcher, 1996). Most of the individuals who experience a traumatic event will recover from it and will return to normalcy after a while. Though, some will continue to experience stress reactions, which can gradually become worse over time. This can eventually turn into PTSD (Hamblen, 2012). PTSD is an anxiety disorder which can occur in individuals who have experienced or witnessed a traumatic event (Hamblen, 2012). Herman (1992) emphasized the prolonged, repeated trauma in PTSD, which would only occur in individuals who have been entrapped, without the ability to flee and who were under the control of their captor, such as victims of terrorist hostage-takings. A person who suffers from PTSD reacts with intense fear, helplessness, or horror to a traumatic event (Tomb, 1994). Hamblen (2012) explained the three main sets of symptoms which form the basis of PTSD. These sets include symptoms concerning cognitive, emotional and social problems in individuals. The first set involves the reliving of the event in your mind. The second set of symptoms comprises of the avoidance of places or people that remind the individual of the event, isolating oneself from people or experiencing feelings of numbness. The last set of symptoms includes feelings of being on guard, startling easy or being irritable. The complexity in PTSD is the fact that individuals who suffer from it, often also experience other psychological disorders such as depression, memory and cognition problems and other mental issues (Hamblen, 2012). These problems can have great influence on an individual’s life as it can lead to impairment in their social or family life or it can be the cause of occupational instability (Hamblen, 2012).
Hence, PTSD seems to be a long-term after effect of a traumatic event such as hostage-taking, that can have a substantial negative influence on the individual suffering from it. The research of van der Ploeg and Kleijn (1988) showed that 46% of the 138 hostages studied suffered from symptoms of PTSD according to the Diagnostic and Statistical Manual of Mental Disorders (DSM) III, such as long-lasting behavior of avoidance or phobias. Their study indicated that symptoms of anxiety were most prominent in their sample of hostages. Favaro et al. (2000) studied the effect of trauma among 24 victims of kidnappings in Sardinia, Italy. In their research they used semi structured interviews. The research showed that 45.9% of the victims, which are 11 victims, suffered from symptoms of PTSD similar to the DSM-IV. This is an indication of the high prevalence of the anxiety disorder among victims of hostage-takings. Even though the prevalence of PTSD among victims of hostage-takings seems to be high, not every ex-hostage develops the anxiety disorder. Hamblen (2012) described different features of individuals that can have an effect on whether or not a person develops PTSD. Individuals who are more prone to develop PTSD are individuals who: “already experienced an earlier life threatening event or trauma, have a current mental health problem, are less educated, are of younger age, are female, lack sufficient social support and individuals who have had recent, stressful life changes” (Hamblen, 2012, p. 3). All these features can influence how an individual reacts on an experienced traumatic event such as hostage-taking and can accordingly have an effect on whether the person will develop PTSD or not. Van der Ploeg and Kleijn (1988) researched the long-term effects on victims of hostage-taking. They found that ex-hostages who had previously experienced a traumatic life event reported a large number of negative psychological after effects. According to van der Ploeg and Kleijn (1988) this suggests that victims who have experienced an earlier life threatening event or trauma, tend to have great vulnerability to negative psychological after effects.

As explained, PTSD has some negative effects. However, the symptoms of PTSD originally have a function in an evolutionary psychological perspective (Silove, 1998). PTSD as an immediate reaction to a traumatic event is considered to be a survival response. In this, memories of the event are considered as an automatic cognitive learning mechanism. The individuals learn to avoid places and people that remind them of the traumatic event. This reduces the chance of being confronted with a novel threat.
4.2.5 Major depression disorder

Fletcher (1996) argued that depression often develops in a later stadium when a hostage has been released, namely approximately a couple months to years after the hostage-taking. Major depression disorder (MDD) implies, according the DSM IV, depressed mood or irritability, decreased interest or pleasure, significant weight change or change in appetite, change in sleep, change in activity, fatigue or loss of energy, guilt/worthlessness, change in concentration ability and suicidal thoughts. When at least five of these characteristics are experienced by an individual on a daily basis, the diagnosis would be MDD. The research on victims of hostage-takings in Sardinia showed that 37.5% of the 24 victims suffered from MDD (Favaro et al., 2000). Other studies on the psychological effects of hostage-taking on ex-hostages also found depression or symptoms of depression to be part of their sample of victims (van der Ploeg & Kleijn, 1988; Speckhard et al., 2005). In these studies, the symptoms of guilt/worthlessness, change in sleep, fatigue or loss of energy and depressive mood are mainly mentioned. Though, MDD does not tend to have withdrawing or avoidance symptoms such as PTSD, MDD can have serious effects on a victims’ social life (Reinherz et al., 1993). Reinherz et al.(1993) examined the psychosocial risks for MDD in late adolescence in a longitudinal study. The results of this study showed that individuals who suffered from MDD had greater perceived unpopularity and had poorer perceptions of their role in their family, in comparison to individuals who did not suffer from MDD.

4.2.6 Enduring personality change

Enduring personality change after catastrophic experience (EPCACE) is an adult personality disorder which is included in the International Statistical Classification of Diseases and Related Health Problems, 10th revision (ICD-10) (World Health Organization, 1992). This chronic condition can be the result of a severe and extended period of detention (Alexander & Klein, 2010). The symptoms of this disorder are: “feelings of hostility or feelings of distrust towards the world, social withdrawal, feeling empty or hopeless, a chronic feeling of ‘being on edge’ as if being under constant threat, and estrangement” (Beltran, Silove, & Llewellyn, 2009, p. 113). These symptoms should occur for at least a year to be classified as EPCACE (Alexander & Klein, 2010). According to Beltran et al. (2009) the stress that the victim had suffered, must be of such an extreme nature that the personality change could not have occurred as result of the person’s prior level of adaption. Marlow and
Sugarman (1997) argued that the disorder can result in changes after traumatic experiences or severe mental diseases, even though the brain does not make any part of these changes. The disorder involves permanent changes and is irreversible (Turner, 2000).

4.3 Indirect Victims

Direct hostages are not the only victims of a hostage-taking. The family, relatives and friends of the direct victim are also victimized by the forced separation under increasing level of psychological threat (Busuttil & Busuttil, 2001). The psychological health and the functionality of the family and its members can be affected by the enforced separation under threat of death of their loved one (Busuttil & Busuttil, 2001). The ones who stay behind have to cope with a stressful and threatening event at home. That is why the psychological effect of hostage-takings on indirect victims will be further explained.

4.3.1 Short-term effects

Easton and Turner (1991) studied the psychological effects of families of British hostages in Kuwait and Iraq. To measure these effects, a general health questionnaire and a questionnaire with an impact of event scale were conducted, approximately within a year after the hostage-taking ended. These questionnaires were filled in by relatives of the hostages and people who had been asking for help for the Gulf Support Group in the eight months before. The Gulf Support Group provided support to individuals affected by the Gulf war. They found a range of mental health issues among the subjects during the hostage-taking such as impaired concentration and indecisiveness. Their research also showed that 204 (54%) respondents, felt guilty because they were safe at home. Furthermore, 39 (10%) of the participants acknowledged that they blamed themselves for the hostage’s involvement. Of the participants 68 (22%) claimed that the event had negatively affected their family lives due to stress or change in the partner’s behavior. The effects they reported involved: separation, communication and libido problems. On the opposite side, there were also 70 (22%) reportings of individuals who felt that the hostage-takings had a positive effect on their marriage. The study revealed that of the 166 subjects who had children, 99 (66%) were affected: in 81 (49%) of the cases, the children suffered for instance from having nightmares, being afraid of uniforms and decreasing school performances. Hence, victims, their relatives and loved ones are affected by hostage-takings situations. These effects ranged from
emotional feelings, such as guilt, to cognitive effects such as coping with stress and behavioral effects such as change in behavior of the spouse.

4.3.2 Long-term aftereffects

Van der Ploeg and Kleijn (1988) conducted a study in which it was investigated what the psychological effects were on family members of victims of hostage-takings. The research was conducted over a period of six to nine years after the event. This made it possible to detect possible long-term aftereffects. Participants had to report the symptoms that they experienced in a questionnaire. They found that 38 (49%) of the family members did not experience any effects due to the hostage-taking. And 16% of the 77 family members reported that they experienced 4 or more symptoms of negative aftereffects, such as: anxieties, worries, guilt feelings and other symptoms. The research showed that 19% of the family members suffered from negative psychological long-lasting aftereffects. The most common symptoms in these long-lasting aftereffects were generally anxiety based, which falls under the criteria used for Generalized Anxiety Disorder in the DSM III. Another long-term aftereffect that was found in 29% of the family members of hostages was long-lasting avoidance behavior or phobias. This finding corresponds to the criteria of Post-Traumatic Stress Disorder in the DSM III. The research also showed that victims experienced positive aftereffects of the hostage event. In this, 44% of the direct victims of hostage-takings reported that the event had positive lasting changes in their lives, whereas only 24% of the family members of hostages claimed to have experienced positive effects due to the event. Positive changes frequently involved for example, closer relationships and an increasing ability to see the relativity of things. This study revealed that the effects of hostage-takings among relatives of hostages are considerably present. It showed that family members suffered, though generally less than direct victims, from substantial long term and short term aftereffects of hostage events.

4.3.3. Aftereffects on social (family) functioning

Navia and Ossa (2003) studied the psychological aftereffects on family members and the functioning of the family. The research examined the effects in a period that ranged from 2 up to 15 months after the release of the hostage. In order to study these psychological aftereffects on families, different questionnaires were used. The Family Assessment Device (FAD) was used to examine different aspects of family functioning, such as communication
and problem solving, behavior control and general functioning. The FAD scale scores are in reversed direction, meaning that lower scores on this scale are interpreted as healthy functioning and higher scores are an indication of unhealthier family functioning. The Family Crisis Oriented Personal Evaluation Scale (F-COPES) was used in order to investigate family coping. Psychological distress was examined using a self-report inventory; the SCL90-R. PTSD symptoms that are in line with the DSM IV definition were assessed by the CAPS-DX, which consisted of structured interviews. In total 158 family members and 55 hostages who were released were examined.

The research revealed that family members of hostages experienced relatively as much PTSD as the released hostages themselves in which 19.6% of the family members suffered from PTSD and 29.1% of the ex-hostages (Navia & Ossa, 2003). In addition, no significant differences of PTSD over the different time spans were found. The average level of distress was on the upper side of the normal range, for both the family members ($MD = 61.41, SD = 10.96$) as well as the released hostages ($MD = 62.32, SD = 13.60$). No significant differences between the measurements after 2, 4, 5 and 9 months of the hostage-taking were found. This is an indication that the level of distress remained the same both for family members and ex-hostages (Navia & Ossa, 2003). General Distress showed to have a positive correlational relationship with family roles, behavior control, communication and general functioning of the family. This means that, when individuals experienced less distress, they were more able to fulfill their family roles properly, communicate better with each other, and control their behavior. This resulted in a healthier functioning of the family as well. PTSD scores turned out to be positively correlated with affective responsiveness, affective involvement, and behavioral control. This means that individuals who are less affected by PTSD are more able to respond in a decent manner to others, to show more affective involvement, and control their behavior. These results indicated that psychological adaption in people is related with a better functioning family (Navia & Ossa, 2003).

Taking all the psychosocial effects of hostage-takings in this literature review together, one can conclude that such events can have tremendous effects on both the hostage and the direct family members of the hostage, sometimes even years after the hostage taking event has taken place. Over the years, various approaches aimed have been adopted, at responding to situations of hostage-taking, especially terrorist hostage taking. One of the legal measures that have been recently proposed to reduce terrorist hostage-takings is the criminalization of paying of ransom to terrorist hostage takers. In order to explain this legal measurement
and the difficulties that occur with it, the legal measurements against terrorist hostage-takings will be further discussed.
5. Legal Perspective on non-payment of ransom

5.1 Introduction

According to economic analyses, reducing the resources of terrorist organizations, both financial resources and resources in personnel, is one of the best ways to prevent terrorism (Sandler, 2002). Therefore, this tactic is used to conduct counterterrorism strategies in order to prevent and reduce global terrorism. Though this tactic sounds like a good idea for proper anti-terrorism strategies, the implementation of such counterterrorism strategies is hard and not without difficulties in reality (United Nations, 2013). In order to be able to undermine terrorism and terrorist hostage-takings, first the strategic logic that drives terrorist organizations should be understood (Kydd and Walter, 2006). Therefore, terrorism will be explored in more detail before clarifying the counterterrorism strategies in terrorist hostage-takings.

5.2 Definition of Transnational Terrorism

The first difficulty in fighting terrorist organizations starts with finding a globally accepted definition and description of terrorism. Until today, there is still an ongoing debate in academic literature about the exact definition of terrorism (Acharya, 2008; Coady, 2004; Enders & Sandler, 1993; Ganor, 2002; Garrison, 2004; Meisels, 2009; Scharf, 2000; Young, 2006). One of the reasons this debate continues to exist, is because of the different objectives that are present in defining terrorism (Meisels, 2009). These objectives, among others, are influenced by legal, political, ideological and psychosocial differences between and within countries (Meisels, 2009). Furthermore, terrorism is considered to be “a subjective, highly loaded and emotionally charged term” (Best & Nocella, 2004, p. 362). The meaning of terrorism can therefore be determined by an individual’s culture, political ideology and agenda (Best and Nocella, 2004). This result in different perspectives on whether an event is considered to be committed because of terrorist reasons or whether an act is committed out liberation reasons. Hence, an event can be perceived by one person as a terrorist attack whereas another person will consider the exact same event as a struggle for freedom. Therefore, there is no consensus on one specific globally accepted description or definition of terrorism yet, causing inconsistencies and contradictions between legal definitions (Meisels, 2009). In order to reduce terrorist activities, there should be a clear distinction between what
is considered to be legally accepted and what is considered to be a criminal act. The problem in determining what is and what is not objectively legally permitted lays in the subjectivity in considering what a freedom fighter is and what a terrorist is. Ganor (2002) indicated that some states vote in favor of terrorists, because they sponsor them themselves and that is why these states try to define terrorism in such way that the terrorist fighters they sponsor do not fall in the category off terrorism. Instead, these states try to cluster them among the category of ‘freedom fighters’ in which these fighters accordingly are permitted to carry out any terrorist activity they like, because they would pursue a just goal (Ganor, 2002). This would justify all the means that are used to achieve their cause (Ganor, 2002). This is of course not compatible with fighting terrorism effectively. Hence, it is important to come to an objective legal definition of terrorism. According to Ganor (2002) the solution can be found in the laws and principles which determine the behaviors that are permitted in conventional wars between nations. These laws and principles are derived from the Geneva and Hague Conventions, which are based upon the basic principle that the harm of soldiers during war cannot be prevented, or in other words is permissible, whereas it is prohibited to target civilians deliberately (Ganor, 2002). That is why it is important to distinguish the goals and the means used to achieve these goals, in order to determine what is considered to be objectively legitimate (Ganor, 2002). Because some terrorist organizations deliberately attack civilians, they can no longer claim to be ‘freedom fighters’ not even because they would serve a prominent goal for national liberation or another ‘worthy’ goal (Ganor, 2002). When the legislation on terrorism is based upon this definition and would be adopted worldwide, it could make a significant difference in the cost-benefit calculation of terrorists as well as their sponsors, because the use of terrorist operations will have more disadvantages than advantages for them (Ganor, 2002).

The United Nations Assembly has called for the convening of an international conference starting its first session in 1996, and is still continuing annual international conferences until today (United Nations, n.d.). These meetings were meant to define terrorism and to distinguish terrorism from legally permitted acts. However, the United Nations does still not have an internationally agreed definition of terrorism (United Nations, n.d.). The main reason for this is because the Organization of the Islamic Conference (OIC): the Arab Terrorism Convention and the Terrorism Convention of the Organization of the Islamic Conference (OIC) objected to the proposed definition of terrorism by the United Nations (United Nations, n.d.). In this the key lies at the ‘armed conflict’ threshold (Scharf, 2000). Conceptualization of terrorism differs, depending on whether we are in a situation of armed
conflict or a period with non-existence of armed conflict, in other words peacetime (Scharf, 2000). The provisions of the four 1949 Geneva Conventions and their Additional Protocols of 1977, apply when terrorism is committed during an international armed conflict. These conventions contain very specific definitions of a wide range of prohibited code of conduct (United Nations, 2013). Terrorism committed in a period of peacetime is covered by several conventions prohibiting specific terrorist acts (Scharf, 2000). This enables the possibility of universal jurisdiction, but the peacetime anti-terrorism convention still consists of a considerable amount of gaps, for instance the assassination of businessmen is not listed as prohibited (Scharf, 2000). The OIC does not agree with the 1949 Geneva Conventions, in defining terrorism because they prefer to exclude armed struggle and self-determination (United Nations, n.d.). The OIC is still trying to find ways to exclude “the activities of the parties during an armed conflict, including in situations of foreign occupation.” Therefore, the United Nations do not yet have a globally agreed upon definition of terrorism, but the UN Security Council did adopt resolution 1566 (2004) generically defining terrorism:

Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism.¹

For a long period of time, it was possible on the level of international law, and sometimes in national legislation as well, to define certain acts as acts of freedom fighting instead of defining them as terrorism (Walter, 2003). Therefore, some EU Member States could circumvent the definition problem of terrorism (Walter, 2003). This was for some EU Member States a good solution, because for some States the protection of their State, as well as the democratic values of the society, laid at the core of this debate, whereas the risk of unjustified repression of freedom fighters were other Member States concern (Dumitriu, 2004). Though, because of the increase of terrorist attacks, as well as the attacks of 9/11, the pressure to take action against international terrorism became overwhelming, making the continuation of this approach no longer possible (Walter, 2003). Under agreement of all the member states the definition of terrorism according to the EU member states are “Acts which aim to intimidate populations, compel states to comply with the perpetrators’ demands and/or

¹ For more information see: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/542/82/PDF/N0454282.pdf?OpenElement
destabilize the fundamental political, constitutional, economic or social structures of a country or international organization.”

The African Union defines a terrorist act as:

Any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to: intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or create general insurrection in a State...”

The Association of Southeast Asian Nations (ASEAN) defines terrorism in relation to the existing international conventions prohibiting specific terrorist acts. The Arab League Convention on the Suppression of Terrorism defines terrorism as:

Article 1 Definitions and General Provisions states:

Terrorism: Any act or threat of violence, whatever its motives or purposes, that occurs for the advancement of an individual or collective criminal agenda, causing terror among people, causing fear by harming them, or placing their lives, liberty or security in danger, or aiming to cause damage to the environment or to public or private installations or property or to occupy or seize them, or aiming to jeopardize a national resource.

Article 2 Definitions and General Provisions states:

All cases of struggle by whatever means, including armed struggle, against foreign occupation and aggression for liberation and self-determination, in accordance with the principles of international law, shall not be regarded as an offence. This provision shall not apply to any act prejudicing the territorial integrity of any Arab State.

The Organization of the Islamic Conference 1999 defines terrorism as:

Article 1(2) (Definition and General Provisions) states:


For more information: http://www.au.int/en/sites/default/files/OAU_CONVENTION_PREVENTION_COMBATING_TERRORISM.pdf


“Terrorism” means any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honour, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States.\(^6\)

The Inter-American Convention against Terrorism 2002 defines an act of terrorism as:

Any unlawful threat of or use of violence, regardless of motive, means, or scope, that is intended to generate widespread terror or alarm in all or part of the population and that seriously jeopardizes the life, the physical, material, or moral well-being, or the freedom of individuals.

The Agency North Atlantic Treaty Organization (NATO) 2003 defines terrorism as: “The unlawful use or threatened use of force or violence against individuals or property in an attempt to coerce or intimidate governments or societies to achieve political, religious or ideological objectives.”\(^7\)

The USSR Ministry of the interior 1989 defines terrorism as:

International terrorism represents the sum total of the following activities:

a) Illegal and premeditated acts of violence committed by people (or by a group of people) on the territory of a state directed toward foreign nationals or international organs or institutions, or toward personnel, means of international transportation or communication, and other foreign international objects;

b) Illegal or premeditated acts of violence committed by people (or group of people) organized or supported by a foreign state on a given state’s territory directed toward national state organs or public institutions, national political or public figures, populations or other objects.\(^8\)

Despite of the difficulties that emerge of adopting the definition by all states, an understanding of terrorism derived from the Geneva and Hague Conventions and their Additional Protocols of 1977 does offer an objective and clear distinction of what is considered to be terrorism and what is not. These international laws and principles can be used as a guideline of the behaviors permitted in wars between nations (Ganor, 2002). These

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6 Quoted ibid., pp. 189-191.
laws make a legal distinction between freedom fighters and terrorists: their goals, as well as the operation they conduct to obtain these goals, have to be legitimate. According to international law this means that one may not attack civilians deliberately (Ganor, 2002). In contrast, the targets of freedom fighters are military ones. Therefore, terrorists and freedom fighters can legally be divided (Ganor, 2002). In order to know how to react properly on terrorist actions it is important to know what the objectives and strategies of terrorist organizations are. Therefore, the objectives and strategies of terrorist organizations are further discussed in the next section.

5.3 Objectives and strategies terrorist organizations

Terrorist groups can act in service of the state interest, but they can also move against the state interest (Crenshaw, 1981). Terrorists who are sponsored by the state are used to fight for political power or to maintain the existing political state (Acharya, 2008). Sometimes, powerful states also use this strategy crossing country boundaries, consequently imposing costs on countries which are seen as enemies (Mickolus, 1989). Unlike the group which is sponsored by the state, the group which opposes the state tries to achieve a political change by using violence (Crenshaw, 1981). Terrorist groups can have goals which do not comply with the existing sociopolitical procedures, the group with broad ‘revolutionary’ goals (Wilkinson, 1974). Terrorist groups can also have goals that better comply with the status quo of, for instance, policy- or personnel-specific goals, this group has more ‘subrevolutionary’ goals. Due to the opposing component of their objectives the ‘revolutionary’ group is considered to be more dangerous to established authorities than the other less opposing ‘subrevolutionary’ group (Wilkinson, 1974). Wilkinson (1974) also noted it is important to distinguish long-term objectives and low-order objectives of terrorist groups, the low-order objectives refers to the military operations, the long-term objectives refers to the ideology or the ultimate aim (Wilkinson, 1974). The reason why it is important to make this distinction is because it would give an indication of the degree of commitment as well as certain patterns that is used in the strategy (Wilkinson, 1974). Europol (2013) divided terrorist groups between religiously inspired terrorism, ethno-nationalist and separatist terrorism, single issue terrorism and political terrorism, the latter subdivided in left-wing and anarchist terrorism on the one side and right-wing terrorism on the other. The type of group terrorists adhere to determines which objectives they will ultimately have. Despite the motivational differences between the terrorists groups, the strategies they all use to reach their goal are similar (Kydd & Walter,
2006). Namely, the use of violent tactics in order to intimidate the society and accordingly enforce their ultimate goal (Kydd & Walter, 2006). Although one should think terrorism is aimed at the victims of the attack, Jenkins (1975) suggested otherwise, as he believed terrorism is aimed at the people who witness the attacks. Crenshaw (1981) stated that the victims of terrorist attacks have little intrinsic value to terrorist organizations; the victims should represent the larger audience, which is the reaction terrorists try to seek. This might explain why terrorist groups do not merely threaten to engage in violent terrorist actions, but actually carry them out as well, because they probably do not feel any sympathy for the victims. Terrorist groups simply try to pressure decision makers in forcing them to meet their demands (Enders & Sandler, 1993). To increase this pressure terrorists try to reach a public as wide as possible, herein the media plays a prominent role, because they are used by terrorist organizations to spread the word of their actions (Tsfati & Weimann, 2002). Kydd and Walter (2006) argued terrorism does not work because terrorists frighten society; it works because the actions move governments and individuals in such way they positively contribute to the objectives of the terrorists. Kydd & Walter (2006) use the 9/11 attacks as an example; al-Qaida conducted these attacks in the hope the United States would accordingly react in a certain way. They hoped that the United States would increase the costs for the support of multiple Arab regimes and they hoped to provoke to a military response, designed to mobilize Muslims around the world. Altogether, it can be concluded it is important to understand why certain terrorist attacks are committed by terrorist organizations and what should be the appropriate responses that do not constitute concessions or surrender to terrorists’ objective in order to prevent or reduce future terrorist attacks.

5.4 Developments in terrorism

Throughout the years, terrorism has developed significantly (Jenkins, 2006). According to Jenkins (2006) terrorist organizations develop because they influence and learn from each other. They develop for example on technological, procedural and tactical domains (Jenkins, 2006). In order to anticipate on these developments it is important to reconsider them carefully before developing counterterrorism strategies. That is why some developments will be mentioned here as well. Jenkins (2006) has studied developments in terrorism and found different ‘trends’ in this field. He found that terrorist organizations have become less depended on state sponsors. This result in fewer problems regarding state terrorism though it also reduces the control which states can perform on terrorist organizations (Jenkins, 2006).
Their sources, preparations, and actions become less transparent, giving terrorist organizations more room to operate more secretly without being ceased (Jenkins, 2006).

Secrecy is also a useful tool, especially in terrorist hostage-takings, because it increases the likelihood of success. Secrecy is also one of the mechanisms that terrorist organizations use in order to survive, the other one is operational security (Jenkins, 2006). When their organization stays unknown, they can benefit from this because they can hide their sources, punish betrayal and prevent the invasion of foes and therefore limit damage (Jenkins, 2006). Therefore, terrorist organizations have adapted their ‘model of organization’ (Jenkins, 2006, p. 122). In this, terrorist organizations rely more on international networks in order to grow and become more resilient (Jenkins, 2006).

Because they have international networks they can also carry out terrorist activities across the boundaries of their own country, which enables them to run global campaigns as well, resulting in more international attention (Jenkins, 2006, p. 124). As result of the introduction of radio, television, internet and mobile smartphones during the past years, communication technologies significantly improved (Jenkins, 2006). As terrorists like to reach as much people as possible, this development was a real godsend to terrorist organizations, because they exploit these technologies they are able to reach a global public within a short time (Jenkins, 2006). The last development Jenkins (2006) discussed was that of the effectiveness of the achievement of strategic results. Though, they did not created many powerful political movements, terrorist organizations did accomplish more strategic results throughout the years, for instance, proving they are dangerous and they remain active even though they cannot advertise recruiting (Jenkins, 2006). The scale of the terrorist attacks was one of the ways they were able to achieve this and Jenkins (2006) claimed it will take years before their terrorist enterprises will be destroyed. Although terrorists often do succeed in the tactics they use, therefore gaining attention and provoke panic, they do not succeed to achieve any success in their primary stated goals. According to Jenkins (2006) in this lies ‘the paradox of terrorism,’ this means that terrorism fails, whereas the phenomenon of terrorism continues. After discussing the developments of terrorism and the definitional problems of terrorism, counterterrorism strategies in hostage-takings will be further explored.

5.5 Counterterrorism strategies in hostage-takings

To achieve their political objectives, terrorists often use hostage-taking activities to gain financial profit out of the ransom they collect (Dolnik, 2003). As a result of the need to
make international agreements concerning the legitimacy of payment of ransom to hostage-takers, the Commission on Human Rights adopted several resolutions (United Nations, 2013). Resolution 2005/31 condemns hostage-taking and urges thematic special procedures to continue to address the consequences of hostage-taking as appropriate. The definition of hostage-taking was subject of debate during the process in the adaption of the International Convention against the Taking of Hostages of 1979 (United Nations, 2013). Ultimately hostage-taking was defined in the Convention as follows:

Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostages (“hostage-taking”) within the meaning of this Convention.

This internationally codified definition of hostage-taking consists of two main elements. The first element indicates that the person is seized or detained. The second element indicates that a person is threatened to be killed, injured or continued to detained in order to force a third party to do or abstain from something as an explicit or implicit condition for the purpose of the release of the hostage. In order to be considered a hostage-taking, both elements are required to be part of the act. The first element of seizing and detaining people is common in non-terrorist hostage-takings. The second element of threatening to kill, injure or continue to detain the person in order to force a third party to do or abstain from something as an explicit or implicit condition for the purpose of the release of the hostage, constitutes the basis of distinguishing terrorist hostage-taking of non-terrorist hostage-takings (United Nations, 2013). According to article 12, the Convention against hostage taking cannot be applied in situations of hostage-takings which are committed in the course of armed conflict (United Nations, 2013). These principles are covered by the previous mentioned 1949 Geneva Conventions and their 1977 Additional Protocols. Furthermore, under additional Protocols I and II hostage-taking is prohibited and the Rome Statute of the International Criminal Court enlisted hostage-taking as a war crime. Altogether, this makes hostage-takings a prohibited act under international law (United Nations, 2013). Hostage-taking is considered to be a criminal act which is determined as a punishable offence, when committed in non-armed

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10 Rome Statute Protocols I and II; A/CONF.183/9, arts. 8 (2)(a)(viii) and (c) (iii).
conflicts (United Nations, 2013). Despite the criminalization of committing hostage-taking activities, the phenomenon of hostage-takings still remains. Moreover, in the United Nations rapport of July 4 (2013) is mentioned that because of the conceptual issues of terrorism, the legal instruments previously mentioned does not tie the concept of hostage-taking to the notion of terrorism. The United Nations (2013) stated that in 80 percent of the hostage-takings they successfully capture the hostage and their demands, in terms of ransom, are met in 70 percent of the cases. This estimation should provide us with an indication which should make us aware that merely the criminalizing of hostage-takings is not sufficient in order to be an effective counterstrategy. Accordingly, this brings us to the next step of preventing hostage takings, namely the non-payment of ransom money in terrorist hostage-takings.

5.6 Counterterrorism strategies and non-payment of ransom

An economic analysis indicated that one of the best ways to prevent terrorism is reducing the resources of both financial resources as in personnel of terrorist organizations (Sandler, 2002). According to Cortright and Lopez (2007) in developing counterterrorism strategies it is important that the strategies are balanced and the tools of the government must be integrated. Reacting to terrorism by violence might cause some harm to the attacked terrorist organization, though Cortright and Lopez (2007) stated that it cannot outweigh the harm caused by reducing their financial sources and decreasing their manpower by convincing their personnel of withdrawing from the organization. Thus, one government tool should not undermine another one (Cortright & Lopez, 2007). Cortright and Lopez (2007) emphasized the importance of all the departments of the government working together in order to create a successful counterterrorism strategy on a long-term base. Furthermore, it is important that all these departments work together and not apart from each other (Cortright & Lopez, 2007). Hence, Cortright and Lopez (2007) support a holistic approach in fighting terrorism. A third point Cortright and Lopez (2007) pleaded was the importance of integrating with friends and allies. In this, Cortright and Lopez (2007) emphasized that terrorism expresses itself all over the world. Because of this, it is impossible for one state to fight terrorism by itself. Although these suggestions would lead to successful and in particular long-term effects on terrorist organizations, it is more difficult to implement those suggestions in practice. International laws try to anticipate on these principles by fighting terrorist hostage-takings as they try to criminalize the paying of ransom money for countries as well as organizations (United Nations, 2013). The notion of Cortright and Lopez (2007) that
emphasizes the importance of integrating with friends and allies is the starting point off this law, in order to reduce the funding of terrorist groups. Because terrorist organizations can operate all over the world, these principles would only be effective if all the Member States would comply with them.

What becomes clear in the report of the United Nations of July 4 (2013) is that this endeavor is at this moment impossible to reach. The problem in this notion is the aspect of endangering Human Rights of the hostage, because criminalizing the payment of ransom money to terrorist organizations could put the hostage in serious jeopardy (United Nations, 2013). This is the reason why in many countries the legality of paying ransom to terrorist hostage takers is generally a subject to debate and in some countries as Germany, France and Italy they have stated not to support any statements, conclusions or recommendations that approves the criminalizing of the payment of ransom money (United Nations, 2013). Countries which adopted some legislative and policy measures were Colombia and Canada (United Nations, 2013). Colombia has responded to the notion by enlisting some legislative and policy measures and improved their security system and international cooperation which are used in the combat of hostage-takings (United Nations, 2013). Canada has responded by stating that they will hold a policy on non-payment of ransom (United Nations, 2013). The African Union rejects the paying of ransom money to terrorist organizations in order to free hostages and therefore they have included it in the decision against the paying of ransom (United Nations, 2013). However, because of the controversy in this notion it is rather early to expect them to express this in terms of adopting legislations and policies (African Union, 2013). Both the Association of Southeast Asian Nations (ASEAN) as well as the Organization of American States do not have any legal documents yet concerning the specific subject of paying ransom in terrorist hostage-takings. Recommendations try to emphasize the importance of coherence and coordination in national policies and strategies among States (United Nations, 2013). In this, the importance of criminalizing the offense which should be in conformity with the international standards is emphasized as much as possible, and they try to emphasize the importance of cooperation with a specific focus on law-enforcement and capacity building as well (United Nations, 2013). These recommendations include preventive measures like the increase of awareness and understanding of terrorist hostage-takings among States, strategies aimed at the terrorists’ cost-benefit calculation, hereby increasing the risks and decreasing the opportunities they gain out of hostage-takings, and finally increasing the

accessibility of recourses of terrorist organizations and provide traineeships for those who are involved in combating hostage-takings (United Nations, 2013). In general definitions skyjackings are considered to be a type of terrorist hostage-taking as well and are represented in different conventions such as the Convention on Offences and Certain Other Acts Committed on Board Aircraft and the Convention for the Suppression of Unlawful Seizure of Aircraft (United Nations, 2013). Though, these instruments do not consider skyjackings specifically as a hostage-taking activity, but it does criminalize the act itself and therefore the offenders can be prosecuted (United Nations, 2013). Altogether, it can be concluded there is not yet a unanimous agreed way among all the Member States on how to deal with the payment of ransom in terrorist hostage-takings, due to the dilemma of breaching the human rights of the hostage which it would bring along. Therefore, missing effectiveness of its strategy on this moment for the States who, more or less, do participate. As Cortright and Lopez (2007) already stated the counterterrorist approach would only be effective when all the states would work together in its implementation. However, the recommendations concerning counterterrorism strategies and hostage-taking measures should be less difficult to adopt by States, because they do not have such controversial disadvantages as the non-payment of ransom when implemented by States.
6. Victims and anti-terrorist strategies

6.1 Introduction

So far, the legal perspective on terrorist hostage-takings and the psychosocial aspect of hostage-takings have been examined in more detail. As mentioned before, the anti-terrorist strategy that forbids the paying of ransom focuses mostly on the potential victims of hostage-takings and more generally, on citizens. It might be interesting to investigate what victims of hostage-takings think about this strategy. In order to find out, the focus needs to be on the victims of hostage-takings instead of potential victims and citizens. In addition, both psychosocial and legal perspectives will be considered. These are very important in understanding the dilemmas faced by efforts aimed at criminalizing payment of ransoms, as their lives are at stake in this debate. The victims have experienced the events first hand and know how it is to be in such situation. This also counts for the indirect victims, who have experienced the hostage taking event up-close. Therefore they know, by experience, the implications for hostages of (non-) payment of ransom. The following elaboration on the views on criminalization of payment of ransom to terrorist hostage takers by people who have experienced hostage taking situations is intended to supplement the literature review on psychological and legal perspectives on hostage-taking and ransoms. Victims’ views were gathered, taking into consideration the previously analyzed impact of hostage-taking on victims.

In order to investigate how victims of hostage-takings think about anti-terrorist strategies, such as forbidding paying ransom money to terrorists, the psychosocial aspect of hostage-taking was investigated before asking about their opinion of the strategies. This particular aspect was examined because these psychosocial aspects can give a slight indication whether the answers of the victim are biased on forehead. The opinion that the victim holds about the hostage taker, plays an important role in this. The feelings of the victim about the hostage taker can influence their opinion on the questions that are about the hostage taker. For example, as mentioned before, the Stockholm Syndrome can influence the view that a hostage holds against ones hostage taker (Carver, 2011; Speckhard et al., 2005; Strentz, 2006). In this, the hostage is considered to have rather positive feelings towards the hostage taker. This in turn could have an effect on the questions that are asked to the victim; a victim who suffers from the Stockholm Syndrome could answer the questions more in favor of the hostage taker than a victim who does not suffer from this syndrome. In order to try to...
minimize such biases of the victim as much as possible, the psychosocial aspects of the victim will be considered first.

6.2 Method, Participants and design

The victims who were asked to participate were victims that could be traced by media, such as internet. Of the six victims who had been asked whether they would like to participate in the research, four victims agreed to participate. One of the victims did not reply to the request, and one preferred not to participate. The victims who did agree on participating, consisted of three indirect victims who were family members of a former hostage and one direct victim who was a former hostage. The indirect victims were family members of the direct victim. The indirect victims who participated were the parents of the victim, as well as a sister of the direct victim. The subjects participated on a voluntarily and anonymous base. Before starting with the examination of the victims, the participants had to agree on an informed consent.

6.3 Materials and procedure

Because terrorist hostage-takings do not often take place in Holland, there are few victims that would be able to participate in the research. Despite the limited number of participants in the research, the results could still be interesting for the debate of the non-payment of ransom. If more victims could have the opportunity to report how they think about the issue in a follow up study, it could be helpful in determining legislative measurements against terrorist hostage-takings. The question that would be particularly interesting in this case would be whether the victims themselves see the non-payment of ransom as a breach of human rights as well.

In order to investigate what victims of hostage-takings think about anti-terrorist strategies, such as the prohibition on paying ransom money to terrorists, participants had to fill in a questionnaire. The main idea of the research was to interview the victims face to face, which was also initially requested from the victims. Though, because this did not generate any response of any of the victims, it was chosen to ask whether the participants could fill in an online questionnaire. The questionnaire consisted of four open questions.

The first question that addressed the psychosocial aspect, was aimed at understanding whether the victim had experienced any difficulties in returning to society after release. This
could give a slight indication of whether the victim would suffer from, for example, the Stockholm Syndrome. Assuming that people who suffer from the Stockholm Syndrome can encounter problems with their relatives. The relatives of victims who suffer from the syndrome, who often hold a negative view against the hostage-taker (Easton & Turner, 1991), can have difficulties in understanding the positive view the ex-hostage would hold against the hostage taker.

In the second question, it was asked whether the victim felt differently about the hostage event and the hostage taker now compared to when the hostage-taking took place. Accordingly, the victim could explain this in further detail. Some ideas were given which they could use in their answers, such as whether they still think about the event on a regular basis. The third question was a rather general question on how the victim thinks about paying ransom for the release of a hostage, both on a long-term and short-term base. In order to see what the general thought of the victims on this topic is, no explanations about the consequences these reactions could have were given. Ultimately, in the fourth and last question, it was asked how the victims felt about the non-payment of ransom as a counterterrorist strategy. In this question, it was explained that this strategy may be used to reduce the financing of terrorists. This explanation was given, to see how the victim would think about the topic when the ‘bigger picture’ of the intent of these strategies would be introduced.

Both the direct and indirect victims had to answer the same questions. However, the psychosocial questions were asked in a different manner: the direct victims were asked about their direct experience about the hostage event, and the indirect victims were asked about how they experienced the event as being a family member of the hostage. For instance, a question to the direct victim is: “How did you experience the return in the Dutch society after your release?” The question towards the indirect victim on the other hand is: “How did you experience the return of your family member in the society?”

6.4 Results

The direct victim who answered the first question addressed the fact that “some members of their family felt that they were not recognized enough in their suffering.” The ex-hostage did think a lot of the hostage-taking, but this was due to the media attention that was given to the hostage-taking. The question whether the victim thinks in a different way about the hostage takers now, than during the event, was answered by “I thought they were
criminals then and I still think they are criminals.” On the question how the victim thought about paying ransom to free hostages the ex-hostage, the answer was very short and clear. The victim thought that this is not a good idea as it “would stimulate the kidnapping business.” On the question on how the victim thought about the anti-terrorist strategy of criminalizing paying ransom, the victim answered that “it would be a politically understandable choice.” But the victim did also think that it would not be manageable to apply this in practice. “As in practice paying ransom will always continue.” The ex-hostage stated that in spite of statements by some countries that they did not pay any ransom anymore, they actually did.

The question on whether the indirect victims experienced any problems when the hostages came back in society, was generally answered in the same way. None of the indirect victims reported any problems during the period when the hostage was released and returned in society. The question about how the indirect victims currently think about the hostage-taking was answered more or less the same by all the three individuals as well. They did not experience any problems in their daily lives because of the event. All three of the indirect victims reported that they have “picked up their daily lives again.” However, the frequency of the person in which they thought about the event differed. Some of them thought about the event “a lot” and some of them thought about it “once in a while.” The person who still thought about the event a lot, also mentioned “it was regrettable the perpetrators still were not punished yet.” But what all of the indirect victims emphasized as main response, was that they were “relieved and thankful” their family member returned home safely. The family members of the ex-hostage unanimously agreed to support the reluctance of the government to pay ransom and they are aware of the consequences payment of ransom could have on a long-term base. But they all felt when their family member was taken hostage their opinion changed and they would have paid the ransom. One of the victims reported that it was difficult that the government could not give them much information. This family member did not know whether or not the government was actively working on the case. One of the indirect victims endorsed the anti-terrorist strategy of criminalizing ransom payment, but also thought that it would not work as “human lives were more worthy than money.” The second family member stated that there should be other manners to stop certain groups for engaging in such activities, manners that would not come at the expense of human lives. The third family member doubted whether this strategy would work in fighting terrorist groups. Solely addressing these activities would not stop all their financial sources, assuming they have more
sources than ransom money. This would, according to the family member, make such strategy a “mere drop in the ocean.”

6.5 Discussion and Conclusion

The lack of recognition of the suffering of a family member of a hostage, is a problem that is acknowledged in hostage-taking events (van der Ploeg & Kleijn, 1988). In this short study this acknowledgement is also addressed by the victim of the hostage-taking. The ex-hostage reported that some family members felt their suffering was not acknowledged sufficiently. The fact that the ex-hostage thinks about their captives as being criminals is an indication that the victim does not think positive about the offenders. Thus, it may be assumed that the victim is not biased in answering the questions as a result of the Stockholm Syndrome. Despite the victims’ hostage experience, the answers of the victim on whether or not to pay ransom, are quite straightforward in renouncing the payment of ransom money in order to free hostages. However, should be noted that the ex-hostage thinks that applying the criminalization of paying ransom in practice is rather difficult as countries most likely will ultimately pay the ransom. The indirect victims did not mention to have experienced any problems regarding the comeback of the hostage in society. This could also be an indication that the ex-hostage does not suffer from the Stockholm Syndrome. After analyzing the answers of the indirect victims, it was clear that they had already thought about the idea of whether to pay ransom to terrorists or not. They all mention in a certain way the dilemma of paying the ransom and financing more of hostage taking activities or paying the ransom for the sake of their relative. Though, there is no doubt about which option they would choose for sure. Obviously, no one would like to risk the lives of their relatives. From this, it may be concluded that in this ‘dilemma’ for family members of a hostage, there actually exists no such thing as a dilemma: the ransom of the payment for the freedom of a loved one can rather be paid sooner than later.

What was notable in the examination of direct and indirect victims of hostage-takings concerning this topic was that the direct victim seemed to think and talk about the topic of paying or not paying ransom in a more general manner than the relatives of the hostage did. The direct victim did not apply the issue on her own experience but rather answered the question in a more general sense. The indirect victims on the other hand really talked about ‘their relative’ and their experience of the hostage-taking in the issue of paying ransom. This could be due to the fact that from the point of view of the direct victim it could be too
confronting. As the victim is free again and talking or thinking about the consequences of not paying ransom in their hostage-taking situation could, in their mind, place the victim back into the hostage event again. Answering the questions in such a manner, would accordingly make it a more ‘safer’ approach from a general point of view. As the indirect victims have not directly experienced the hostage-taking, talking about the experience could be less confronting for them, making them more able to talk about their own experiences. Nevertheless, the main conclusion of the examination of direct and indirect victims is that they all agree that paying ransom is a bad idea. However the indirect victims reported that they would have paid ransom if it would have been necessary in their case. Moreover, the direct and indirect victims expressed their doubts about whether criminalizing paying ransom would work in practice. Especially the indirect victims addressed the value of a life over that of money.
7. General discussion and conclusion

This literature study has examined the legal and psychosocial aspects of terrorist hostage-takings. Even though, the legal perspective in which the prohibition of the payment of ransom is discussed, is designed to protect victims of hostage-takings, the focus of this strategy is countering proliferation of terrorism and its potential victims and not actual victims. This is why in this literature review, the psychosocial aspect of hostage-takings in victims has been considered as well. Moreover, both disciplines were merged together in the short study on the view of victims of hostage-takings concerning the topic of non-paying of ransom. The literature review showed that terrorist organizations tended to rationally weigh the pros and cons of certain kinds of hostage-takings (Briggs, 2001). Research showed that the least risky type of hostage-taking, which is kidnapping, was chosen most by terrorist. However, Briggs (2001) indicated that, contrary to economical hostage takers, terrorists are willing to take more risks and take more unpredictable risks. Therefore, terrorists do not engage merely in kidnappings.

The psychosocial perspective of the literature review showed that both direct and indirect victims can be greatly affected by hostage-takings because of multiple psychological disorders and mental issues. The main general psychological effects on direct victims after being taken hostage included: tenseness, anxieties, and sleeping difficulties, and psychosomatic complaints (Van der Ploeg and Klein, 1988). Furthermore, psychological complaints that occurred in direct victims of hostage events were: the John Wayne Syndrome, the Stockholm Syndrome, posttraumatic stress disorder, major depression disorder, and enduring personality change (Cantor & Price, 2007; Fletcher, 1996; Hamblen, 2012; World Health Organization, 1992). The literature review showed the psychological health and the functionality of the family and its members of the direct victim can be affected as well, because of the enforced separation under threat of death of their loved one (Busuttil & Busuttil, 2001). Indirect victims typically experienced anxieties, worries, guilt feelings and other symptoms (Van der Ploeg and Klein, 1988). The long-term after effects of hostage-takings on indirect victims were generally anxiety based. The study of Navia and Ossa (2003) even indicated that family members of hostages experienced relatively as much PTSD as the direct victims of hostage-takings. Individuals who experienced less distress, were more able to fulfill their family roles properly, communicate better with each other, and were more able to control their behavior. According to Navia and Ossa (2003) less distress among the family members resulted in a healthier functioning of the family as well. The study of Easton and
Turner (1991) showed that a hostage-taking could affect the family life due to stress or change in the partner’s behavior, this could result in separation, communication and libido problems. On the opposite side, there were also individuals who felt that the hostage-takings had a positive effect on their marriage. Nevertheless, these ‘positive’ aftereffects of hostage-takings can never make up for the negative psychological and social consequences previously mentioned in this literature review. Together with the physical consequences and in some cases even the death of hostages, counterterrorism strategies aimed at reducing the phenomenon should be encouraged.

The UN has taken initiatives aimed at addressing these activities as well as the EU and other international and regional bodies. However, as shown in this literature review, combating terrorist groups and especially the hostage-takings is quite a challenge. The first obstacle in combating terrorist hostage-takings is the global agreement upon the definition of terrorism. The United Nations Assembly has called for the convening of different international conferences in order to define terrorism and to distinguish terrorism from legal acts. But until today there is no universal definition of terrorism that is agreed upon by all States. Another obstacle in fighting terrorist hostage-takings is the dilemma on criminalizing the payment of ransom and accordingly breaching of human rights of the hostage. In order to reduce terrorist hostage-takings international laws try to anticipate on terrorist hostage-takings by trying to criminalize the paying of ransom money for countries as well as organizations (United Nations, 2013). Because ransom money is an important funding source of terrorist groups, the payment of ransom in order to free hostages is eliminated as much as possible (Koh, 2006). In order to be effective all the Member States have to comply with these principles, as terrorist organizations operate globally (Cortright and Lopez, 2007). However, not all Member States agreed upon criminalizing paying ransom money to terrorist organizations. Moreover, this is subject to debate in different countries (United Nations, 2013). Criminalizing of paying ransom in terrorist hostage-takings can breach human rights of the hostage, such as the right to life, the right to freedom, and the right to security. The non-payment of ransom in hostage-taking can endanger these human rights since it could put the hostage in serious jeopardy as it can result in the hostage being harmed or killed. Despite the controversy in criminalizing the payment of ransom, some countries, such as Colombia and Canada, adopted some legislative and policy measures to combat terrorist hostage-taking. Colombia improved its security system and international cooperation which are used in the

combat of hostage-takings. Canada stated they will hold a policy on non-payment of ransom (United Nations, 2013). Although these countries respond positively on the policy, not all Member States agreed upon the non-payment policy.

Because terrorist organizations operate beyond the borders of their own land, the measurements and policies to combat them have to be universal agreed upon in order to be effective. Therefore, the importance of coherence and coordination in national policies and strategies among States is emphasized in recommendations (United Nations, 2013). In this, the United Nations have tried to emphasize the importance to criminalize the offence, which should be consistent with the international standards as much as possible. Furthermore, the importance of cooperation with a focus on law-enforcement and capacity building is emphasized in these recommendations (United Nations, 2013).

The short study on how direct and indirect victims think about the counterterrorism strategy of non-paying of ransom, brought forward that both think that it is a bad idea to pay ransom, but they also think that prohibiting it, would probably would not work in practice. Though, this literature review gives clear description of the legal and psychosocial perspective of terrorist hostage-takings, there are also has some limitations which will be mentioned accordingly.

However, in the examination of the psychological effects of hostage-takings on direct and indirect victims, some general restraints should be reconsidered. As mentioned before, there is limited research done on psychosocial effects of terrorist hostage-takings. This is a challenge in itself in collecting relevant and reliable information. In addition, this also creates another limitation in the study, when the results and data of the different studies are taken together. In order to collect relevant literature concerning this topic, some older literature is addressed. The problem that comes with using older literature, lays in the different diagnosis models for mental disorders that are used in these studies. The Diagnostic and Statistical Manual of Mental Disorders (DSM) is used in all the studies mentioned. However, multiple versions are used. Dependent on the period in which the studies have been conducted, different versions of the DSM were used. Each version of the DSM assigns different symptoms to certain psychological disorders. Due to this, it is possible that one study for example was conducted in the period the DSM III was used, therefore classifying certain mental symptoms as a psychical disorder, whereas the DSM IV would not classify the exact same symptoms as a mental disorder. This is also the case in this literature review. For instance, in the study of Favaro et al. (2000), the researchers classified PTSD according to the symptoms of the DSM III. However, Navia and Ossa (2003) based their classification of
symptoms of PTSD on that of the DSM IV. These differences also count for the symptoms of depression, since van der Ploeg and Kleijn (1988) used the DSM III whereas Fletcher (1996) uses the DSM IV criteria of diagnosing symptoms of depression. This can accordingly result in a higher or lower prevalence of the specific disorder. Therefore, these differences should been taken in consideration when the results of the studies are compared among each other.

During the reviewing of the literature, there were some notable findings. One of these notable findings concerns the differences in PTSD between direct and indirect victims, which were found in the study of Navia and Ossa (2003). In their research, the psychological aftereffects on family members and the functioning of the family were examined. According to the results of this study, there would be no significant difference in experiencing PTSD and general distress between victims and the indirect victims, which entailed family members of the hostage, after the release of the hostage. Thus, the prevalence in indirect and direct victims who experienced PTSD was similar. This is notable because the direct victims have experienced the hostage-taking, whereas the family member did not experience this event directly, assuming that this could have a differentiating effect on the prevalence of PTSD in both groups. However, the research of Navia and Ossa (2003) revealed the contrary. Navia and Ossa (2003) claim that this is due to the traumatic experience both direct and indirect victims had endured. The traumatic experience of the direct victim would be the hostage event and for the indirect victims the captors’ threats and intimidation. The latter gave families the feeling of constantly being observed and monitored. Therefore, indirect victims had the feeling of being ‘virtually captured’ (Navia & Ossa, 2000, 2003).

Another notable finding can be attributed to the research of van der Ploeg and Kleijn (1988). In their research, the psychological effects on family members of victims of hostage-takings were investigated. 44% of the hostages reported to have experienced one or more positive long lasting and changing aftereffects of the hostage-taking whereas 24% of the family members did. The short-term positive aftereffect showed similar results; 46% of the hostages felt they were positively influenced by the hostage-taking, whereas 32% of the family members felt the captivity left them any positively influences (Bastiaans et al., 1979). Both studies indicate that direct victims are more inclined to feel positive effects due to the captivity in contrast to family members. The fact that more direct victims claim to experience positive effects due to the hostage-taking in comparison to family members is a surprising result, since hostages have been experiencing the hostage-taking directly, whereas the family members did not. Therefore, it should be expected the hostages would experience more severe negative and less positive consequences of the event than family members. However, the
study of Van der Ploeg and Kleijn (1988) and Bastiaans et al. (1979) proved this was not the case.

The literature review makes clear that, besides physical harm, both direct victims can be affected by hostage-takings on a psychological and social base. In order to reduce terrorist hostage-takings the debate of the non-paying of ransom as counterterrorism strategy is still ongoing. This literature review pointed out why this debate exists and what the main issues and limitations are of this specific counterterrorism strategy. The main issue in this notion seems to be the lack of respect of the rights of the hostage. The recommendations of the United Nations include different measures in order to prevent terrorist hostage-takings. These preventive measures are: the increase of awareness and understanding of terrorist hostage-takings among States, strategies to increase the risks and decrease the opportunities terrorists gain out of hostage-takings, increasing the accessibility of recourses of terrorist organizations, and providing traineeships for those involved in combatting terrorist hostage-takings (United Nations, 2013). Though the recommendations concerning counterterrorism strategies and hostage-taking provide a number of preventive measures specifically aimed at combating terrorist hostage-taking, these do not have such controversial disadvantages as the non-payment of ransom when implemented by States. Therefore, those measures to combat terrorist hostage-takings should be less difficult to adopt by States.
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References


