Implementing the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom (KFR) to Terrorists

Participant Manual
HOW TO USE THIS MANUAL

Background

This manual is intended to serve as an introductory training course on preventing and responding to kidnapping for ransom (KFR) by terrorists. It is framed around the good practices outlined in the Global Counterterrorism Forum’s Algiers Memorandum (2012), with its Addendum (2015) providing additional recommendations.

The training course introduces trainees to KFR by terrorists, and broadly covers the topics of:

- Prevention and deterrence
- Crisis response
- Denying the benefits of KFR to terrorists

Given that this is intended as an introductory course, it should serve as a platform from which further specialised training can be provided to transfer specific skills for implementation, where these are required. Follow-up may cover a wide range of issues, including financial investigations; asset freezing and forfeiture; the prosecution of KFR cases; crisis response measures and coordination; etc.

This manual was developed with contributions from a wide range of officials, including from foreign affairs, law enforcement, intelligence, prosecuting and finance, and others representing countries from all major regions of the globe.

Intended course participants

This training course is an introduction to all the key elements of KFR, and is therefore intended to serve a wide range of policymakers and practitioners who may be charged with addressing this issue at the national and regional level. This includes officials from foreign ministries, communications departments, law enforcement, prosecution services, financial investigators and regulators, and other relevant policymakers.

The course will likely be most effective if a number of officials from the same country, covering the three key aspects of the KFR, are all included in the same training course.

Structure of the course

The course is generally structured to cover three to four days. It can be conducted over a longer period based on the level of experience of the participants. This manual and the accompanying three-part table top exercise cover the three key themes of KFR noted above and should be used in conjunction with the GCTF documents presented in Appendices 1 to 4. The table top exercise is intended to engage participants in discussions relating to the practical implementation of the materials (see Appendix 6).

The training course should be structured to include introductory presentations and discussions on KFR (in Module 1) that contextualise the issue for the specific legal system(s) and experience of the participants. This is not provided for in this manual, and should be tailored to each set of trainees.

The following course documents are provided to support the implementation of this training course:

- Sample programme/agenda for the course (Appendix 5);
- Table top exercise in three parts (Appendix 6); and
- Sample evaluation form.

This manual is available in Arabic, English, and French.
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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AQAP</td>
<td>al-Qaeda in the Arabian Peninsula</td>
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<tr>
<td>AQIM</td>
<td>al-Qaeda in the Islamic Maghreb</td>
</tr>
<tr>
<td>ASG</td>
<td>Abu Sayyaf Group</td>
</tr>
<tr>
<td>AU</td>
<td>African Union (previously Organization of African Unity)</td>
</tr>
<tr>
<td>DFAT</td>
<td>Department of Foreign Affairs and Trade (Australia)</td>
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<tr>
<td>EO</td>
<td>Executive Order (United States)</td>
</tr>
<tr>
<td>FARC</td>
<td>Fuerzas Armadas Revolucionarias de Colombia</td>
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<tr>
<td>FATF</td>
<td>Financial Action Task Force on Money Laundering</td>
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<td>FBI</td>
<td>Federal Bureau of Investigation (United States)</td>
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<td>FIU</td>
<td>Financial Intelligence Unit</td>
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<td>G8</td>
<td>Group of Eight</td>
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<td>GCTF</td>
<td>Global Counterterrorism Forum</td>
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<tr>
<td>KRE</td>
<td>kidnapping for ransom and extortion</td>
</tr>
<tr>
<td>KFR</td>
<td>kidnapping for ransom</td>
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<tr>
<td>NGO</td>
<td>non-governmental organisation</td>
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<tr>
<td>OAU</td>
<td>Organization of African Unity</td>
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<tr>
<td>OIC</td>
<td>Organisation of the Islamic Cooperation (previously Organisation of the Islamic Conference)</td>
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<tr>
<td>OP</td>
<td>Operative Paragraph</td>
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<td>OSAC</td>
<td>Overseas Security Advisory Council</td>
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<tr>
<td>PCB</td>
<td>gross criminal product</td>
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<tr>
<td>PFR</td>
<td>piracy for ransom</td>
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<tr>
<td>SAR</td>
<td>Suspicious Activity Report</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNSC</td>
<td>United Nations Security Council</td>
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<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
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<td>US</td>
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WORKSHOP OVERVIEW

1. INTRODUCTION

Kidnapping for ransom (KFR) is being used as a tool by terrorists in certain regions of the world to finance their activities, presenting a threat to peace, security and stability in those regions, with repercussions that are felt in the wider international community. Recognising the need to address this security issue of international concern, the Global Counterterrorism Forum (GCTF) committed to building international capacities to comprehensively address the use of this tactic, and developed the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of KFR to Terrorists (See Appendix 1) in 2012. This was supplemented by the Addendum to the Algiers Memorandum in 2015, which provides a further set of recommendations particularly relating to KFR prevention and deterrence measures.

The Algiers Memorandum Good Practices, which the United Nations Security Council (UNSC) has taken note of and the Group of Eight (G8) has endorsed, is intended to help prevent the further proliferation of KFR, prevent hostage-taking, keep hostages safe, deny terrorists the benefits (financial and other) of this crime, and bring those responsible to justice within a rule of law framework.

The Algiers Memorandum should be read together with the GCTF’s Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector (see Appendix 3) and the GCTF’s Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings (see Appendix 4).

2. OVERVIEW OF THE TRAINING WORKSHOP

This training is designed as a three- to four-day introductory course on the key issues central to responding to KFR. The training workshop intends to provide a comprehensive overview of the implementation of the Algiers Memorandum as a systematic response to the KFR problem. The training is organised around three themes: prevention and deterrence, crisis management and response, and the denial of benefits of KFR to terrorists. Introductory presentations will provide context relating to the global and regional nature of the KFR threat, and the relevant international and regional frameworks and standards developed to help halt its use and spread, including through international, regional and cross-border cooperation.

The workshop will provide a foundation for the practical implementation of the Algiers Memorandum, and set a baseline from which further specialised and technical capacity-building courses can follow. For example, while key concepts and considerations in conducting investigations will be discussed, details relating to how to carry out evidence collection are beyond the scope of this workshop, and could be addressed in follow-up courses.
1. LEARNING OUTCOMES

By the end of the workshop, participants will be able to:

- Identify existing, widely-accepted authorities, standards, tools and processes for preventing KFR and denying terrorists the benefits thereof
- Compare and contrast approaches to kidnapping response and crisis management, including methodologies for conducting investigations and prosecutions
- Outline the steps necessary to implement or improve coordination and communication mechanisms (inter- and intra-agency, state, regional and international) for KFR crisis response
- Adapt and implement best practices for denying the benefits of KFR within their individual national/regional legal and regulatory contexts
MODULE 2: INTERNATIONAL AND REGIONAL FRAMEWORKS TO ADDRESS KFR

1. KEY QUESTIONS ADDRESSED IN THIS MODULE

- Other than the Algiers Memorandum Good Practices, what other international regulations, frameworks, principles and/or practices target the use of KFR – by terrorists or others?
- What other frameworks, not necessarily specific to KFR, may be useful in combatting the problem?
- What guidelines, recommendations or stipulations do these other agreements/frameworks have/make?
- What challenges do countries face in implementing any of these various practices/principles? How can those challenges be overcome?
- How successful have countries been in implementing any of these practices? What examples can be shared?

2. MODULE OBJECTIVES

- Identifying KFR-relevant international, regional and other frameworks, agreements or typologies that address countering the use of KFR by terrorists
- Discussing the stipulations of international and/or regional agreements related to KFR by terrorists and how they are being applied
- Discussing the challenges to adoption and/or implementation of good practices and other guidelines or frameworks designed to counter KFR by terrorists

3. INTERNATIONAL CONVENTIONS

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973)

- Approximately 80% of the African Union’s (AU) member states have ratified this convention (excluding Angola, Chad, the Republic of Congo, Eritrea, the Gambia, Namibia, Somalia, South Sudan, Tanzania, Zambia and Zimbabwe).
- In this convention, the states parties agreed to criminalise, in their domestic law, the kidnapping of an ‘internationally protected person’.
- ‘Internationally protected persons’ were defined in the convention as heads of state or government, their family members and other government or inter-governmental organisation representatives (such as AU representatives) and their family members who are otherwise entitled to special protection under international law, e.g. under the Vienna conventions.
- Jurisdiction: The states parties agreed to establish their jurisdiction over kidnappings of (and other listed crimes against) internationally protected persons: (i) that take place on their respective territories; (ii) that take place on board a ship or aircraft registered in their countries; (iii) that are committed by their nationals; (iv) that are committed against their nationals; or (iv) that are committed against internationally protected persons who enjoy that status by virtue of the functions they exercise on behalf of the states’ parties.
- Prevention: The states parties agreed to: (i) take all practicable measures to prevent preparations for kidnappings of internationally protected persons on their respective territories (whether the kidnapping is to be committed within or outside those territories); and (ii) exchange information and coordinate administrative and other measures as appropriate to prevent the kidnapping from taking place.
- Information sharing: States parties to the convention agreed to provide a kidnapped official’s government with any pertinent information they may possess about the circumstances of the
Each state party also agreed to submit for prosecution the case of any alleged kidnapper present on its territory, or else to extradite the alleged kidnapper (information sharing is therefore key).

- Each state party on whose territory a kidnapping takes place is to provide the kidnapped official’s government with any pertinent information it may possess regarding the alleged kidnapper, to the extent that it has reason to believe that the kidnapper has fled its territory.
- The provision of all information is to take place directly or through the UN secretary-general.

The International Convention Against the Taking of Hostages (1979)

- Approximately 80% of the AU’s member states have ratified this convention (excluding Angola, Burundi, the Republic of Congo, the Democratic Republic of the Congo, Eritrea, the Gambia, Namibia, Somalia, South Sudan, Zambia and Zimbabwe).
- **Definition and criminalisation**: The states parties agreed to criminalise hostage-taking, effectively defining that act as ‘seiz[ing] … or detain[ing] … and threaten[ing] to kill, to injure or to continue to detain a … person … in order to compel a third party, namely, a State, an international inter-governmental organisation, 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 that … hostage’.
- This convention effectively expanded the crime of hostage-taking to encompass any person taken hostage, rather than only heads of state or government and other public officials.
- In addition, it specified that a state party in which a hostage was being held should ‘take all measures it considers appropriate to ease the situation of the hostage, in particular, to secure his release and, after his release, to facilitate, when relevant, his departure’.
- As such, the state party on whose territory a hostage is being held is at least in part responsible for securing that hostage’s release.
- Relatedly, the convention specifies that, ‘If any object which the offender has obtained as a result of the taking of hostages comes into the custody of a State Party, that State Party shall return it as soon as possible to the hostage or the third party referred to in article 1, as the case may be, or to the appropriate authorities thereof.’
- For the purposes of this workshop we should note that if any state party to this convention should ‘come into custody’ of ransom money, it would be obligated to return that money to the hostage or to the hostage’s family, company or government.
- Similar to the 1973 convention, this convention creates an obligation for states parties to take all practicable measures to prevent preparations for hostage-taking – including measures to prohibit the illegal activities of hostage takers – and to exchange information and coordinate to this end.
- Also similar to the 1973 convention, this convention creates an obligation for states parties to take measures to ensure that any hostage taker is present ‘for such time as is necessary’ to institute criminal or extradition proceedings, ‘upon being satisfied that the circumstances so warrant’.
- This obligation could be read as an obligation to prevent hostage takers from leaving the territory of a state party.
- To the extent that a state party does not extradite an alleged hostage taker present on its territory, it is then obliged to ‘submit the case to its competent authorities for the purpose of prosecution’.
- Whenever criminal proceedings are brought against a hostage taker, the states parties are obligated under this convention to provide one another with all necessary assistance and evidence.
- It is important to note that the provisions of this convention do not apply if a hostage is taken, held and released in a single state, or if both the hostage taker and the hostage are nationals of that state.
The International Convention for the Suppression of the Financing of Terrorism (1999)

- The convention is aimed at reaching agreement to enhance international cooperation in devising and adopting effective measures for the prevention of the financing of terrorism, as well as its suppression through the prosecution and punishment of perpetrators.
- It is an offense to directly or indirectly, unlawfully and wilfully provide or collect funds with the intent or knowledge that they be used to carry out acts prohibited by the convention or other treaties cited in its index (including the Hostage Convention).


- This is the main international instrument relating to transnational organised crime.
- It is supplemented by three protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.
- The provisions relevant here include those relating to the confiscation or seizure of the proceeds of crime, as well as those likely to be used in other crimes defined in the convention, extradition, law enforcement cooperation, etc.

The UN Global Counterterrorism Strategy

- The strategy provides measures to address conditions conducive to the spread of terrorism.
- It provides measures to prevent and combat terrorism, focusing on non-military tools.
- It is aimed at strengthening national capacities to fight terrorism more effectively.
- It employs measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.

4. UNITED NATIONS SECURITY COUNCIL RESOLUTIONS

UNSCR 1373 (2001)

- United Nations Security Council Resolution (UNSCR) 1373 (2001) obliges all states to (1b) ‘[c]riminalise the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts’.
- It also obliges all states to (1d) ‘[p]rohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons’.
- Note that much of the operative language in UNSCR 1373 (2001) is borrowed or adapted from the 1999 International Convention for the Suppression of the Financing of Terrorism, to which UNSCR 1373 (2001) calls upon all states to become parties.
UNSCR 1904 (2009)

- UNSCR 1904 (2009) was adopted at a time when instances of hostage-taking were on the rise.
- In one of the resolution’s perambulatory clauses, the UNSC expresses concern at ‘the increase in incidents of kidnapping and hostage-taking by individuals, groups, undertakings and entities associated with Al-Qa’ida, Osama bin Laden or the Taliban with the aim of raising funds, or gaining political concessions’.
- Bearing that in mind, in UNSCR 1904 (2009) the UNSC decided that all states would (1a) ‘[f]reeze without delay the funds and other financial assets or economic resources of … [al-Qa’ida, Osama bin Laden, the Taliban, their associates, and those] persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons’ benefit, by their nationals or by persons within their territory’.
- In paragraph 5 of the resolution, the UNSC confirms that the requirements apply to the ‘payment of ransoms to individuals, groups, undertakings or entities on the Consolidated List’.

UNSCR 2082, 2083 (2012)

- In UNSCR 2083 (2012), the UNSC again expressed concern at the increase in incidents of kidnapping and hostage-taking by terrorist groups with the aim of raising funds or gaining political concessions, and reiterated the continued need for this issue to be addressed.
- In Operative Paragraph (OP) 6 it confirmed, as it had in UNSCR 1904 (2009), that the obligation to freeze terrorist assets – and to ensure that no funds are made available to terrorists – applies to the payment of ransoms to individuals, groups, undertakings or entities on the al-Qa’ida Sanctions List.

UNSCR 2133 (2014)

- This UNSCR, which was adopted by a unanimous vote on 27 January 2014, marked the first time that the UNSC addressed KFR as a stand-alone issue. In this UNSCR, the UNSC:
  - ‘notes’ that ransom payments are a source of terrorist financing (OP7)
  - ‘underscores’ the role of ransom payments in funding future kidnappings, perpetuating the problem (PP6)
  - ‘expresses its determination’ to secure the safe release of hostages without ransom payments or political concessions (PP7)
  - ‘calls upon’ UN member states to encourage private sector partners to adopt or follow good practices for responding to terrorist kidnappings without paying ransoms (OP3)
  - ‘recalls’ and ‘reaffirms’, in the KFR context, those previous resolutions that require UN member states to prohibit their nationals from making ransom payments to ‘individuals, groups, undertakings, or entities on the Al-Qa’ida sanctions list’ (PP12, OP1, OP2)

Regional conventions, resolutions and other agreements will also apply, and should be taken into account. An example of a list of applicable regional instruments is provided in Appendix 7.
5. INTERNATIONAL STANDARDS

5.1. Financial Action Task Force on Money Laundering

The Financial Action Task Force on Money Laundering (FATF) is an inter-governmental policymaking body with over 30 members, established in 1989. It sets international standards to combat money-laundering and terrorist financing while assessing and monitoring subsequent compliance. The FATF conducts typology studies of money-laundering and terrorist financing methods, trends and techniques across the globe.

Standards

- In its revised international standards, issued in February 2012, the FATF includes ‘kidnapping, illegal restraint and hostage-taking’ as a designated category of offenses that should be included as a predicate crime to money-laundering in states’ domestic law.
- **Predicate offenses**
  - The FATF now calls upon states’ law enforcement authorities to ‘complement any investigations of major proceeds-generating predicate offences [such as hostage-taking] with parallel financial investigations’.
- **Parallel financial investigations**
  - This means that in addition to investigating any hostage-taking in its own right, state law enforcement authorities should also ‘follow the money’ involved in a hostage-taking, which would of course include any ransom payment, in order to detect all illicit financial activities associated with the crime.

FATF typology on KFR

- The FATF uses law enforcement case information (actual and anecdotal) to better understand how terrorist and criminal organisations raise, move and use funds.
- It then identifies gaps, challenges and possible policy options to protect the international financial system from criminal/terrorist abuse.

- **FATF typology findings**
  - International successes against al-Qaeda’s financial networks have made the implementation of KFR practices more attractive.
  - As a result, al-Qaeda is less able to finance its affiliates and therefore allied groups are increasingly being called on to explore other options of self-finance.
  - For some groups such as al-Qaeda in the Islamic Maghreb (AQIM), KFR can be a significant source of revenue.
  - Many groups, including Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Abu Sayyaf Group (ASG), use this technique, with AQIM standing out due to its reliance on KFR as a financial source, having raised a total of US$65 million since 2007.
  - Utilising KFR techniques can have a significant impact on the ability of a terrorist group to conduct operations and even a single payment can boost capabilities and capacity.
  - Both formal and informal financial mechanisms can play a significant role in bolstering terrorist activity.
  - Law enforcement and financial intelligence units (FIUs) are often not informed in advance about demands for ransom payments.
  - There is a need for closer cooperation among law enforcement, FIUs and other agencies in responding to KFR-related events.
  - Good mechanisms need to be established for the expeditious sharing of investigative-led information.
• **Challenges identified in FATF typology**
  
  o International cooperation may prove difficult due to the life-and-death nature and risks attached to KFR events.
  o Compressed time frames caused by payment deadlines can exacerbate the situation.
  o Kidnappings are often multi-jurisdictional, requiring interaction among and the cooperation of multiple entities, which in turn may delay speedier responses.
  o Effective international investigations are hampered, especially in instances where entities are trying to work together for the first time.
  o The tracing proceeds and their movement may also prove time consuming and difficult.

• **FATF typology policy considerations**
  
  o Financial tools and considerations need to form part of the overall KFR response mechanism.
  o Further financial investigative skills training courses are required.
  o FIUs and the financial sector need to increase and improve information sharing and cooperation on KFR.
  o The denial of benefits is a critical component in more effectively addressing the incidence of KFR.

• Concerted efforts must be made in developing an anti-money-laundering, counter-terrorist financial regime that meets international standards by:
  
  o Providing a targeted financial sanctions capability (designations/UN sanctions of terrorist groups and financial facilitators)
  o Providing post-incident investigations that include a focus on financial aspects
  o Enabling post-incident asset forfeiture and confiscation procedures

• ‘No concessions’ (‘no payment of ransom’) policies are one and the same and also not the sole means by which to ensure a denial of benefits.
• The recording of serial numbers on ransom payments to facilitate the tracing and recovery of funds has proved useful in successfully tracking cash.
• Families of kidnapping victims should be encouraged to cooperate and share information with authorities.

6.2 **Global Counterterrorism Forum (GCTF)**

• The GCTF was founded in 2011 by the Turkish foreign minister and the US secretary of state.
• It regularly convenes sessions with key counter-terrorism policymakers and practitioners to promote strategic, long-term approaches in addressing terrorist threats.
• The primary focus is on countering violent extremism and strengthening criminal justice and rule of law institutions to combat and prevent terrorism.
• The GCTF also aims to diminish terrorist recruitment activities and increase the number of countries capable of dealing with terrorist- and security-related threats within their borders/regions.
• The Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists comprises a set of practical tools developed by experts from the GCTF membership and the UN that aims to contribute to the international effort in cracking down on the use of KFR. The Addendum to the Algiers Memorandum expands on the prevention and deterrence aspects of the Algiers Memorandum, presented further recommendations to supplement the good practices indicated in the Algiers Memorandum.
• The Rabat Memorandum on Good Practices for Effective Counter-terrorism Practice in the Criminal Justice Sector is designed to assist police, prosecutors, judges and other criminal justice officials in better implementing and promoting a rule of law-based criminal justice sector response to terrorism. These good practices form the basis of many of the criminal justice-related counter-terrorism capacity-building efforts of the GCTF membership and partner organisations.

• The Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings aims to provide tools, assistance and support in better addressing the physical and emotional needs of victims and their families, from the moment of a terrorist event through to the normalisation of the situation and beyond, with particular emphasis on the specific needs of children who have become victims.

6.3. Additional issues to note

• Some conventions themselves provide the legal basis and mechanisms for international cooperation, and therefore may facilitate the processes of investigation and prosecution where specific bilateral agreements are not present.

• Certain forms of financial transfers (such as the electronic transfer of funds via cellphones; informal systems of carrying and moving funds) are currently difficult to monitor and track, and some international agreements have yet to make provision for these to come under scrutiny.

• Where certain actions taken by terrorists have not specifically been criminalised in national legislation, countries should consider whether charges might be brought against suspects utilising available legislation. For example, whether offences already provided for, such as murder, assault, etc., may be used for the purposes of prosecution.

• Levels of cooperation between governments can often be difficult due to limited previous engagements, and can be especially problematic in the context of a crisis. The strategy of having both agreements and established mechanisms for cooperation in place in advance is promoted by international instruments, including those of the GCTF.

• Existing international and regional institutions and mechanisms for cooperation (e.g. Interpol, Europol, the AU) should be used wherever possible. The FATF, and its related bodies, offers support in implementing national legislative measures to address financial priorities relating to KFR, as well the means for international coordination on financial matters, so that the transfer of cash can be tracked across borders and banking systems. Priorities for KFR relate to tracking perpetrators through financial transfers, and the seizure of these funds before they can be employed in further criminal activities. Closing down the ability of terrorists to obtain financial benefits creates disincentives for further kidnapping.

• The role of insurance companies/insurers is also becoming increasingly relevant in KFR cases and the following comments bear relevance:
  o In 1932, Lloyd’s of London produced the first kidnapping for ransom and extortion (KRE) insurance policy.
  o By 2006, the KRE insurance industry was already worth US$250 million a year and by 2011 had grown to US$500 million a year.
  o A major provider may presently insure a victim to a total of US$50 million.
    ▪ Insurance companies have expanded their service portfolios to include, among other crises, management, negotiation support, etc., alongside insurance against the payment of ransom.
    ▪ There is a need for insurance and business communities to better understand the obligations imposed on UN member states when dealing with KFR incidents.
7. SUMMARY AND REFLECTIONS

- The UNSC has explicitly (i) identified ransom payments as part of a vicious cycle of terrorist financing; (ii) expressed its determination to secure the safe release of hostages without ransom payments or political concessions; and (iii) obligated the entire UN membership, including all of the states represented here, to treat ransom payments like any other source of funds available to UN-designated terrorists.

- Through the AU, every AU member has condemned the payment of ransoms, and has committed to working to end the payment of ransoms within the broader international community.

- Via the 1973 and 1979 conventions discussed, the vast majority of the states have obligated themselves to criminalise hostage-taking in their domestic laws and to prevent kidnappings, in part by sharing information with relevant governments and by countering kidnapping plots on their respective territories.

- Those same states have also obligated themselves to take measures to secure the release of hostages who are held on their territories and to return any ransom monies or other proceeds of kidnapping that they may capture either to the victims themselves or to relevant third parties.

- They have obligated themselves either to extradite alleged hostage takers or to submit the cases of alleged hostage takers to competent national authorities for prosecution.

- Therefore, governments should ensure that they establish the legislative regimes necessary to respond to KFR when it takes place. This ranges from the criminalisation of actions relating to KFR through to the legal authority to freeze and confiscate assets.

- Equally they should ensure that they have ratified all relevant international agreements, and continue to take steps to ensure their implementation at the national level.

- Where states may require assistance in establishing the capacity to implement relevant legislation or systems, a range of governments and organisations are available to provide this assistance, which includes legislative drafting, technical assistance and training.

Despite the multilateral and national legal frameworks in place and the best efforts of all relevant authorities, some ransoms will inevitably be paid to terrorist groups. In those cases, the FATF recommends that all states ‘follow the (ransom) money’ in order to trace, freeze and ultimately seize illicit funds so as to advance the international community’s linked struggles against both money-laundering and terrorist financing.
**MODULE 3: KFR CONTEXT AND MODEL FOR RESPONSES**

1. **KEY QUESTIONS ADDRESSED IN THIS MODULE**

   - What does a KFR case or incident look like?
   - How is it similar to, or different from, other terrorist events?
   - What are the possible outcomes?
   - Where could authorities intervene, and how? With what aim and goal? Why do terrorists choose to pursue KFR as a method of attaining goals? Is it purely to raise money?
   - What conditions or circumstances make KFR more likely (or possibly less likely) to be used?
   - What might encourage or discourage a group from adopting KFR as a strategy if it is not using it already?
   - Which groups are using this tactic? Where? How? Have goals, methods, etc. changed over time? Are the groups growing? Is KFR aiding expansion?
   - Who are the key players? What are their roles and responsibilities in carrying out a KFR event?
   - What are the effects of KFR on local populations, and on the development and stability of countries and regions where it takes place, etc.? Is this ‘spillover’ different from that of other terrorist activities?

2. **ANATOMY OF A KFR CASE**

   The different parties involved in a KFR case, including those from governments (local and international), usually comprise the following individuals:

   - Victims
   - Families and employers
   - Government departments and representatives (local and foreign), e.g.:
     - Diplomatic corps, military, treasury, elected officials, intelligence, foreign aid, justice, law enforcement and non-governmental organisations (NGOs) or faith-based organisations (indirect)
   - Hostage takers
   - Media
   - Private firms
   - Public (indirect involvement)

   KFR cases involve a complex web of players and the process starts with the hostage takers. They need money, have a desire to conduct terror attacks and are often motivated by image, seeking to bolster their credibility and visibility through kidnapping. Kidnappers often look for ungoverned spaces and then take advantage of these situations. Victims are mostly locals, government officials and/or foreign nationals from countries whose governments are perceived as willing to pay a ransom. Victims may first be kidnapped by criminals and then sold or handed over to terrorist entities. Families and employers also become involved, and they may decide to bring in insurers or other private sector actors such as the media, etc. Foreign governments may also become involved, depending on the victim. The public becomes involved indirectly by following media and news coverage of the event or by aiding families, pressuring governments to act, etc.
3. **KFR RESPONSE MODEL**

An appropriate model, and the main steps and players required for effective crisis response, is illustrated below:

- Alert
- Notification
- Verification
- Response
  - Courses of action (intelligence, law enforcement, military, diplomatic and financial)
  - Coordination (domestic and foreign governments, family, media and private insurance companies)
- Recovery
- Re-integration
- Denial of benefits

### 3.1. Alert, notification, verification, coordination and response stages

- **The alert and notification stage:** Something has happened.
- **The verification stage:** This stage aims to verify whether the situation is really a kidnapping.
- **The notification of family stage:** The decision to make this notification is made by the government, but the timing and methods used may vary from country to country. The government may also pre-emptively alert the media to put the case in the public domain or otherwise interact with the media regarding what should or should not be portrayed and/or how the media should be involved. This decision may also vary depending on the government’s relationship with the media, legal restrictions, etc.
- **The coordination stage:** The government makes decisions on the courses of action to be taken to bring the victim home without paying a ransom. These actions usually include the Ministry of Foreign Affairs liaising with foreign governments, legal experts beginning investigations, and Intelligence departments asking sources for information about the kidnappers, networks, etc., through to final leverage. The Treasury may also decide to impose sanctions to freeze finances, alongside the military planning rescue operations.
- **The communication stage:** The government may decide to work with the family and private firms on developing a strategy for conducting communications. Such a strategy could focus on how and what questions to ask the kidnappers, etc., and collaborating with NGOs such as the Red Cross or others that have influence or a reputation for assisting in passing on letters to the victim/kidnappers, providing support to the victim, getting confirmation of proof of life, etc. The process cannot always be fully controlled, as developments may occur that require the alteration of plans, or changing the broader strategy.
3.2. Recovery stage

The recovery stage may comprise the following actions:

- **Escape (‘Walk Out’):** This applies when the victim has the opportunity to break free from incarceration.
- **Communication (‘Talk Out’):** This may involve a number of role players with the direct involvement of the government, NGOs and private insurers, alongside family intervention.
- **Ransom (‘Pay Out’):** This may often be seen as the easiest way to deal with the situation, but should be avoided. Ransom payouts incentivise terrorist activity, resulting in the subsequent demand for higher ransom amounts (the average ransom currently demanded per hostage is US$ 5 million and rising). Official US policy dictates that no concessions are made, and this view is supported by a number of other governments. The question then arises as to what the government is willing to do when it refuses to pay or assist the victim’s family in paying the ransom amount.
- **Rescue:** Actual rescue operations are rare due to the high risk to the safety and lives of the victim and rescue force. Other issues such as the sovereignty of the target country also become important considerations, often making rescue attempts difficult.
- **Remains:** Unfortunately, a number of cases end in the death of the victim. At this point, discussions relating to the retrieval of the remains are undertaken. However, some terrorist organisations may still opt to retain the body as leverage for further ransom demands.

3.3 Re-integration stage

- **Medical care:** Providing immediate medical care alongside psychological support to the victim is viewed as a priority.
- **Debriefing:** Facilitating a debriefing session with the victim is important as it serves as an ideal opportunity to establish if the victim has knowledge of the attackers, whether other hostages are being held, what the victim saw, and whether he/she has useful information regarding the further plans of the hostage takers, their training methods, or any other useful information. Debriefing also serves to provide law enforcement agencies with the opportunity to collect evidence and other information that may aid subsequent prosecution and investigation processes.
- **Financial support:** Financial support is often rendered to provide immediate stability during the recovery process.
- **Family:** The family should be included in support activities relating to re-integration.
- **Media:** Support is provided to the victim and family in how best to deal with possible newfound celebrity, effectively handling media interviews, etc.

3.4 Denial of benefits stage

Common methods for the denial of benefits are designation, prosecution and elimination:

- **Designation:** Sanctions against terrorists with a view to denying them access to financial institutions, services and resources
- **Forfeiture:** Regulatory or administrative actions to seize the financial resources or property of designated groups or individuals
- **Prosecution:** Arresting, prosecuting and convicting terrorists (taking them away from the money, if we cannot take the money away from them)

Module 6 will focus further on the denial of benefits, especially designations and prosecutions.
4. THE KIDNAPPING CYCLE FROM A FINANCIAL PERSPECTIVE

In addition to the response model/cycle discussed above, one can also view the cycle of kidnapping from a financial perspective, indicated as follows:

Each of these phases can present authorities with opportunities to develop information and evidence on the hostage takers and any others who are assisting or supporting them.

- **Collaboration with third parties**
  - It must be noted that terror groups may often work with a range of other individuals and groups through the process of a kidnapping, and others may be engaged to undertake specific tasks/actions.
  - Groups may include local criminal groups, and/or assorted other militant or terrorist organisations.
  - Individuals may include others who may not be affiliated to a group but are willing to undertake specific actions for financial gain, or for their own personal motivations.
  - ‘Investors’ and ‘financial sponsors’: these may be individuals or groups with financial resources that may support the kidnapping to achieve their own goals.

- **Pre-operations: funding requirement**
  - Funds are required to finance the planning and logistical requirements for the kidnapping operation. This includes acquiring the relevant materials, equipment, locations where the hostages will be held, and the payment of the individuals who will be involved throughout the process.
  - Investigators may be able to gain valuable information by identifying where funds to support the activities came from or who was involved in the acquisition process.

- **Kidnapping operation**
  - Once the area where the hostages may be located is identified, investigators may be able to gain valuable information by identifying suspicious transactions and purchases in the suspect area. This may be assisted by the use of informants.
• Ransom demands
  o Authorities may be able to gather valuable information by how they structure the discussions with the kidnappers, especially when financial demands are accompanied by political demands such as the release of prisoners/detainees, the removal of troops or other authorities from certain territories, etc.

• Collection of ransom
  o In the event a ransom will be paid, it is crucial that authorities are able to structure it in a way that greatly enhances the opportunity to identify and arrest the kidnappers, such as through the type of currency used, method of transmission or delivery of the funds, and registering the serial numbers of the bills with the banking system.

• Transmission of ransom
  o The ransom funds will be used by the kidnappers for specific purposes, creating opportunities for authorities to identify and arrest them. The movement of funds through physically carrying cash is much more difficult to trace, especially where there may be free movement across national borders, making it essential that the serial numbers or other identifiable markings on the bills are registered with the formal and informal financial systems in the area.
  o Money-laundering actions may be applied in order to make funds seem legitimately obtained.
  o Both formal and informal systems may be used to transmit funds. Informal systems and new technologies (such as cell phone-based cash transfers) may be more difficult to trace.

• Disbursement of ransom to terrorist group(s)
  o Profits are distributed to investors, operators, cell members and/or the terrorist network, which can provide the opportunity to identify such individuals.

Each of the stages above offers opportunities to track, trace and interrupt the process, depending on a range of factors including intelligence networks, institutional measures for recording and reporting, and the cooperation of third parties, e.g. banks, cell phone companies, insurance companies, etc. Measures for intelligence and cooperation should be established in advance of the expectation of a kidnapping, especially where high risks have been identified.

Suspicious Activity Report (SAR): Banks are required to generate such reports if they detect suspicious or potentially suspicious activity. The criteria for ‘suspicious’ activities vary across countries, but the term refers to transactions that are unusual for a specific client, or that may have the appearance of illegality or an attempt to hide illegal activities. The report should be communicated to the country’s FIU, or bodies tasked with the investigation of financial crime. However, there may be no such body, or its investigative capacity may be limited. There are also situations in which an SAR may be generated by an international financial institution, but that it is unaware of how to communicate this to a national government for further investigation.
5. TERRORIST MOTIVATIONS

- Why do terrorist and extremist groups kidnap for ransom?
  - To promote their ideological and/or religious beliefs
  - To promote their political aspirations
  - To obtain financial gain
  - To express grievances against specific actors or actions of others

- How do terrorist and extremist groups use their funds?
  - To employ or offer rewards to individuals or groups
  - To strengthen capability and capacity to undertake terrorist acts, or other related activities
  - To recruit new members
  - To profile their influence and power
  - To expand their influence among certain groups

6. TERRORIST KFR

- Terrorist groups generally use more advanced tactics than those employed by criminals engaged in KFR. These tactics are characterised by:
  - Advanced pre-operational planning
  - Financial sponsorships/investors as well as ‘middlemen’
  - Demands for and procurement of higher ransom amounts
  - Financial demands often accompanied by political demands
  - Third-party intermediaries, couriers and/or other interlocutors
  - Activities aimed at supporting international terrorism
  - Larger financial dimensions involving multiple countries

- KFR is related to the phenomenon of organised piracy for ransom (PFR), but may be treated as a separate category of criminal offense (PFR is not a focus of this course).

- Relationships involve cooperation with third parties. Such relationships create risks for terror groups as a wider range of individuals become privy to information about their activities. Some features of such relationships include:
  - Local criminal groups may be employed in various ways, including in the kidnapping of hostages.
  - Terrorist groups may purchase hostages from criminal groups that undertake the actual kidnapping.
  - A wide range of third parties may be involved in communicating the demands of terrorist organisations, including legitimate actors such as religious groups.
  - Networks may coalesce around some of these activities, and cooperate in a series of activities, including a mix of criminal and terrorist activities.
  - Terrorist organisations may align themselves on and cooperate in specific activities.
  - The financial proceeds are divided among groups.
7. GROWING THREATS AND GLOBAL TRENDS IN KFR

7.1 Growing threats

- Extremist networks are increasingly receptive to terrorist messaging.
- Regional instability creates vulnerabilities to terrorism.
- The influence of AQIM is spreading beyond Mali.
- Al-Qaeda in the Arabian Peninsula (AQAP) has intent and capability; as do the Taliban in Afghanistan and Pakistan, and the ASG in the Philippines.
- The influence of the so-called ‘Islamic State’ (IS) extends beyond Syria and Iraq, with collaborating and sympathising organisations in Africa, and recruitment that extends internationally.
- Boko Haram’s influence extends from northern Nigeria into Cameroon and Niger.

7.2 Global trends relating to KFR

- Spreading of tactics to ‘new’ groups
- Increasing number of incidents
- Seemingly increased size of ransom payments
- Continued use of KFR in Afghanistan and Pakistan
- Gaza and Somalia emerging as top locations for KFR
- Increased and sustained targeting of civilian populations
- Kidnappers minimising risks to themselves, where possible
- A few standardised methods utilised, some with common themes, e.g. the express kidnapping of hostages where they are forced to withdraw money from automated teller machines
- Kidnapping a trans-border issue, e.g. kidnapped Venezuelans are held in Colombia
- KFR and its increasing incidence making government cooperation all the more important as the difficulty and complexity of investigations are increasing

8. COMMON KFR MYTHS

Myth 1: The problem is confined to the kidnapping of Westerners

- The problem is NOT confined to the kidnapping of Westerners.
  - Ransoms may be larger for Western hostages, but many hostages are still taken from local communities.
- Kidnappings in local African communities have a devastating effect, as the actions may:
  - Drive out local entrepreneurs
  - Reduce foreign investment and expatriate presence, and negatively affect tourism
  - Damage the country and the regional reputation

Myth 2: One ransom funds one group

- One ransom is often used to fund multiple groups.
- Ransoms are paid to a patron group and may be shared with its clients.
- Ransoms paid to a client group may free up the resources of the patron group, which may then be spent on recruitment, arms procurement and the development of attack planning/preparation strategies.
- Terrorist groups, including those located in Africa, share resources.
- Any ransom paid to one group risks supporting all the groups in its network.
- Corrupt local officials may benefit from KFR.
9. **VULNERABILITIES THAT FACILITATE KFR**

- Weak central governments and institutions
- Weak systems for democratic governance
- Poverty, inequality and related economic vulnerabilities such as high rates of unemployment
- High proportions of young people with limited opportunities for social and economic advancement
- Weak military and law enforcement capacity
- Direct internal conflicts with terrorist groups
- Lack of an overarching counter-terrorism policy or strategy
- High corruption rates, affecting government and private institutions, which can also be used as a recruitment tool by terror groups
- Weak systems for the recovery of assets
- Weak border security controls, making the country ideal for multiple terrorist safe havens
- Difficult geographical terrain, which the state may have limited control over, impeding the monitoring of the activities of the terror group, the pursuit of suspects, etc.
- Presence of perceived ‘high-value’ nationalities:
  - Local population may be perceived to offer low risks and low rewards
  - Foreign nationals may be perceived to offer high risks and high rewards (this perception can be dispelled if ransoms are not paid, and reinforced where ransoms are paid)

10. **SUMMARY AND REFLECTIONS**

- KFR remains a complex issue, with motivations that are not easily categorised, as there may be several different motivations.
- Each kidnapping is different, even those conducted by the same group, and each may offer different opportunities for interruption and a safe conclusion to the event.
- Hostages are prized assets for terrorist and criminal groups.
- KFR is an effective business model and may become an ‘industry’ if ransoms continue to be paid.
- Restricting terrorist groups’ access to financial resources should weaken their capabilities, movement and capacity.
- Terrorist groups are aware of government policies regarding the payment of ransom, etc. and may choose victims based on which actors are likely to pay ransoms, e.g. family members and insurance companies.
- The global and regional impact of KFR may result in:
  - A decrease in foreign aid
  - Specific countries being targeted for high ransom payments
  - Single income sources exacerbating financial vulnerability
  - Negative effects on local and regional development
MODULE 4: GOOD PRACTICES IN KFR PREVENTION AND DETERRENCE

Good Practices

States should seek to:

**Good Practice 1.** Provide their citizens with access to up-to-date travel advisories and other information that identifies specific high-risk areas (at home and abroad), as well as recommend measures to ensure personal security.

**Good Practice 11.** Identify and protect potential targets of kidnapping attempts in order to prevent KFR operations by developing an operational approach which integrates intelligence gathering, law enforcement expertise, and specialized counterterrorism units.

**Good Practice 14.** Open a discussion with relevant private sector entities, including ‘kidnap, ransom, and extortion’ insurers, to reach a common understanding of the dangers of ransom payments and negotiations, and relevant laws and conventions; and to enhance the sharing of information by such private entities with relevant national law enforcement, security and intelligence agencies, including FIUs.

**Good Practice 15.** Inform relevant private employers and employees about risks of KFR in certain geographical areas and encourage them to take all necessary steps, in coordination with local authorities, in order to prevent kidnappings.

The addendum to the Algiers Memorandum offers specific recommendations to support prevention and deterrence measures, and these are directed at governments, companies and NGOs [Refer to Appendix 2].

1. **KEY QUESTIONS ADDRESSED IN THIS MODULE**

- What are the different approaches to public awareness and prevention, and how successful have they been?
- How can authorities develop ‘pre-crisis’ intelligence, and how can it be used in prevention, deterrence and awareness activities?
- Why is this ‘pre-crisis’ information important? Who needs to be involved in gathering or developing it? How can sources be protected? Why is this important?
- How can authorities effectively reach out to local communities in high-risk areas to build trust, gather information, help prevent attacks, etc.? Where has ‘community policing’ worked, and can those models be used elsewhere?
- How effective are awareness measures such as travel advisories? Do people pay attention to them? What kinds of information should they contain, and at what level of detail? Are they ‘noise’ or are they useful tools for both local citizens and foreigners?
- How can authorities effectively engage with the private sector to share information about risks/dangers, collect information from businesses about threats and assist with developing preventative strategies while influencing decisions about the payment of ransoms?
2. TRAVEL ADVISORIES AND PERSONAL SECURITY (GOOD PRACTICE 1)

- The addendum to the Algiers Memorandum (see Appendix 2) recommends having timely, balanced, factual and accurate travel advisories and other information, both to identify high-risk areas and to advise citizens accordingly; and using relevant and creative means to do so (see details in Recommendation #4). Proactive public outreach to raise public awareness, especially using means that are relevant for the specific community, is also recommended. Direct engagement with target communities/audiences is also encouraged (see details in Recommendation #5). Online registries for private international travellers are recommended so that embassies and consulates can account for such travellers and alert them to threats or changes to travel advisories (see details in Recommendation #6).
- Evidence suggests that prevention efforts such as travel advisories to foreign visitors and foreign employees in high-risk areas for kidnapping do have a strong preventive effect. Further efforts need to be made to ensure that such information reaches the correct people, and that relevant warnings are heeded.
- For local citizens, the communication of information relating to high-risk areas is important, as are the means of communicating such information. Communications should take account of local conditions and technology, and who can be used as ‘messengers’ who communities will find trustworthy (e.g. local community leaders may be considered more trustworthy than the police).
- Threat assessments should provide a strong understanding of the country, the specific areas where high risks may exist, and the dynamics of the group/s operating in these areas; and are central to strong prevention efforts. This requires the cooperation of local intelligence and law enforcement agencies, and of relevant security actors from foreign governments as well as the companies operating in these areas.
- Travel advisories issued by governments should be specific (as far as is possible under the local conditions) in terms of the geographical areas where risks exist and the kinds of risks that are of concern.
- It is important that information is communicated in such a way that it does not create undue panic.
- It is also important to engage in communications after a kidnapping, especially where there are successful outcomes, i.e. the successful rescue of the hostage, the arrest and subsequent prosecution of kidnapping, etc. Such actions can have an important deterrent effect.

International perspectives

Practices in the United States

- Regarding actions taken in the prevention of KFR, travel advisories are primarily aimed at providing information to US government (USG) employees and private citizens working and traveling abroad, etc.
- It is a two-pronged process aimed at raising awareness and education within these groups:
  - On behalf of the USG at embassy level, the Regional Security Officer will undertake threat assessments with regard to regions and areas in countries that are rated as especially dangerous and restrict the travel of USG personnel. Internally, training programmes are provided for USG personnel regarding the processes and procedures in respect of travel notifications, their individual responsibilities, potential threats, etc.
  - Consular services and affairs are tasked with sending travel advisories to private sector organisations and businesses, with relevant information posted on their website alerting potential travellers to threats. Threat assessments or information about
specific threat activity may also be posted on the mission website and updated information may be e-mailed to US citizens registered as being in the country.

- The strategy is thus a pro-active, two-pronged approach focusing on the government and private citizens. This information serves only as advisory to the latter, whereas it directs the actions of the former.

- Even though the actual impact and benefit of such advisories in influencing the decisions of private US citizens in travelling to areas of danger are difficult to measure, there is a ‘no double-standard policy’ under which the USG is obliged to share specific threat reporting with both private US interests and citizens in-country, as well as with embassy staff in danger areas. The focus is always on information dissemination and sharing.

**Practices in Australia**

- Government travel advisories are issued by the Department of Foreign Affairs and Trade (DFAT) and posted on its SmartTraveller website.
  - Travellers accordingly are encouraged to review and read travel advisories and register as travelling to risky areas.
- Kidnapping threats are also regularly published on the worldwide bulletin, which:
  - Explains policy, and highlights notable cases and threats worldwide
  - Highlights that government policy is not to pay or make concessions to kidnappers making use of KFR practices
  - Provides guidance to travellers on how best to conduct themselves when abroad, alongside advise on taking out insurance and setting in place the requisite security measures, etc. (web-based videos dealing with former victims talking about their cases have also been developed and posted on the SmartTraveller website)
- Potential travellers are also cautioned that:
  - KFR events do occur and are horrific for victims
  - People do not take note of advisories and still decide to travel to these danger zones and become targets
- Efforts are also made to contact persons directly, if information becomes available via foreign intelligence or other local authorities regarding potential threats and unsafe areas.
  - **Example:** An Australian traveller to the Philippines a few years ago wanted to be kidnapped in order to write a book on the experience. The government of Australia subsequently contacted the government of the Philippines and requested it to pick up the traveller and deport him. This was done and he was ordered not to return.
- An intelligence-led approach also applies to businesses such as hotels and is aimed at talking to local authorities to engage with businesses to fortify their premises with adequate security measures. Intelligence-led identification, on the other hand, requires an operational approach that includes multi-agency involvement and coordination, focussing on the implementation of pro-active, pre-crisis outreach and prevention strategies.
3. PRIVATE SECTOR OUTREACH AND ENGAGEMENT (GOOD PRACTICES 14 AND 15)
[Also refer to Appendix 2 for more detailed recommendations]

- Private sector outreach and engagement is important to build relationships between the company and government stakeholders, and increase information exchange in order to prevent kidnappings.
- This outreach also seeks to develop a shared understanding of the dangers and consequences of negotiations, payments, etc. when dealing with instances of KFR. Overseas Security Advisory Council-type (OSAC) initiatives (discussed below) have been shown to achieve these goals successfully.
- Companies are central to keeping their employees informed of the risk levels, and to discouraging employees from engaging in behaviour that may place them at risk for kidnapping.
- Companies need to understand that the payment of ransoms can encourage hostage-taking and increase the risks to their employees.
- Companies should be encouraged to vet their employees and to treat them with respect, in order to reduce their own vulnerabilities.

US example: Overseas Security Advisory Council (OSAC)

- OSAC promotes open dialogue between the USG and the US private sector on security issues abroad.
  - OSAC is directed by a council of 34 representatives from companies and government agencies concerned with overseas security. The director of the Diplomatic Security Service is one of the co-chairs of OSAC, and a DS special agent serves as OSAC’s executive director.
- OSAC services a constituency of 4 600 US companies and other organisations with overseas interests.
- It operates and manages an Internet website, www.osac.gov, which is one of its principal means of information exchange with the private sector and member organisations.
  - The website offers visitors the latest in safety- and security-related information, public announcements, warden messages, travel advisories, significant anniversary dates, terrorist group profiles, country crime and safety reports, and special topic and foreign press reports, among others.
- The OSAC information exchange mechanism includes a staffing complement of international security research specialists dedicated solely to serving the US private sector.
- OSAC has a network of country councils around the world that bring together US embassies and consulates with the local US community to share security information.
  - The composition of the country councils varies from country to country. For example, in Algeria it is largely composed of companies with oil interests.
  - During these council meetings security managers come together to discuss concerns with companies with people on the ground, and their main purpose is to serve as information-sharing networks. Education is key and supports the view that if everyone has the relevant information to make themselves harder targets, the appropriate steps are being taken to protect the broader populace.
- OSAC serves as the perfect forum to ensure that expectations are properly managed and facilitates opportunities for honest and realistic discussions regarding the limitations of what can and cannot be done in the event of a KFR incident.
4. OTHER PREVENTION INITIATIVES

Other prevention initiatives may include:

- Utilising ‘pre-crisis’ intelligence tools developed on KFR actors, groups and facilitators/financial intermediaries, with the focus on preventive law enforcement (and, if required, military intervention), posturing and actions in relation to the highest priorities/threats that have been identified
- Implementing and rolling out community outreach and engagement programmes, with the focus on law enforcement (and if required, military intervention) in areas/communities with the highest KFR risks

Capacity-building example: Australian activities in the Philippines

- The intervention was aimed at encouraging Philippine law enforcement agencies to make contacts within communities in order to obtain tips on future kidnappings. The following comments are relevant in this regard:
  o Tip lines and the like are vital tools in gathering intelligence on terrorist activities and details of planned kidnappings.
  o Outreach forums with police in high-risk areas are useful structures in building and enhancing relationships with local communities.
  o Local law enforcement should be encouraged to develop sources from the community.
  o Such proactive measures are likely to stall kidnappings.
  o The recent establishment of an anti-kidnapping task force on Sulu has proven very useful, and its main functions comprise undertaking investigations, providing human resource training, collecting evidence, and providing and sharing intelligence and law enforcement information.

- It is apparent that poverty and instability in the Philippines create an opening for KFR and the capacity-building intervention in this regard has proven fruitful in instances:
  o Where community members may try to insert themselves into KFR communications in order to obtain financial benefit
  o Aimed at better addressing corruption in the region
  o Aimed at working on effecting broad development aid to reinforce the rule of law and support community economic development (broadening social welfare to lessen corruption)

Rewards for Justice programmes

- The US ‘Rewards for Justice’ programme provides a tip line that people with information about terrorist or insurgent activities can use to provide details. All are encouraged to telephone with information. Information deemed credible from a specific call is shared with all relevant authorities both in the US and in other countries implicated in the threat. Information obtained through this system is always carefully checked before rewards are provided.
- In Australia, there have been instances where the rewards programme was manipulated when local people (without accurate or useful information to offer) tried to insert themselves into KFR situations in order to reap financial benefits.
Deterrence via denial of benefits

- From a police perspective, the investigation, prosecution, conviction and imprisonment of hostage takers and the seizure of their assets is the ultimate deterrent.
- The priority here is to secure the safe release of hostages (consistent with giving no concessions) and to gather evidence for the eventual prosecution of perpetrators. Activities may also include the deployment of investigative and prosecutorial support to local and foreign law enforcement agencies and, in the event of a kidnapping, the formation of an inter-departmental (incident) task team by the Foreign Ministry (in Australia the Australian Federal Police are in the lead with regard to such investigations). Further activities may consist of parallel investigations, including a focus on financial measures, alongside coordinating all relevant aspects and providing support to agencies located in the country where the kidnapping took place. Prosecutions have proven to be the best deterrent of KFR.

Leveraging the media and other local actors in prevention

- The media is defined broadly here to refer to a wide range of means through which prevention information may be communicated. Media need to be selected based on the specific target audiences, and could include television, national and community radio, electronic social media, national and local newspapers, etc.
- Media can support prevention campaigns through:
  - Providing warnings to local communities and travellers as to high-risk areas
  - Raising public awareness on the threat of KFR by publicising relevant incidents
  - Publicising and promoting the public prosecutions of terrorists as an effective deterrent
- Local individuals and groups can support prevention campaigns through:
  - Providing direct communications of risk at the community level
  - Responding to questions from community members, where possible
  - Linking community members to local resources where these are available
- A range of local actors can contribute to prevention efforts though ongoing public education. It is essential that these local actors are trusted by community members in order for the prevention information to be taken seriously. Such actors include local religious and community leaders; NGOs; teachers; and other community members. Such individuals and groups need to be guided/trained as to how to provide the information.
MODULE 5: GOOD PRACTICES IN KFR CRISIS RESPONSE

1. INTERNATIONAL AND REGIONAL PERSPECTIVES ON RESPONSE AND INVESTIGATION

Good Practices

States should seek to:

Good Practice 3. Interrupt kidnappings and secure the safe release of the hostage(s) by providing tip lines or reward programmes or other communication channels for individuals in high-risk areas to make confidential reports of kidnappings to appropriate authorities, or through any other suitable means, in close cooperation with the state(s) of nationality of the hostage(s), and in accordance with applicable international law, including human rights law and international humanitarian law.

Good Practice 8. Assist, as appropriate, especially taking into account relevant national policies, interested and at-risk states with training and technical support to enhance their capacity to confront the KFR threat using financial, intelligence, law enforcement, and military tools within their borders and in cooperation with their neighbouring states, as well as with the state(s) of the nationality of the hostage(s); this assistance could include support in establishing proper mechanisms or units and the provision of training, equipment, and mentoring to these units, including regarding hostage rescues and assessment of its risks, and other means to counter KFR.

Good Practice 9. Train specialised law enforcement units to conduct complex financial investigations and KFR investigations, including evidence collection, management of contacts with hostage takers, and intervention skills.

1.1. Key questions addressed in this section:

- How are crises/critical incidents defined, and what processes or models exist for responding to them? How do models differ? How are they similar?
- How effective are strategies such as tip lines or reward programmes for providing information? Where have they been successful? How can authorities encourage their use?
- What different approaches exist for investigating incidents, intervening in a crisis and collecting evidence?
- How are decisions made and roles/responsibilities shared when cases are multinational? How are efforts coordinated?
- What capacity-building training resources are available, from whom, and how can interested countries and regions access them?

1.2. Processes for crisis response

- As indicated previously, all efforts should be made to resolve the situation without having to use force to rescue the hostage. This should always be a last resort.
- There needs to be a dual focus on securing the release of the hostage and on preserving evidence throughout the process, in order for prosecution to remain an option.
- The participation of different agencies at different stages of the process means that centralised coordination and communication to relevant parties is critical to a successful outcome. This requires that trust exists between relevant agencies prior to the crisis. Countries and foreign governments should establish working arrangements long before such crises emerge.
- In some cases, external parties (including local religious leaders) have been utilised as intermediaries for communications with hostage takers. This is a situation that requires
oversight and management. In some cases, such individuals can be essential due to their local knowledge and/or possible prior engagement with the hostage takers. Caution must be used, however, as there have been instances where such individuals have claimed relationships that they did not have (possibly for financial gain) and, as a result, have complicated the process, creating further risks for the hostage.

- The process of communications with the hostage takers and/or the hostage can buy time for investigators to locate the hostage, etc. A legitimate and observant intermediary can also provide valuable information for the investigation based on their interactions with the hostage takers.
- During the crisis response phase, it is important to also focus on managing the expectations of family members, and ensuring that their approach remains consonant with the actions planned by the crisis responders.
- At this early stage, decisions should be made as to which government (where multiple governments are involved) will handle the prosecution. This would determine the processes of handling evidence.

- **Stages of hostage crisis management**

  The diagrams below outline the model for crisis response, including the key players and resources involved at each stage:
These comprehensive diagrams depict the full spectrum of the best practices model. Not all aspects or elements depicted in the diagrams will apply to every KFR event or investigation.
1.3. Model processes: international perspectives

The model described above represents a US view of crisis response. The UK Foreign and Commonwealth Office adopts the Cabinet Office Briefing Room process.

Tip lines, reward programmes and other immediate response/interruption techniques
- A range of examples of tip lines and reward programmes exist, some noted previously. This includes Algeria’s ‘Green lines’ programme.

Capacity-building interventions
- The US through its Legat programme provides training to law enforcement officials on an interagency approach to investigate kidnappings.
- This training workshop is another example of the training envisioned by Good Practice 8.
2. INTER-Agency, Cross-Border and Regional/International Cooperation

Good Practices

States should seek to:

**Good Practice 2.** Enhance, if necessary, the effectiveness of cooperation, including among: (i) domestic law enforcement authorities and foreign law enforcement authorities and international agencies such as Interpol (e.g., developing sources of information, gathering and sharing intelligence, conducting undercover operations, executing search warrants or interviewing witnesses); and (ii) financial intelligence units (FIUs).

**Good Practice 10.** As appropriate, especially taking into account national security concerns and the need to protect sensitive information concerning both ongoing and closed individual KFR cases, coordinate domestic information/intelligence sharing and good practices and lessons learned regarding management of contact with hostage takers in KFR cases, especially during an actual event, and strengthen international information/intelligence sharing in this context as well.

2.1. Key questions addressed in this section

- What different structures exist for managing crisis response? What methods and strategies exist to seek the safe release of hostages? What agencies and authorities are involved in those safe release efforts? How do they coordinate their efforts?
- What are the different departmental, agency and government roles and responsibilities?
- How can the activities of different disciplines and agencies (law enforcement, military, counter-terrorism and other) be integrated and how can actions be coordinated in responding to a crisis? What models exist (e.g. fusion cells) and how have they been used?
- What mechanisms need to be put in place to effectively share and manage information/intelligence domestically and internationally? What kinds of information can and cannot be shared (or not shared equally)?
- What are the key decision/intervention points in a case and who is involved in making the decisions or carrying out the interventions?
- How can authorities effectively manage communications with kidnappers, without appearing to be ‘negotiating with terrorists’? What communication channels are available?
- How are decisions made and roles/responsibilities shared when cases are multinational? How are efforts coordinated? How are differences in legal systems or authorities handled? How can NGOs or international organisations get involved while respecting different authorities or mandates?

2.2. Models for cooperation and coordination

- Cooperation and coordination among all the agencies required to respond to the situation can be a challenging prospect, especially where no prior relationships between the parties exist. In some cases, legal authority is required for cooperation (e.g. the sharing of intelligence, the transfer of evidence, etc.). As previously noted, it is considered critical for successful outcomes that such relationships and legal mechanisms be established in advance of a crisis occurring. Such relationships need to managed and maintained, with regular communications between the relevant agencies.
- Different legal systems across national governments (i.e. civil and common law systems) may complicate cooperation, but there are many examples of these difficulties being overcome. Such lessons may be shared through the Counter-Terrorism Prosecutors Network, a platform...
for the exchange of lessons from practice. Agencies such as Interpol, Europol and Afripol may also provide assistance.

There are various models:

- A single department/ministry responds.
- A single department/ministry leads, with ad hoc inter-agency input and support.
- A task force or fusion cell, comprising a standing team of individuals from multiple departments/agencies, leads:
  - The task force or fusion cell provides a more coherent and timely response within the context of unexpected and unique hostage crises.
  - It is important to involve the Ministry of Foreign Affairs to work with the government of the country in which the hostage is being held and cooperate with other countries that may have leverage, information or co-located hostages. New recruits that are introduced to task force members should understand that their roles within their own departments/agencies are discrete, properly cleared, etc. It is important to recognise that each department/agency brings something different and useful to the table. Efforts should be made to minimise the duplication of functions and activities.
  - Decisions should reflect accountability and the task force’s plans and strategies should be prepared at the operational level for presentation to higher-level officials, always ensuring that clear lines of authority and reporting processes are established.

2.3. General principles for collaboration

- Understand partner motivations and objectives:
  - Potential partners may include liaison officers, missions/embassies, intelligence authorities, consular/family affairs, foreign offices/state departments, the media, governments/cabinets, the military, law enforcement, judiciary, fusion cells, security companies/insurers (the sooner one gets to the family or the employer of the hostage, the easier it will be to manage the private security company/companies involved) and employers (it is imperative that the employer understands that being seen to pay a ransom to a terrorist will have a negative impact on business).
- Become familiar with counterparts in other agencies that will be involved in the response.
- Agree on a strategy with all parties involved in the response, including public communications entities.
- Identify redlines for all parties involved.
- Try not to duplicate efforts.
- Ensure that actions do not inadvertently undermine others or jeopardise the overall strategy.
- Do not neglect any party (such as traditional/ community leaders, tribal elders, etc.) or any factor that could contribute to the speedy resolution of the crisis.
- Ensure that plans are in place to effectively communicate with stakeholders who do not have security clearances, e.g. family members or employers.
- Inter-agency cooperation is essential from the inception of the process, as is starting a parallel investigation into the incident:
  - Effective interruption and prosecution related to KFR always requires proactive inter-agency coordination.
  - International cooperation is also important, especially coordinated strategies with neighbouring states in regions with porous borders.
    - Other governments whose nationals have been kidnapped should also be involved.
• Military forces should be involved in the investigation process, not least because they may ultimately be called upon to undertake a rescue operation.

• Phases of military operations:
  o A military intervention may have various benefits as it may resolve the situation.
  o Finding the hostage, however, requires significant time and resources, and relies on partner nation assistance.
  o Moving appropriate military forces into position may require as little as a week or may take several weeks, and efforts to resolve the situation may continue concurrently to the deployment of the military.
  o Once the location of the hostage is confirmed and a detailed understanding of the environment is achieved, a military solution may be provided and operations may be completed within several hours of the order to execute.

2.4. Communications management

Communications should be focused on saving lives and not on negotiating a ransom amount. Such communications may also force the hostage taker to waste valuable time, focus and attention. This may open up further options for response.

• The purpose of communications
  o To bring about a better outcome than the one being offered, while still maintaining government policy (there are no precise rules, as every incident is different)

• Objectives of communications
  o To save lives
  o To buy time
  o To gather intelligence
  o To minimise harm to all persons involved

3. WORKING WITH THE MEDIA, FAMILIES AND THE PRIVATE SECTOR

Good Practices

States should seek to:

Good Practice 13. Develop and promote, with due respect to relevant national policies, among all parties to an ongoing hostage crisis a single media strategy that is an integrated part of the hostage recovery strategy aimed at safe recovery without advancing the agenda of the hostage takers, while ensuring the protection of sensitive information concerning individual KFR cases.

Good Practice 14. Open a discussion with relevant private sector entities, including ‘kidnap, ransom, and extortion’ insurers, to reach a common understanding of the dangers of ransom payments and negotiations, and relevant laws and conventions; and to enhance the sharing of information by such private entities with relevant national law enforcement, security and intelligence agencies, including FIUs.
3.1. Key questions addressed in this section

- What lessons have been learned from handling the media in KFR cases?
- How can risk be mitigated and security maintained while sharing information and allowing communication/coverage of the case?
- What different approaches have been used to manage the media and other communications and how effective have they been?
- What are the challenges to working with the media and balancing press freedom with the need to preserve evidence and/or protect sources/methods?
- How are decisions made and roles/responsibilities shared when cases are multinational? How are efforts coordinated?
- What lessons have been learned from managing families and/or private sector entities (e.g. employers) in KFR events?
- What roles do different authorities have in supporting families in a crisis? What policies have/should governments put in place to facilitate this assistance?
- What is the extent of support and engagement that can be provided?
- How do authorities balance operational coordination with liaising with victims?
- What limits, if any, can be placed on private insurers or on families who may want to pay ransoms, or conduct negotiations outside the authorities? How can authorities ensure their cooperation?

3.2. Media engagement strategies (Good Practice 13)

- ‘The media’ is a diverse range of entities, and is significantly different at the current time than it was before the emergence of the Internet and social media. It is no longer an identifiable group (such as the large media houses) with which one can engage in direct communications.
- Each country has different regulations with regard to the media, and a different set of entities with whom it can engage. Limiting media freedom raises questions relating to democratic governance, transparency and accountability that each country must consider in terms of its international legal obligations. It should be noted that limiting media freedom can also exacerbate vulnerabilities to terrorism and KFR, due to enabling weak governance and corruption to continue.
- Given the above, and the fact that the media can seldom be ‘controlled’ in terms of what is said about an ongoing case, it is important to for authorities to manage the situation as far as possible. One important practice is to appoint one media liaison person to deal with media statements and queries, and manage the substance of the message, depending on the situation.
- The media will be interested in all aspects of the case, and should be provided with information as agreed by authorities. Experience indicates that providing this information can limit the tendency of the media to dig up new facts, or fabricate information.
- Equally, the media can be used strategically to assist with resolving the crisis, and with the investigation. This approach needs to be designed carefully, to safeguard the life of the hostage.
- A successful strategy has been to obtain the cooperation of journalists through ongoing communications with them, and through offering training (including on ethical journalism).
- The media often approach the family for information and, in some cases, have convinced the family to take actions that are not consistent with the approach being adopted by law enforcement agencies. This needs to be pre-empted through clear guidance and support to the family.
- Countries should have protocols in place for managing the media during such a crisis situation.
General principles

- Kidnapping incidents are major news stories.
- Media strategies should support the overarching goal to secure the hostage’s safe release.
- Everyone supporting the family should be fully informed of the media strategy. If family members and supporters are not in support of the strategy, they could go to the media, which may endanger the life of the hostage or other hostages who are co-located.
- The media can serve to provide public pressure as a tactic to secure a release.
- Responses should urge the media to act with restraint when reporting – within the legal and other limits that may exist. This includes using ‘moral suasion’ to get the media to cooperate with the official response strategy.
- Efforts should be aimed at cooperating with the media, explaining objectives (or objections, where these exist) and engaging in the spirit of cooperation rather than influence.
- An objective should be set (e.g. determining whether the hostage is alive or obtaining information from local communities/trusted third parties etc.) and efforts should be made to work with the media to achieve it.
- The media may be used to increase pressure on the hostage takers. Such a strategy should be adopted with great care as this could lead to hostage takers making threats or demands, or lashing out in response.

Case example: Australia media handling in the Philippines

- The development and implementation of the strategy started early and the family was duly informed about the overarching objective and purpose of the strategy.
- Closed background briefings were scheduled with senior media executives and newspaper editors on the status of the case and the government’s response.
  - The government issued requests that no reporting be done on the case – broad coverage of the case was considered likely to cause further risk to the hostage, drive up ransom demands and/or place other role players at risk.
  - The media generally cooperated with government requests. The government also employed moral suasion as a means to obtain media cooperation.
  - The government already had a standing arrangement with the media in place, in which it was agreed under certain conditions relating to national security that the government could prevail upon the media not to report on certain facts relating to a particular story.
- The DFAT was the point of contact on this matter, because it had the overall lead in the KFR cases – the police referred all inquiries to the DFAT.
- In cases such as these it is unwise to use a ‘no comment’ policy in relation to the media.
- Media outlets need to be satisfied with the information being provided, so it is prudent not to hide information that is obvious or easily found out (e.g., use of social media on the part of hostage takers).
- It is important to provide training to senior officials involved in the case, so as to enable them to answer questions effectively and without revealing information that may be sensitive.
- Upon release, the government’s goal was to limit reporting that could have an impact on the safety of other (potential) victims, and to manage the victim’s new ‘celebrity’ status.
  - This was aided by early engagement with the family prior to the release of the victim.
  - The government recommended that the family release pre-prepared statements only upon the release of the victim.
  - It was agreed that the victim should be photographed in the Philippines with the local officials who played a part in his release.
The above provided the media with enough to publish stories upon the release of the hostage.

- After the release of the victim the media can play an important role, such as warning potential future victims (e.g. travellers) about dangers and deterring potential future kidnappings.

**Working with families and the private sector**

- Family members are distressed and emotional when a loved one has been kidnapped, and this needs to be understood and respected by the agencies managing the crisis. Communications with the family should always be a key element in the crisis response.
- Families can be reluctant to trust law enforcement agencies to handle the kidnapping, and attempt to manage the situation themselves. This may include planning to pay the ransom or speaking with the media.
- An effective practice is to identify a point of contact in the family who is able to act on their behalf and be guided by law enforcement. This person may need to undertake communications with the hostage takers. She/he needs to have one focal person from law enforcement who should be the point of contact. Cases may take a long time to resolve, but the communications with the family should continue, even if there is no new information to share – the family needs to be assured that law enforcement is still working on the case, and that their loved one has not been abandoned.
- Assistance should be provided to the family wherever possible. This can include economic and emotional support, as needed.

**Case example: the US approach**

- The US Department of State and the Federal Bureau of Investigation (FBI) co-lead the process:
  - The Family Notification Act requires that families be informed of the mistreatment of US nationals abroad.
  - State Department/FBI activities regarding messages to be relayed to family members are always coordinated.
- There are three stages of family contact:
  - Communication immediately post-capture: Notification of the victim’s family and next of kin/family’s point of contact about the kidnapping. The State Department requires approval of Privacy Act waivers before it can talk to Congress or the press about the incident.
  - Communication during the period of captivity: Internal coordination is required on when to speak to the family and what information to convey. A family contact strategy may need to be developed.
  - Communication post-release: Keep the family informed on developments regarding the release, arrange travel for the victim back home, provide debriefing (as appropriate) and advice on reintegration. In the event of the death of the hostage, notify the family.
Case example: the Canadian approach

- At the start of the investigation, the government explains its ‘no concessions’ policy to the family, as well as Canada’s prohibition on the provision of material support to terrorists.
- A liaison officer and a communications person are made available to the family, who explain what to say to the hostage takers, should they contact the family directly.
- If the family is contacted directly by the hostage takers, the Royal Canadian Mounted Police will seek judicial authorisation to tap telephone calls, including for purposes of future prosecution.
  - The family are key role players. In one case the victim was able to call home and the family answered. She was able to provide useful information on the location she was being held in, the surroundings, the hostage takers’ car and the times the hostage takers would leave every day.

Case example: the Australian approach

- The DFAT consular officer and police liaison (Regional Family Investigative Liaison) try to contact and engage with only one member/representative of the family. Consular officers do not discuss the whole-of-government approach or disclose any operational information.
- The Emergency Task Force determines the nature and focus of all communications shared with the family, which will formally be cleared with all the relevant departments/agencies.
- The initial meeting comprises a face-to-face discussion on the government’s response to hostage-taking and the level of support that will be provided to the family. An example of the information shared with the family is illustrated in the following case:
  - The family member was notified that the victim had been taken hostage in his home town.
  - Consular staff would contact the family three times a week, notifying them on progress in the matter.
  - At the mid-point during the communications process, the government brought the family to Canberra to discuss the handling of the case. Members of the team from the Philippines also attended the briefing session.
  - Upon release, the Defence Department deployed a psychologist (trauma specialist) to the Philippines to provide on-going support and counselling to the victim and family.
- Important strategies are: ensuring open and honest communication with the family; providing clear advice on operational issues; consulting with the family on an ongoing basis to ascertain their views (where appropriate); and providing consistent support and representation by the same persons (no staff changes of consular or police point-of-contact personnel).

Case example: the Algerian approach

- There is a Working Group dealing specifically with terrorist kidnappings.
- There is an investigation to determine the habits etc. of the victim with the aim of establishing where she/he was kidnapped.
- The terrorists usually use the victim’s phone to call someone (often suggested by the victim) to demand a ransom.
- Families do not generally inform the police of a hostage-taking or ransom payment. The police often only find out about a ransom payment, for example, after the arrest and interrogation of a terrorist who has been involved in (or who otherwise has knowledge of) the crime.
- It is crucial to learn the profile of the hostage takers/terrorists/kidnappers.
- Investigators will usually try to direct the discussions/exchanges between the family and the hostage takers, prompting them with relevant questions.
• It has proven difficult to obtain the cooperation of the family, especially when they know that their loved one’s life may be at risk.

• The group of investigators assigned to the case will adjust its approach depending on the psychological state and profile of the family and any specific knowledge regarding the hostage takers.

• It is important that the local community not encourage or indicate support for the actions of the hostage takers, rejecting them instead.

• Many adventure travellers do not have a proper guide to help them avoid high-risk areas or flout rules and advisories in the name of ‘adventure’.

• The family should be kept informed throughout the process.
MODULE 6: GOOD PRACTICES IN DENYING BENEFITS OF KFR TO TERRORISTS

1. TACTICS FOR DENYING BENEFITS OF KFR

Good Practices

States should seek to:

Good Practice 4. Denying terrorists and terrorist organisations and their final beneficiaries the benefits of ransom – while seeking to secure the safe release of the hostage(s) – through financial, diplomatic, intelligence, law enforcement and other means and resources, as appropriate, not excluding use of force, in close cooperation with the State of nationality of the hostage(s) and in accordance with applicable international law, including human rights law and international humanitarian law.

1.1. Key questions addressed in this section

- What different strategies or tactics exist for denying the benefits of KFR to the terrorists who use it?
- Where have different strategies been used, and to what effect? What examples can be shared?
- Which methods have proven most/least effective?
- If ransoms have been paid, what methods can/have been used to prevent monies from making it into the hands of the kidnappers? What information is needed to make this happen? What authorities need to be in place?
- What role does law enforcement have in denying benefits?
- How can the investigation and prosecution of planners, conspirators, middlemen and other persons help prevent future incidents and/or aid in denying benefits?
- Like ‘follow the money’, what other principles or strategies can guide denial efforts?
- What are the benefits of denying ransom? What are the benefits to the hostage, to citizens?
- How does denying the benefits of ransom contribute to the deterrence of future events? How does it support adherence to government policy?

1.2. Key principles

- The international framework provides guidance relating to a range of actions that can be taken. National governments should establish the legal mechanisms to ensure that such actions can be implemented, and that cooperation with other governments is enabled. National governments need to ensure that specific agencies are tasked with the responsibilities required to meet international obligations and local needs.
- International institutions such as the UN Sanctions Committees and the FATF can provide guidance and assist with implementation. Establishing national structures and participating in regional structures will aid in the implementation of measures.
1.3. Primary forms of denial of benefits

- Bringing hostage takers to justice
  - These actions constitute the primary form of denial of benefits. However, it is often difficult to locate and/or arrest hostage takers, even after they have been identified.
- Designations
  - Publicly identifying terrorist hostage takers and facilitators (publicly naming those who have engaged in terrorist activities, as well as exposing terrorist engagement in common criminal activity, may also act as a useful deterrent)
  - Freezing assets with a view to preventing hostage takers from accessing and utilising funds obtained from criminal activities
  - Denying access to formal financial systems by making it more difficult for hostage takers to move, store and spend ransom money
- The overall goal of the denial of benefits: It prevents the use of funds for terrorist and other criminal activities, or personal benefit by terrorists. This undermines the incentives to take hostages and therefore may effectively prevent future hostage-taking.
  - While in some cases ransom payments may result in the release of hostages, such payments can also be taken by hostage takers who then do not release hostages. Ransom payments may also increase the risk of additional demands being made by hostage takers, and postpone the release of the hostage.

1.4. Designations at different levels

The US approach

Domestic designations

- The National Terrorist Asset Freezing Regime in conformity with international standards (Recommendation 6) is aimed at:
  - A strong, publicly available statement of the case/announcement of the designation, with information on how to appeal a designation
  - The rapid communication of designation(s) to FIUs and other reporting entities
  - The provision of resources to aid in implementation/deconfliction of false positives
  - The protection of the rights of bona fide third parties
  - The facilitation of a process for making legal exceptions ('licensing')
  - The institution of sanctions for non-compliance
  - Support for the possibility of appeal to an independent body or court of law and the possibility of an administrative appeal
  - The periodic review of past designations
  - The provision of a mechanism for delisting procedures

Third-party designations

- The ability to make, receive and evaluate designation requests as per UNSC Resolution 1373 (2001)
- Bilateral channels comprising:
  - US embassies in foreign capitals
  - Foreign embassies in Washington DC
  - Bilateral consultations in the US or abroad
  - Direct communications (via e-mail)
• Multilateral channels:
  o UN headquarters in New York
  o US missions to regional organisations (e.g., the AU)

• Evidentiary standards:
  o Reasonableness standard: A reasonable basis exists for the department’s/agency’s
    conclusion that the proposed designee meets the criteria for designation

• Required information
  o No formal requirement
  o Provide as much information as possible
  o Basic identifiers, including aliases
  o Derogatory information (i.e., information on criminal activities)
  o Information related to any US assets or financial activities
  o The US government may receive classified information
  o Generally, in order to preserve the integrity of the designation process and mitigate
    legal risks, the US government must corroborate or supplement information provided
    by foreign governments regarding potential designees

• Procedure for examining third-party requests:
  o An administrative system
  o The potential designee must meet the criteria in Executive Order (EO) 13224
    ▪ List of previously designated individuals or entities available at
      http://sdnsearch.ofac.treas.gov/ (search by programme ‘SDGT’)
    ▪ Note that consultation of this list online would reveal whether a potential
      designee is already designated and could therefore provide valuable information
      related to derivative designations
  o EO 13224 blocks property and prohibits transactions with: (i) Foreign persons
    determined by the Secretary of State to have committed, or to pose a significant
    threat of committing acts of terrorism that threaten the security of US nationals or
    the national security, foreign policy, or economy of the US and (ii) Persons determined
    by the Secretary of the Treasury to: be owned or controlled by; act for or on behalf
    of; or materially, financially or technologically support an already designated group,
    entity, or individual
  o Mutual legal assistance mechanisms are not applicable

Additions to the UN al-Qaeda sanctions list

• Proposed additions are submitted to the al-Qaeda (1989) sanctions committee for
  consideration and approval.
• Generally speaking, all information provided to the al-Qaeda sanctions committee must be
  unclassified.
• It is advisable to submit as much information as possible in practice, and other UN member
  states, including all members of the UNSC, will review and supplement that information.
• UN member states with gaps in their information regarding a particular terrorist hostage taker
  or his/her facilitators should nevertheless submit names, along with whatever other
  information they may have, to the committee for evaluation.
1.5. Combatting terrorist financing

- It is difficult to quantify the financial amounts amassed for the financing of terrorist activities. Experts have created a new statistical instrument called gross criminal product (PCB), which estimate annual worldwide turnover for all illegal activities.
- The International Monetary Fund estimates the amount of the annual PCB at between US$500 trillion and US$1.5 trillion.
- The FATF estimates indicate US$1 000 billion.
- Other experts believe that the above definition is too broad, as it encompasses, among others, both flights and common objects such as cars hidden in tax revenues and the revenues from organised crime. They advocate an approach limited to money derived from organised crime and terrorist finance by the implementation of more restrictive measures. This produces figures of around US$100 billion a year.
- Funding sources are much more diversified, however. Three categories of activities seem to be favoured in respect of the financing of terrorism: trafficking in drugs and precious stones; acts of extortion or robbery; and hostage-taking.
- Hostage-taking:
  - The financial windfall provided by hostage-taking has resulted in its generalisation.
  - The increased revenues generated by the taking of hostages and the use made of these actions have resulted in a major security problem.
  - Revenues are used to finance terrorist operations, recruitment and equipment.
  - Many states have publicly expressed their refusal to pay any ransom amounts to terrorist organisations.
- The money generated by the various trades listed above no longer circulates in the formal banking system, which makes it less easily detectable.
- The terrorist networks have become aware of the improved monitoring processes and sanctions regimes, and are adapting their approaches to avoiding these. Therefore, other means of transferring funds are now increasingly used, such as cash couriers and alternative carrier systems.
- Terrorist financing is defined as the financial support, in whatever form, of terrorism by anyone who encourages, plans or engages in terrorism. It refers to the collection or provision of funds for sustaining terrorist activities.
- The financing of terrorist activities may call for funds raised from legitimate sources (such as personal donations and profits from businesses and charitable organisations) or via criminal activities (such as trafficking of narcotics, smuggling of weapons and other illegal goods, fraud, kidnapping or extortion).
- Various interventions are being used in the fight against the financing of terrorism, including the adoption and implementation of:
  - The UN Convention on the Suppression of the Financing of Terrorism:
    - The UN General Assembly adopted this convention on 9 December 1999. Article 2 requires that signatories criminalise the acts described. Article 2 defines an offence as an act where ‘any person by agreement, by any means whatsoever, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention of used or in the knowledge that they will be used in whole or part, to commit a) an act which constitutes a crime under and as defined in one of the treaties listed in the annex ...’
  - UNSC resolutions:
    - Resolution 1267 of 15 October 1999 established the UN Sanctions Committee. The sanctions regime has been modified by resolutions 1988 and 1989 (June 2011), which now provide for separate lists for the Taliban and al-Qaeda.
Resolution 1373 (September 2001) requires countries to criminalise terrorist financing and establishes the Committee against Terrorism to oversee its implementation, including the establishment of a global monitoring system in the fight against terrorism.

- FATF recommendations:
  - This is a set of administrative rules, norms, principles and decision-making procedures.
  - UNSC Resolution 1617 (29 July 2005) urges ‘all Member States to implement the comprehensive international standards embodied in the 40 recommendations of the Financial Action Task Force on Money Laundering (FATF) and 9 FATF Special Recommendations on terrorist financing’.
  - The FATF Recommendations, as revised in February 2012, integrate measures against terrorist financing and introduce new measures to have an effective impact on the financing and proliferation of weapons of mass destruction.
  - The Recommendations also strengthen provisions relating to higher risk by allowing countries to adopt more targeted approaches based on considerations of risk.

- A number of other organisations play a vital role in the fight against money-laundering and the financing of terrorist activity.
  - The FATF-style regional bodies, which are organised in accordance with geographical location or a particular purpose, play an important role in the promotion and implementation of standards against money-laundering and the financing of terrorism within their respective regions.
  - The Egmont Group:
    - In 1995, a number of government agencies formed the Egmont Group, which aims to provide a forum for FIUs to develop logistical support to their respective national programmes and coordinate financial intelligence initiatives.
    - This support includes increasing and systematising financial information exchange, improving the expertise and capabilities of personnel, and improving communication among FIUs through harnessing state-of-the-art technology.
    - The mission of the Egmont Group was expanded in 2004 to include the monitoring and oversight of specific financial information on the financing of terrorism.
  - Ransoms and ‘no concessions’ policy
    - Most states support a general policy of non-payment of ransoms in cases of KFR. However, some actors may circumvent this through the use of intermediaries, private contractors and the involvement of insurers. Private professionals specialising in KFR may undertake negotiations for the payment of a ransom with the hostage takers without the knowledge or involvement of the government concerned.
    - Such services have become a lucrative industry and many insurance companies offer comprehensive packages in respect of KFR.
    - Some shipping companies may also pay ransoms to recover their ships intercepted by pirates rather than settle the matter through official channels. In these cases, the main driver of the decision is for the company to be able to continue with business.
2. RULE OF LAW-BASED INVESTIGATIONS AND PROSECUTIONS

Good Practices

States should seek to:

**Good Practice 5.** Strengthen national coordination mechanisms and international cooperation, including logistically, among security services, police forces, and, as appropriate, military forces of relevant countries in identifying and locating terrorists in areas where KFR poses a threat and/or who are suspected to have committed KFR with a view to bringing them to justice, in accordance with applicable international law, including human rights law and international humanitarian law.

**Good Practice 6.** Ensure that relevant criminal justice and law enforcement officials have the legal authorities and capacity to gather the evidence in KFR cases that will lead to successful prosecutions of terrorists and terrorist organisations and financiers engaged in or supporting KFR.

**Good Practice 7.** Bolster the probability of successful investigations and prosecutions of suspected terrorists and terrorist organisations that engage in KFR by following the relevant good practices contained in the GCTF’s Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector.

**Good Practice 12.** Promote public awareness of KFR prosecutions and conduct media campaigns to discredit the practice of KFR.

2.1 Key questions to be addressed

- How effective is law enforcement and prosecution as a deterrent to KFR? Does publicising successful prosecutions make a difference? If so, how?
- How do you ensure that any information/evidence collected in the course of crisis response can be used in a subsequent criminal prosecution?
- What procedures are used to protect victims, witnesses, informants, potential jurors and others in KFR (or other counter-terrorism) cases?
- How successful have efforts been at coordination/cooperation among domestic and/or international agencies?
- How may the Rabat Good Practices in KFR cases be utilised in prosecutions?
- What processes do countries need to put in place to ensure that the rule of law is maintained when prosecuting suspects in KFR cases? What are the obstacles to implementing these processes? How can such challenges be overcome?
- Where have KFR suspects been prosecuted successfully and what lessons can be learned from those cases? How can those lessons be applied elsewhere?
- What are some other long-term strategies to address KFR?
  - Using re-insertion programmes?
  - Following the money?
  - Targeting the middlemen and other facilitators?
2.2. **Key principles**

- A vast framework of international law governs rule of law- and human rights-based responses to all crimes, including the rights of accused persons relating to arrest, detention and trial. National legislation should comply with international obligations and local needs.
- There are many examples from across the world of terrorism being successfully prosecuted within this framework. Such approaches confirm for the public that the government is acting in ways that protect rights, respect due process and promote the rule of law.
- National legal frameworks should be developed to anticipate a range of issues, including procedures for the collection of evidence; procedures to use intelligence as evidence in court; prosecution-guided investigations; how to oppose bail; the protection of witnesses; etc.
- Plea-bargaining or plea/sentence agreements can be a useful tool to aid investigations (through obtaining more information from some suspects) and can facilitate the faster processing of cases, where large numbers of suspects may be held.
- In cases involving two or more countries, agreements reached at an early stage as to where and how these cases should be prosecuted may avoid the many possible complexities that can arise and adversely affect the cases.
- Special judicial mechanisms may be established, e.g. special courts with specially trained officials, to take on terrorism/terrorist financing/organised crime-type cases.
- Mutual legal assistance treaties and other forms of international cooperation are important to support investigations and prosecutions.
- Hostage-taking and ransom demands may not require special legislation to prosecute, given that these constitute a person having been attacked and/or deprived of his/her liberty – other legislation (e.g. relating to assault) may be applicable.
- There are many admissible forms of evidence, e.g. physical and electronic evidence, witness testimony, sworn statements, videos, etc. It is important to establish the evidentiary requirements and ensure that evidence is collected and preserved, and procedural requirements are met to support the prosecution process.
  - Providing specialised training for investigators/members of the military, etc. is essential to support the above.

2.3. **International perspectives on prosecutions/rule of law responses**

*The US perspective*

- FBI legal attachés work with partners to develop foreign investigative capacity and strengthen intra-governmental information sharing.
- Legislation and policy should be reviewed to ensure key international and regional obligations such as the criminalisation of terrorism and terrorist financing are appropriately addressed.
- In the US, prosecutors ‘join’ a case very early on, participating in weekly meetings with the FBI to discuss open cases as soon as an investigation has commenced.
  - In the US, the FBI can open investigations before the crime has occurred. These investigations usually focus on preparatory acts and offenses such as conspiracy. They may also include ancillary crimes, such as immigration offenses.
- Investigators are trained to work with and support victims (such as former hostages) and other individuals who have been traumatised by terrorist activities. The testimony of the victim and of co-conspirators/other perpetrators is therefore also important as evidence.
  - The US is able to provide co-conspirators/perpetrators with certain incentives to cooperate with prosecutors, by becoming witnesses against other perpetrators.
The US has the legal authority to use undercover agents to expose criminal activities and may also use confidential sources. Legislation provides protection to undercover agents, confidential sources, witnesses, prosecutors and judges.

The legal framework should allow for conducting electronic surveillance activities (wiretaps, etc.). Terrorists often make use of social media, the Internet and more frequently cell phones to conduct their activities. Prosecutors should work with investigators to ensure that such evidence will be admissible in court.

Under US law, the judge may order certain measures designed to protect the anonymity of foreign officials (including members of foreign special forces) who testify in US courts, when appropriate.

Publicising investigations should be considered very carefully: this could expose potential witnesses and/or those still being held by terrorists.

The US may obtain sealed indictments (for example, with regard to a hostage taker involved in an ongoing incident). Once the perpetrator is arrested the contents of the indictment is made public.

Information and tip-offs regarding planned terrorist activities can be obtained via the US’ ‘Rewards for Justice’ programme.

Undercover investigations create the risk of claims of entrapment, which may need to be defended. This could expose the identity of undercover agents, if it is found that their testimony is required in open court.

As a result of the effectiveness of US investigations, about 80 to 90% of terrorism cases end in a guilty plea.

Interpretation and translation of evidence is crucial to the prosecution process.
APPENDIX 1

The GCTF’s Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists
Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists

Introduction

The use of kidnapping for ransom (KFR) by terrorists in certain regions of the world to finance their activities is of major concern to the international community and constitutes a threat to peace, security, and development in these regions and to the right to life, liberty, and security of persons. Over the past decade, the members of the Global Counterterrorism Forum (GCTF), as well as other countries and international, regional, and sub-regional organizations, through bilateral and multilateral partnerships and innovative approaches, have made significant progress in combating the flow of funds to terrorist organizations. However, the effective and efficient measures taken so far to counter the financing of terrorism have forced terrorist groups, especially those affiliated with al-Qa’ida, to adapt, i.e., to develop and rely on “new” means to finance their activities. These alternative means include smuggling, drugs and weapons trafficking, and kidnapping for the purpose of securing ransom for a hostage’s release. This last activity is particularly prevalent in the Sahel where the practice of kidnapping for ransom has become a lucrative method of funding the criminal activities of terrorist groups and has had a serious impact on the stability of, and security in, the region. However, this type of activity has not been limited to this region, as there has been an increase in KFR by terrorist groups around the globe. According to a recent Financial Action Task Force report, “KFR as a means of financing terrorism has been identified by law enforcement agencies worldwide as a significant source of revenue for terrorist groups often operating in politically unstable countries where central authority is often weak, public and private corruption is endemic, and the social fabric of those nations has unraveled to a considerable degree. Millions of dollars in ransom payments have been collected by terrorist organizations which use networks of facilitators to move the proceeds of KFR through alternative remittance systems, but, more ominously, through legitimate financial institutions such as banks and exchange houses.”1

It is important to recognize that KFR is not only a predicate offense to terrorism-related crimes, but is itself a type of terrorism. The International Convention Against the Taking of Hostages (1979), which is part of the international legal framework for countering terrorism, obligates states parties to, inter alia, establish hostage-taking as an offense under their domestic law and cooperate in the prevention of hostage-takings.

Given the scale of the problem, the GCTF should foster further efforts of the international community in countering this and other methods of financing terrorism. The members of the GCTF condemn the upsurge in hostage-taking perpetrated by terrorists and other criminal elements working with terrorists. We are committed to working together and with other partners to prevent the further proliferation of KFR, deny terrorists the benefits of this crime,

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and bring those responsible to justice, in accordance with applicable international law, including human rights law and international humanitarian law.

GCTF members welcome the ongoing efforts by international, regional, and sub-regional organizations to combat the use of KFR by terrorists and terrorist groups and deny them the benefits of hostage-taking. GCTF members are committed to bolstering these efforts. With this in mind, Algeria, in cooperation with the United States, hosted an experts-level GCTF conference on 18-19 April 2012 in Algiers to (a) elaborate a set of recommended, non-binding good practices for all states to consider implementing to prevent hostage-taking, keep the hostage safe, and deny terrorists the financial and other benefits from such actions, and (b) begin to develop capacity-building initiatives to support the implementation of these practices in interested states. All States are encouraged to consider using these non-binding good practices, while recognizing that implementation of these practices must be consistent with applicable international law, including human rights law and international humanitarian law, as well as applicable domestic law, reaffirming that ensuring the security of the hostage should be the first priority of any rescue operation and that the State where the hostage is held should take all appropriate measures, in close cooperation with the State of nationality of the hostage where appropriate, to secure the safe release of the hostage, and taking into account the unique contexts surrounding each KFR incident, as well as the varied histories, cultures, and legal systems among States. States should also share good practices on developing comprehensive strategies to deny terrorists opportunities for KFR activity.

The below list is not exhaustive. The GCTF may choose to expand or modify it to take into account States’ experiences.

**Recommended Good Practices**

States should seek to:

1. Provide their citizens with access to up-to-date travel advisories and other information that identifies specific high-risk areas (at home and abroad), as well as recommend measures to ensure personal security.

2. Enhance, if necessary, the effectiveness of cooperation, including among: (i) domestic law enforcement authorities and foreign law enforcement authorities and international agencies such as INTERPOL (e.g., developing sources of information, gathering and sharing intelligence, conducting undercover operations, executing search warrants or interviewing witnesses); and (ii) financial intelligence units (FIUs).

3. Interrupt kidnappings and secure the safe release of the hostage(s) by providing tip lines or reward programs or other communication channels for individuals in high-risk areas to make confidential reports of kidnappings to appropriate authorities, or through any other suitable means, in close cooperation with the State(s) of nationality of the hostage(s), and in accordance with applicable international law, including human rights law and international humanitarian law.

4. Denying terrorists and terrorist organizations and their final beneficiaries the benefits of ransom – while seeking to secure the safe release of the hostage(s) – through financial, diplomatic, intelligence, law enforcement and other means and resources, as appropriate, not excluding use of force, in close cooperation with the State of nationality of the hostage(s) and
in accordance with applicable international law, including human rights law and international humanitarian law.

5. Strengthen national coordination mechanisms and international cooperation, including logistically, among security services, police forces, and, as appropriate, military forces of relevant countries in identifying and locating terrorists in areas where KFR poses a threat and/or who are suspected to have committed KFR with a view to bringing them to justice, in accordance with applicable international law, including human rights law and international humanitarian law.

6. Ensure that relevant criminal justice and law enforcement officials have the legal authorities and capacity to gather the evidence in KFR cases that will lead to successful prosecutions of terrorists and terrorist organizations and financiers engaged in or supporting KFR.

7. Bolster the probability of successful investigations and prosecutions of suspected terrorists and terrorist organizations that engage in KFR by following the relevant good practices contained in the GCTF’s Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector.

8. Assist, as appropriate, especially taking into account relevant national policies, interested and at-risk states with training and technical support to enhance their capacity to confront the KFR threat using financial, intelligence, law enforcement, and military tools within their borders and in cooperation with their neighboring states, as well as with the State(s) of the nationality of the hostage(s); this assistance could include support in establishing proper mechanisms or units and the provision of training, equipment, and mentoring to these units, including regarding hostage rescues and assessment of its risks, and other means to counter KFR.

9. Train specialized law enforcement units to conduct complex financial investigations and KFR investigations, including evidence collection, management of contacts with hostage-takers, and intervention skills.

10. As appropriate, especially taking into account national security concerns and the need to protect sensitive information concerning both ongoing and closed individual KFR cases, coordinate domestic information/intelligence-sharing and good practices and lessons learned regarding management of contact with hostage takers in KFR cases, especially during an actual event, and strengthen international information/intelligence sharing in this context as well.

11. Identify and protect potential targets of kidnapping attempts in order to prevent KFR operations by developing an operational approach which integrates intelligence gathering, law enforcement expertise, and specialized counterterrorism units.

12. Promote public awareness of KFR prosecutions and conduct media campaigns to discredit the practice of KFR.

13. Develop and promote, with due respect to relevant national policies, among all parties to an ongoing hostage crisis a single media strategy that is an integrated part of the hostage
recovery strategy aimed at safe recovery without advancing the agenda of the hostage-takers, while ensuring the protection of sensitive information concerning individual KFR cases.

14. Open a discussion with relevant private sector entities, including “kidnap, ransom, and extortion” insurers, to reach a common understanding of the dangers of ransom payments and negotiations, and relevant laws and conventions; and to enhance the sharing of information by such private entities with relevant national law enforcement, security and intelligence agencies, including FIUs.

15. Inform relevant private employers and employees about risks of KFR in certain geographical areas and encourage them to take all necessary steps, in coordination with local authorities, in order to prevent kidnappings.
The GCTF’s Addendum to the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists
Addendum to the Algiers Memorandum on the Effective Implementation of Certain Good Practices Aimed at Preventing Kidnappings by Terrorists

The December 2012 Global Counterterrorism Forum (GCTF) Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists (Algiers Memorandum) recognizes the prevention of kidnappings as one of the keys to countering the broader phenomenon of kidnapping for ransom (KFR) and contains several related good practices, including:

- The provision of up-to-date travel advisories and other information that identifies specific high-risk areas;
- The identification and protection of potential targets of kidnapping;
- Communication with relevant private employers and employees about KFR risks; and
- Promoting public awareness of KFR prosecutions.

The Algiers Memorandum also encourages states to share good practices on developing comprehensive strategies to deny terrorists opportunities for KFR activity. In light of the continuing scourge of KFR, and the commitment of the GCTF members to prevent the further proliferation of KFR, deny terrorists the benefits of this crime, and bring those responsible to justice, in accordance with applicable international law, including human rights law and international humanitarian law, several GCTF members called for the development of specific recommendations to assist States with the effective implementation of the Algiers Memorandum, in particular those Good Practices that are relevant to the prevention of KFR.

To achieve that goal, the Government of Algeria hosted a meeting of KFR experts and practitioners from GCTF members, other interested states, and multilateral organizations to craft a set of specific recommendations to effectively implement the aspects of the Algiers Memorandum aimed at preventing KFR.

In addition to fostering increasingly effective government action to prevent KFR, the experts concluded that recommendations designed to further the efforts of companies, non-governmental organizations (NGO), and individuals to help prevent KFR are also necessary. Therefore, the recommendations in Sections II and III below should inform and support government outreach programs under Algiers Memorandum Good Practices 14 and 15.

I. Recommendations Related to Effective Government Actions and Programs

Recommendation 1: Share information and intelligence on kidnapping threats internally, including with embassies and consulates abroad, and with likeminded governments, to work towards a coordinated domestic and international deterrence and response effort, and remain prepared to respond proactively to actionable intelligence. (Algiers Memorandum Good Practices 2, 5, 8, and 11)
**Recommendation 2:** Publicly announce no-ransom or no-concessions policies so as to inform citizens and prevent and deter hostage-takings.

**Recommendation 3:** In states where there is a risk of KFR, cultivate strong relationships with local leaders and populations in order to engage them in communal security efforts. Such states should consider accomplishing this through public awareness campaigns, town hall-style meetings, and partnerships with NGOs, which are often well-positioned to identify at-risk individuals, disseminate advisories, conduct capacity-building and training, and establish or advertise public tip lines.

**Recommendation 4:** Generate timely, balanced, factual, and accurate travel advisories and other information both to identify high-risk areas and to advise citizens accordingly; if resources are constrained, seek instead to provide links to (and/or translations of) travel advisories and other information originally generated by foreign governments or reputable NGOs. Targeted and geographically-specific travel advisories for particular regions of, or border areas within, a country can limit any unintended economic impact on the country under advisory. (*Algiers Memorandum Good Practice 1*)

**Recommendation 5:** Conduct proactive public outreach, (e.g., via traditional or social media, public radio, government websites, or cell phone applications, as well as targeted outreach to private individuals and entities) aimed at raising awareness of the risks that hostage-taking and KFR by terrorists pose at specific times or to specific groups. Issue press releases before high travel seasons and work with NGOs, adventure travel companies, tour guides, airlines, hotels, and travel industry associations both to raise awareness of kidnapping threats and to encourage the communication of relevant information to their members and customers. Directly engage specific individuals or groups expressing interest in, or an intent to, travel to high-risk areas, to provide them with information about security threats, previous hostage-takings, and relevant government contacts. To deter travel to high-risk areas, consider working with former hostages to develop short public service videos about the realities of KFR. (*Algiers Memorandum Good Practices 1, 15*)

**Recommendation 6:** Offer online registries for private international travelers so that embassies and consulates can account for such travelers and alert them to emerging threats and/or changes of the governmental travel advisories and develop additional emergency alert systems (e.g., via phone chains, text message lists, e-mail distribution lists, or social media) to warn citizens known to be living, working, or traveling in high-risk environments of relevant special and/or unexpected threats, including from potential hostage-takers. (*Algiers Memorandum Good Practices 1, 15*)

**Recommendation 7:** Provide tailored security briefings to government officials on short-term assignment to high-risk areas, and tailored personal security training to government officials on longer-term assignment to such areas. (*Algiers Memorandum Good Practices 1, 15*)

**Recommendation 8:** Review on a regular basis, and as necessary in light of evolving threats, the physical and mobile security arrangements in place for foreign mission staff in high-risk -
areas abroad, including diplomatic missions and official residences. Consider the use of personal and vehicle tracking devices for staff assigned to such areas. (Algiers Memorandum Good Practice 11)

**Recommendation 9:** Consider increasing the visible presence of local police forces or national security services in high-risk areas so as to prevent and deter kidnappings.

### II. Recommendations for Companies and Non-Governmental Organizations

**Recommendation 10:** Prioritize discussions of terrorism, KFR risks, and community outreach within the senior decision-making level of the company or organization, and incorporate all appropriate security procedures and arrangements, as well as corporate social responsibility programs, into profit models.

**Recommendation 11:** Understand applicable national laws, policies, and capabilities, including of the host nation, and educate employees accordingly.

**Recommendation 12:** Develop positive relationships with local communities and leaders, such as by establishing corporate social responsibility programs that “give back” to those communities, both financially and programmatically. Such relationships and programs will contribute to the political and economic stability of the community, generally resulting in an improved security environment for the community, as well as for the company or organization.

**Recommendation 13:** Alert relevant embassies or consulates to the presence of on-site employees who are their nationals and encourage those employees to provide their names, locations, and phone numbers to the nearest relevant embassies or consulates, so that their home governments can account for them and communicate alerts related to continuing or emerging kidnapping threats.

**Recommendation 14:** Establish the ability to maintain accountability of all company employees, including via tracking equipment as feasible and appropriate, and to generate immediate alerts for company security staff when accountability is lost.

**Recommendation 15:** Mitigate the vulnerability of employees by considering the implications of employees’ nationalities when deploying staff to conflict zones or other areas with a high risk of kidnapping, and by providing tailored personal security training, as appropriate, to employees and their family members living or working in high-risk areas.

**Recommendation 16:** For aid organizations with international operations, consider working with trusted local partners to identify safe locations or facilities where food, water, medicine, and other supplies may be transferred to local partners to distribute within active conflict or disaster zones.

**Recommendation 17:** When purchasing the products of freelance journalists or independent consultants, advise them of the risk of being taken hostage and require them to take appropriate steps to mitigate that risk before completing the purchase agreement.
Recommendation 18: Review on a regular basis, and as necessary in light of evolving threats, the physical security arrangements in place at vulnerable worksites, in particular fixed worksites such as mines, plants, or factories, and, where relevant, employees’ homes or company-provided housing units. Ensure that all such arrangements, including facility security plans, comply with relevant host nation laws and regulations. Evaluate the necessity and feasibility of building emergency shelters, “panic rooms,” or “safe havens” at high-risk facilities.

Recommendation 19: Collaborate with local police and/or national security services, which often maintain a detailed understanding of the local threat environment. Establish the ability to communicate immediately and directly with local law enforcement officials and national security services in the event of an attempted hostage-taking or similar crisis, for example via phone hotlines or panic buttons connected to wireless networks.

III. Recommendations for Individuals

Recommendation 20: Understand that the ability of your home or host government to provide assistance in a kidnapping incident may be severely limited in locations where the government recommends against travel, the security situation is particularly dangerous, or access is limited, and adjust your plans accordingly or refrain from travel to such locations.

Recommendation 21: Heed travel advisories or other warnings provided by your home government, host government, company, or organization, and take all possible precautions specified in those advisories and warnings.

Recommendation 22: Use only licensed or official tour guides or companies, particularly in countries where there may be a known risk of kidnapping in certain regions.

Recommendation 23: Where available, notify both your home and host governments, including via relevant embassies or consulates, of the dates and locations of residency, employment, or travel abroad, and register for emergency alerts via phone call, SMS/text message, social media, or e-mail.

Recommendation 24: Develop and adhere to a communications plan that requires affirmative contact at pre-determined intervals with designated points of contact, to possibly include government officials, company representatives, or friends and family members.

Recommendation 25: Seek out personal security and situational awareness training, including detection and avoidance of threats.
APPENDIX 3

The GCTF’s Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector
Criminal Justice Sector/Rule of Law Working Group

The Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector

Introduction

The Cairo Declaration on Counterterrorism and the Rule of Law (September 22, 2011) calls for members of the Global Counterterrorism Forum (GCTF) to “develop good practices for an effective and rule of law-based criminal justice sector response to terrorism, including those aspects related to international cooperation.” The GCTF’s Criminal Justice Sector/Rule of Law Working Group met in Washington, D.C. on November 3-4, 2011 to discuss the role of criminal justice authorities in the investigation and disruption of terrorist activities. This discussion and the subsequent meeting in Rabat on February 7-8, 2012, resulted in the composition of this document on good criminal justice counterterrorism practices. Consistent with the Cairo Declaration, all States are encouraged to consider using these non-binding good practices, while recognizing that implementation of these practices must be consistent with applicable international law, as well as national law and regulations, taking into account the varied histories, cultures, and legal systems among States. States are also encouraged, but are not obligated, to share their experiences with the below-mentioned practices in the Working Group. These good practices for addressing terrorism must be built on a functional criminal justice system that is capable of handling ordinary criminal offenses while protecting the human rights of the accused.

In articulating these good practices, the Working Group recognizes that the primary objective of any effective criminal justice response to terrorism is to prevent terrorist incidents before they produce large-scale casualties or similar devastating results, while fully respecting applicable international law and promoting the rule of law. The criminal justice system must also be able to respond to terrorist acts with fair and effective investigation, prosecution, and punishment in the unfortunate event that they occur. Consequently, a comprehensive strategy requires an integrated approach and a broad-based system of criminal offenses, including inchoate or preventive ones such as attempt, conspiracy, providing material support, training, incitement, and solicitation. Of equal importance to the criminal offense provisions is the need for a legal framework that enables effective investigations and robust cooperation among investigators, prosecutors, judges (where relevant), and other government officials. Agile mechanisms of international cooperation in criminal matters are also fundamental to effectively and efficiently preventing and responding to terrorism.

It is critical that States, where appropriate, have the necessary legal authorities to conduct clandestine surveillance of terrorist suspects, gather evidence of terrorist activities that can be used in court, detain suspects based on such evidence, obtain intelligence from them about terrorist plots, prosecute them fairly and effectively in legal proceedings, and afford those who are convicted appropriate punishment and correctional facilities. All these measures and their

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application should fully respect human rights obligations and the rule of law, while protecting the safety of those participating in the process and the government’s sensitive sources and methods.

The Working Group recognizes that in the collective effort to combat and prevent terrorism we must never lose sight of the truth that “[a]ll human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Acts of terrorism deny the very freedom, dignity, and natural reason with which all human persons are endowed; but our criminal justice systems must nonetheless afford those accused of terrorist acts the fundamental human rights that all free societies cherish. Consequently, in order to protect the fundamental human rights of all persons as recognized in the Universal Declaration on Human Rights, there must be a competent, independent, and impartial judiciary, and law enforcement officials must work within a rule-of-law framework that affords due process to the accused and appropriate protection to civil liberties. Strong and effective counterterrorism policies are not incompatible with respect for human rights. On the contrary, States that have developed robust, lawful tools for investigating and prosecuting suspected terrorists, consistent with applicable international law, are more likely to observe human rights in pursuit of these suspects. Moreover, counterterrorism efforts can best succeed when they are grounded in human rights obligations and the rule of law.

The Working Group emphasizes that the mere existence of certain legal tools is not sufficient. A comprehensive criminal justice response to terrorism requires a strong criminal justice system that functions in practice. This requires investigative agencies, prosecutors, and investigating judges (where relevant) to overcome institutional barriers and work closely and collaboratively together, while respecting their particular roles. The institutional barriers that often prohibit effective counterterrorism cooperation between governmental organs can be as significant an obstacle to an effective criminal justice system as deficient legislation. Criminal justice sector actors must also receive the requisite training and resources to build their capacity in order to carry out their responsibilities.

All countries are encouraged to consider the following non-exhaustive list of recommended good practices for an effective, rule of law-based criminal justice sector response to terrorism. Many of them are already reflected in UN Security Council resolutions and analogous practices are reflected in multilateral treaties on organized crime, drug trafficking, human rights, and other issues.

In formulating these recommended good practices, the Working Group has drawn on existing United Nations conventions, as well as the experience, analysis, and publications of the United Nations and its specialized agencies.

This list of GCTF good practices as it stands is not exhaustive. The Working Group may choose to expand or modify it to take into account States’ experiences in using their criminal justice systems to prevent and counter terrorism.

2 International Covenant on Civil and Political Rights, Preamble, 999 U.N.T.S. 171 (December 16, 1966) [hereinafter, ICCPR]. “[I]n the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” ICCPR art. 14.1.
A. Criminal Procedure Tools

**Good Practice 1: Protect Victims, Witnesses, Informants, Undercover Agents, Juries, Investigators, Prosecutors, Defense Counsel, and Judges in Counterterrorism Cases.**

Victims, witnesses, informants, undercover agents, juries, investigators, prosecutors, defense counsel, and judges all play an essential role in the investigation of, and in judicial proceedings involving, acts of terrorism. Their ability to participate in law enforcement investigations and/or judicial proceedings without fear of intimidation or reprisal is essential to maintaining the rule of law. Legal procedures and practical measures should be in place to protect them as well as certain immediate family members. With respect to witnesses with no criminal involvement, they should have confidence in their own security as well as trust in the integrity and accountability of the judicial system, so that they feel secure in cooperating with justice sector officials. Similarly, witness protection programs and other efforts to provide for the safety and security of witnesses, informants, and undercover agents who may have participated in criminal activities are an important means of creating incentives for their cooperation. States should consider developing necessary protection programs in that regard that may also include protection for immediate family members. These programs should have adequate resources to be effective in practice. States are encouraged to develop international cooperation arrangements in order to provide protection to witnesses when appropriate.

The rights of victims should be protected. This includes the right to protection and appropriate assistance and support during criminal proceedings. In enacting and implementing such measures, States will be ensuring that prosecutors and courts treat victims fairly in the criminal justice process. In addition, States should consider measures necessary to ensure protection of counsel, especially where they are representing informants, while respecting their ability to provide vigorous representation of their clients.

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3 Protecting witnesses from intimidation and retaliation is an important component of multiple United Nations conventions. “Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings.” *United Nations Convention against Transnational Organized Crime* [hereinafter *UNTOC*], art. 24.1; accord *UNCAC*, art. 32.1. Those measures include physical protection of witnesses, relocation, not disclosing their identity and whereabouts, and evidentiary rules that allow them to testify without being in person. *UNTOC*, art. 24.2; accord *UNCAC*, art. 32.2. These conventions have also called for criminalizing the “use of physical force, threats or intimidation… to interfere in the giving of testimony or the production of evidence…. [or] to interfere with the exercise of official duties by a justice or law enforcement official.” *UNTOC*, art. 23; accord *UNCAC*, art. 25.


5 These rights have been recognized in UN conventions that call for State Parties to “take appropriate measures within [their] means to provide assistance and protection to victims… in particular in cases of threat of retaliation or intimidation.” *UNTOC*, art. 25.1. These measures include “access to compensation and restitution,” and having their “views and concerns… presented and considered at appropriate stages of criminal proceedings.” *UNTOC*, art’s. 25.2 & 25.3; accord *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, art’s. 6.2 & 6.6, Dec. 15, 2000, 2237 U.N.T.S. 319, Annex II [hereinafter *Trafficking in Persons Protocol*]. The Trafficking in Persons Protocol also calls for “protect[ing] the privacy and identity of victims” through confidential legal proceedings, counseling on their legal rights, “[m]edical, psychological, and material assistance,” “employment, educational and training opportunities,” and “[a]ppropriate housing.” Art’s. 6.1 & 6.3. In addition, the UN Global Counter-Terrorism Strategy calls on all States “[t]o consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives.” UN General Assembly Resolution 60/288 (Sept 2006), Plan of Action, Sec. 1, Para. 8 [hereinafter *UN Strategy*].
Good Practice 2: Encourage Cooperation and Coordination among Domestic Government Agencies that Have Responsibilities or Information Relevant to Counterterrorism.

Effective investigation of terrorist threats often involves the gathering and analysis of information collected by multiple agencies within a single government, such as intelligence, law enforcement, military, finance, and banking agencies, as well as provincial, state or local governments. It is often critical to connect disparate pieces of information drawn from different sources in order to identify and disrupt a terrorist plot and to prosecute terrorism cases. Thus the sharing of information aimed at preventing terrorist offenses among all agencies involved is an important means of preventing terrorist acts. States may wish to consider, where appropriate, promulgating measures and mechanisms establishing a legal framework aimed at enhancing inter-agency cooperation and information sharing, while maintaining necessary protections for personal data. In this context, law enforcement agents, prosecutors and other relevant officials should work together while respecting their competencies, as determined by the applicable legal framework, to enable an effective and integrated criminal justice system.


Where necessary and feasible, States should put in place adequate mechanisms and legislation for conducting investigations of terrorist activity without the knowledge of the suspected terrorists under investigation. Accordingly, States should enable, where appropriate, the use of special investigative techniques, such as undercover investigations, following established procedures, as provided for in relevant national laws or policies, that assure the accountability of law enforcement officials as well as the production of admissible evidence of terrorist activity and related criminal plans, preparations, actions, and involvement. It is important that procedures be in place to protect those involved in undercover operations from harm to the maximum extent possible, while ensuring their accountability. All such procedures should be consistent with relevant national laws and applicable international law. It is also important that their activities be closely supervised to ensure that they are targeting their operations based on evidence of terrorist activity, that they conduct the operations within appropriate human rights boundaries, and do not engage in entrapment.


The clandestine and complex nature of terrorism requires specialized investigative methods and techniques. Lawfully approved forms of electronic surveillance such as wiretapping, tracking devices, and the monitoring of Internet and other electronic communications have proven to be effective tools to combat terrorist activities. Evidence derived from electronic surveillance should, as provided for in relevant national laws, generally be obtained in a form that will be legally admissible in court, and the methods should be compliant with relevant

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6 Domestic cooperation has already been stressed by the UNCAC, “Each State Party shall take such measures as may be necessary to encourage… cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences.” Those measures may include providing information “on their own initiative,” or “upon request.” UNCAC art. 38.

7 United Nations conventions have called on State Parties “to allow for the appropriate use by its competent authorities of… special investigative techniques, such as… undercover operations, and to allow for the admissibility in court of evidence derived therefrom.” UNCAC, art. 50.1; accord Organized Crime Convention, art 20.1.
human rights obligations. There should be an appropriate legal authorization by the competent authorities to initiate electronic surveillance against a terrorist suspect. Laws authorizing electronic surveillance also need to be flexible enough to account for rapid changes in communications technology, which terrorists may exploit, and should apply the legal principle of proportionality.

**Good Practice 5: Adopt Incentives for Terrorist Suspects and Others to Cooperate in Counterterrorism Investigations and Prosecutions.**

Without adequate incentives, those with knowledge of or involvement in terrorist activity may have little reason to cooperate with law enforcement authorities, especially given the fear of retribution by members of a terrorist organization. Accordingly, adequate incentive programs to encourage terrorist suspects and others to provide accurate and useful information to competent authorities about terrorist activities and plots should be adopted. Any such program should respect the principle that no one should be compelled to testify against himself or confess guilt. With respect to those involved in planning or undertaking terrorist activities, legal systems should have the flexibility to take into account cooperation with authorities, including testimony in other criminal proceedings, and early admissions of guilt to mitigate punishment. Formal cooperation agreements or “plea agreements” are one way but not the exclusive way to accomplish this objective, as are sentencing rules that address the impact of cooperation. Finally, care should be taken to ensure that incentives for cooperation do not lead individuals to provide false information or evidence to law enforcement authorities.

**Good Practice 6: Enact Measures to Protect Sensitive Law Enforcement and Intelligence Information in Terrorism Cases:**

In order to safeguard the lives of victims and informants, protect sources and methods, and maintain the usefulness of sensitive investigative techniques, governments must be able to protect certain types of information and techniques from public disclosure, even in the course of public criminal justice proceedings. Appropriate legal safeguards should be enacted to protect such information and techniques while affording the accused a fair trial.

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8 Various international conventions have provisions encouraging the use of electronic surveillance. “[E]ach State Party shall… take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of… special investigative techniques, such as electronic or other forms of surveillance,… and to allow for the admissibility in court of evidence derived therefrom.” UNCAC, art. 50.1; accord Organized Crime Convention, art. 20.1.

9 ICCPR, art. 17.1.


11 United Nations conventions support mitigating punishment or granting immunity to those who cooperate with law enforcement. “Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence,” and “shall consider providing for the possibility… of granting immunity.” UNCAC, 1, art’s. 37.2 & 37.3; accord UNTOC, art’s. 26.2 & 26.3; accord United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, art. 7.18, Dec. 20, 1988, 1582 U.N.T.S. 95 [hereinafter 1988 UN Drug Convention].

12 Measures already exist at the international level to protect sensitive information that one State Party receives from another. “State Parties shall take appropriate measures consistent with their national law to protect the
number of methods being applied for protecting classified or sensitive law enforcement information, which include, *inter alia*: a) holding a closed hearing; b) having the judge review the intelligence or other information to determine whether it should be disclosed; or c) other appropriate procedures. Because persons often provide this type of information to the government in confidence and in situations of risk to their personal safety, these measures help further the protection of the of the privacy interests of victims and informants from interference or attacks.\(^\text{13}\) Moreover, this approach protects national security.

The above mentioned methods are available for application by States where their legal systems allow. States are encouraged to choose the methods more appropriate to their circumstances and consistent with their domestic laws, while respecting applicable international law. Governments, however, should be cognizant of their duty to ensure that defendants receive a fair trial, including the right to be informed of the nature and cause of the charge against him.\(^\text{14}\)

**Good Practice 7: Provide for the Lawful Exercise of Pre-trial Detention of Terrorist Suspects.**

Judicially approved and supervised pre-trial detention of terrorist suspects, in appropriate criminal cases, is a necessary tool of an effective criminal justice counterterrorism framework. Such detention will ensure the presence of the individual at trial and protect society from the danger posed by the defendant. The legal basis for, and procedures for review of, pre-trial detention of terrorism suspects, as well as its permissible duration, varies among different countries. In any case, however, pre-trial detention must conform to fundamental due process, be limited to cases in which the necessity for detention has been established, and be fairly administered and not affect the presumption of innocence and the procedural rights of the individual being detained.\(^\text{15}\)15 At the same time, the requirements for pre-trial detention must be flexible enough to protect the community when an adequate legal basis for it has been established.\(^\text{16}\)

**Good Practice 8: Provide for the Professional Development of Investigators, Prosecutors, and Judges Who Handle Terrorism Cases.**

A long-term commitment to developing and building a specialized cadre of permanent career investigators, prosecutors, and judges (where relevant) is needed to ensure effective prosecution. Career prosecution and investigative services should be equipped with the infrastructure, remuneration, and specialized training they need to perform critical

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\(^\text{13}\) Cf. *ICCPR*, art. 17.

\(^\text{14}\) *ICCPR*, art. 14.

\(^\text{15}\) *ICCPR* arts. 9 and 14.

\(^\text{16}\) The need for States to detain persons prior to trial is clearly recognized and authorized by the *ICCPR*, arts. 9, 10, and 14. The regulation of such pre-trial detention, absent a state of emergency, should be subject to judicial review, *ICCPR*, art. 9.3 (requiring persons arrested on criminal charges to be brought promptly before a judge or other judicial power) and art. 9.4 (providing for judicial review of the lawfulness of any form of arrest or detention). [Under article four of the *ICCPR* formal derogation of the judicial review provisions of article nine may be proclaimed during a public emergency that threatens the life of the nation, only to the extent strictly required by the exigencies, and provided they are not inconsistent with other international legal obligations and are not imposed in a discriminatory manner. ]*ICCPR*, art. 4.1.
counterterrorism functions within the criminal justice system. In particular, they should be able to handle the complex legal, forensic, technological, and financial aspects of counterterrorism investigations and prosecutions. A competent and impartial judiciary attuned to the complexity and importance of terrorism cases, including human rights aspects, is also critical to an effective criminal justice approach to counterterrorism within a rule of law framework. Training and resources necessary to handle these cases appropriately should be available to investigators, prosecutors, and judges.


Because terrorism often transcends national boundaries, timely and effective international cooperation is indispensable to a criminal justice response to terrorism. This cooperation includes, but is not limited to, formal international assistance, such as extradition and mutual legal assistance. Designating a single central authority could be a way forward to assist other States in finding the competent authority to address requests for assistance and to coordinate efforts. The effectiveness and efficiency of formal international cooperation would be enhanced through: a) the strengthening of central authorities to effectively respond to international requests for assistance;\(^{17}\) b) raising awareness among prosecutors and other relevant officials of the relevant national and international extradition and mutual legal assistance framework and practice; and c) strengthening mutual understanding and trust through confidence-building measures, while recognizing that, consistent with applicable international law, requests for extradition or mutual assistance should not be refused for improper grounds including political motivation.\(^{18}\)

Extradition and mutual legal assistance treaties and associated domestic laws should be updated and modernized where needed. In addition, States could, where possible and appropriate, develop new tools to facilitate cooperation among judicial authorities in different countries.\(^ {19}\) In this regard, States should comply with their international legal obligations with respect to the principle of non-refoulement and the prohibition against torture and cruel, inhuman, or degrading treatment. Training should be available to central authorities, judges, and prosecutors on the international requirements of all aspects of mutual legal assistance and judicial cooperation.

In addition to formal means of cooperation under extradition treaties, mutual legal assistance treaties, and letters rogatory, States through authorized official contacts should seek to foster


\(^{18}\) See, e.g., U.N. Sec. Res. 1373 (September 2001), para. 3(g), \textit{Terrorist Bombings Convention}, arts. 11 and 12.

\(^{19}\) For example, States may consider 1) concluding agreements or arrangements that provide for the use of special investigative techniques across national boundaries that allow for the admissibility of such evidence in their courts; b) the exchange of liaison magistrates and justice attaches, without prejudice to their national laws; and 3) whether joint investigative teams could, in a specific case and in accordance with their national laws, further the interests of international cooperation in counterterrorism. See, e.g., \textit{UNTDOC}, Art. 19.
cooperation through the development of networks of counterterrorism investigators and prosecutors as points of contact, in order to provide for the “real time” effective exchange of information, consistent with relevant national laws and regulations. Such flexible cooperation is encouraged by international law and is helpful for an effective criminal justice counterterrorism system.20

Good Practice 10: Develop and Use Forensic Evidence to Determine the Identities of those involved in Terrorist Acts.

The use of scientifically accepted, human rights-compliant, modern forensic sciences is an invaluable tool in terrorism investigations. These measures may include modern DNA analysis, automatic fingerprint analysis, ballistics, bomb residue analysis, and a host of other tools. It must be recognized, however, that forensic evidence may not always be present at crime scenes, and absent such evidence, the identity of a perpetrator may be discovered through other lawful means. In order to increase the possibility that useful evidence will be recovered, law enforcement and other authorities who first respond to a crime scene should do their utmost to maintain the integrity of the crime scene, so that a proper forensic examination may be conducted, and should consider issuing guidelines to further that objective. In specific cases international assistance may be helpful in securing the crime scene or in the collection, protection, and examination of forensic evidence. Finally, the availability of forensic tools also directly furthers the protection of human rights in that it increases the number of tools to discover the identities of terrorist suspects through non-coercive means.

Good Practice 11: Ensure that Convicted Terrorists Are Appropriately Punished and Develop Policies for Their Incarceration and Reintegration.

An effective system for incarcerating convicted terrorists is a critical part of an effective criminal justice response to terrorism. Such a system should ensure appropriate punishment so as to deter terrorist activity, prevent further radicalization of prisoners, prevent terrorist activities from being directed or supported from within the prison system, and provide for the deradicalization and reintegration of prisoners into society where possible and thereby reduce recidivism.

Convicted terrorists should be held securely for the duration of their incarceration, which should reflect the gravity and potential harm to society from their conduct, while treating them humanely and respecting their human rights.21 Experience has shown that some convicted terrorists continue to conduct terrorist activities during their incarceration.

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20 Various conventions have been adopted that contain provisions which promote informal international cooperation. For example, the UNCAC provides that State Parties shall “take effective measures [t]o enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of [criminal] offences.” UNCAC, art. 48; accord Organized Crime Convention, art. 27; 1988 UN Drug Convention, art. 9. Other provisions provide for sharing information to help prevent offenses, or sharing evidence after an offense has been committed. Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, art. 18, Sep. 10, 2010 [hereinafter Beijing Convention] (“Any State Party having reason to believe that [an offense]… shall be committed shall, in accordance with its national law, furnish any relevant information in its possession to those States Parties.”); Terrorist Bombings Convention, art. 15 (“State Parties shall cooperate in the prevention of [criminal] offences… [b]y exchanging accurate and verified information in accordance with their national law.”).

21 The principles and philosophy espoused in the United Nations Standard Minimum Rules for the Treatment of Prisoners, Economic and Social Council Resolutions 666 C (XXIV) and 2076 (LXII), (July 31, 1957 and May 13, 1977), provide a useful and flexible guide that countries should use when deciding what conditions of
Governments should enact measures -- such as proportionate restrictions on communications by convicted terrorists -- to prevent such activities from occurring.

States are encouraged to share with each other relevant experiences and information about the incarceration and reintegration of terrorists. States may make use of the experiences and information from governments that have succeeded in rehabilitating persons convicted of committing terrorism offences and in getting them to renounce violence. For those prisoners who will be released into the community, measures should be undertaken to reintegrate them into society. Such measures could, where appropriate and consistent with the relevant national laws, include strict conditions of court supervised release.

B. Criminal Offenses

Good Practice 12: Criminalize Terrorism offenses as Outlined in the Applicable International Conventions and Protocols.

Although States may approach codification of terrorism offenses differently depending on their legal traditions, States should criminalize the offenses outlined in the relevant international counterterrorism legal instruments to which they are a party, or which are required by relevant UN Security Council resolutions, as part of a comprehensive legal framework to combat and prevent terrorism. Furthermore, States that are not a party to some or all of these international instruments should consider becoming a party. Adequate incorporation into national legislation of the international counterterrorism provisions and obligations constitutes a key element in a comprehensive and coherent counterterrorism legal framework that is sufficiently precise to give fair notice of conduct that is prohibited and guards against potential misuse of criminal laws.

Good Practice 13: Criminalize Conspiracies, Solicitation and other Preparatory Acts of Terrorism.

Criminalizing preparatory acts, such as conspiracy, terrorist fundraising, terrorist recruitment, planning and training, particularly when a terrorist attack has not yet been carried out, is vital in an effective criminal justice preventive approach to counterterrorism. If terrorist violence is to be reduced and attacks are to be thwarted before they occur, authorities must be able to focus their attention on proactive intervention when terrorist suspects are at the planning and preparation stages. While countries differ on how exactly these offenses are defined (e.g., membership in a terrorist organization, directing the activity of terrorist organizations, solicitation, incitement or recruitment) criminalization of preparatory acts will greatly facilitate early intervention. The creation of conspiracy or criminal association offenses, which prohibit agreements to commit crimes associated with terrorism, is vital to facilitating this early intervention. For these offenses to be complete, terrorist attacks need not be attempted or

22 Certain terrorism related offenses are already covered by specific international conventions requiring State Parties to criminalize those actions. See e.g. Hostages Convention, Supra note 10, art. 1 (criminalizes “hostage-taking”); Terrorist Bombings Convention, art. 2 (makes it illegal to “deliver[ ], place[ ], discharge[ ], or detonate[ an explosive or other illegal device”); Nuclear Terrorism Convention, art. 2 (makes it an offense to make, possess, or use radioactive material or a device, or to damage a nuclear facility).

23 See, UN Sec. Res. 1373 para. 3(d).
accomplished but only agreed to or prepared for in some manner. In the criminalization and prosecution of these acts, countries should pay full respect to the rights of individuals to freedom of expression, freedom of religion or belief, and freedom of association.

**Good Practice 14: Criminalize Attempts to Commit and Aiding and Abetting Terrorist Acts.**

Likewise, countries should enact laws that criminalize attempts to commit, or aiding or abetting the commission of, terrorism offenses.\(^{24}\) Criminalizing attempts, even when the perpetrator does not ultimately succeed in committing the crime, is essential in a preventative criminal justice system.

**Good Practice 15: Criminalize Terrorist Financing.**

Preventing terrorists and terrorist organizations from funding their activities is an essential component of any successful counterterrorism strategy and a binding requirement under several UN Security Council resolutions.\(^{25}\) Countries should enact laws that criminalize the financing of terrorism in accordance with the International Convention for the Suppression of the Financing of Terrorism, and are encouraged to implement the Financial Action Task Force (FATF) Recommendations on Criminalizing Terrorist Financing.\(^{26}\) Procedures and proper mechanisms allowing for the freezing, seizing, and confiscation of terrorist assets and funds used or allocated for the purpose of terrorist financing, should also be enacted in accordance with the relevant UN Security Council resolutions and subject to appropriate review.

**Conclusion: Capacity-Building**

It is vital for States to assist each other in developing the necessary capacity to confront terrorism through the criminal justice system. Accordingly, states should in the first instance have a modern, fair and efficient criminal justice system that forms the basis for a robust criminal justice response to terrorism. Thus, capacity building is a core element in an effective counterterrorism program. This Working Group encourages all States and relevant multilateral bodies to participate in such efforts.

Capacity-building programs should be designed to ensure that law enforcement and criminal justice officials understand and implement the good practices discussed above that are consistent with their legal requirements and circumstances. Furthermore, counterterrorism enforcement should be conducted within a framework that respects human rights and promotes the rule of law and good governance.

States are encouraged to submit offers of assistance and requests for assistance to the GCTF Administrative Unit using the form in the attached addendum to improve cooperation in

\(^{24}\) International conventions commonly criminalize any attempt to commit the substantive offense covered by the convention. *See* UNCAC, art. 27.2; *Terrorist Bombings Convention*, art. 2.2; *Hostages Convention*, art. 1.2; *Genocide Convention*, art. 3(d); ICTY Statute, art. 4.3; ICTR Statute, art. 2.3. These same international conventions often criminalize participating in an offense as an accomplice. *See* UNCAC, art. 27.1; *Terrorist Bombings Convention*, art. 2.3; *Hostages Convention*, art. 1.2; *Genocide Convention*, art. 3(e) (makes punishable “complicity in genocide”); ICTY Statute, art. 4.3 (makes punishable “complicity in genocide”); ICTR Statute, art. 2.3 (makes punishable “complicity in genocide”).


\(^{26}\) In addition to the International Convention for the Suppression of the Financing of Terrorism, other international conventions also prohibit the activities of those who “knowingly finance” offenses set out in that particular convention. *See* Terrorist Bombings Convention, art. 15; accord Nuclear Terrorism Convention, art. 7.1.
counterterrorism capacity building efforts in a way that is most consistent with the priorities and legal systems as well as the special circumstances of each state. The Working Group Co-Chairs will, in cooperation with the GCTF Administrative Unit, share requests for and offers of assistance with all Working Group members on a timely and regular basis.

This Working Group recognizes that there is no obligation on any state to provide or receive assistance. Such offers or requests should be based on the sovereign decision of each state based on its legal system, priorities, needs, and circumstances.

The Working Group recommends that States consider focusing their relevant counterterrorism capacity-building efforts around the following principles:

**Use the Enumerated Good Practices as One Tool to Guide Capacity-Building:** The Working Group encourages all states to consider using the Good Practices as a non-binding guide for implementing counterterrorism capacity-building assistance activities. States should keep in mind that the above Good Practices may be updated over time to take into account the experiences of states in using their criminal justice systems to counter and prevent terrorism.

**Increase Focus on Institutional Development.** Effective efforts to combat terrorism—and to conduct proactive investigations—will often require reform and increased professionalization and specialization of relevant criminal justice entities.

**Further Inter-governmental Coordination.** As noted above, one of the fundamental obstacles to effective investigation and prosecution is often the lack of coordination, cooperation, and information sharing among public safety, law enforcement, intelligence, and prosecutorial agencies. Encouragement of institutional mechanisms, such as interagency task forces, to coordinate among various agencies of government is key to overcoming obstacles.

**Encourage Skills Development and Specialized Expertise.** As noted above, to effectively use the criminal justice system to counter terrorism, countries should consider developing a professional cadre of practitioners in every component of the criminal justice system. Given the increasingly complex and highly specialized nature of terrorism investigations and prosecutions, States can benefit from ensuring that law enforcement officials, judges, and prosecutors are provided with specialized counterterrorism training and skills to develop and implement the above-mentioned tools effectively. Given the

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27 Some international conventions provide for specialized authorities to deal with a specific issue. The *UNCAC*, for example, says that each State Party shall “ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence… to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.” *UNCAC*, art. 36.

28 In the UN Global Counter-Terrorism Strategy, the General Assembly recognizes “that States may require assistance in developing and maintaining [an] effective and rule of law-based criminal justice system” and encourages “them to resort to the technical assistance delivered, inter alia, by the United Nations Office on Drugs and Crime.” *UN Strategy*, Plan of Action, Sec. 4, Para. 4. In addition, United Nations conventions have recognized the importance of specialized training across the entire spectrum of the criminal justice system. “Each State Party shall… initiate, develop, or improve specific training programs for its law enforcement personnel including prosecutors, investigating magistrates and customs personnel, and other personnel charged with the prevention, detection and control of the offences covered by this convention.” *UNTOC*, art. 29.
international nature of the terrorist threat, specialized expertise in international cooperation, including the development of effective central authorities, is also critical.
The GCTF’s *Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings*
Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism
Immediately after the Attack and in Criminal Proceedings

The Cairo Declaration on Counterterrorism and the Rule of Law (September 22, 2011) calls for members of the Global Counterterrorism Forum (GCTF) to “develop good practices for an effective and rule of law-based criminal justice sector response to terrorism.” In July 2012, Spain hosted a high-level conference on victims of terrorism under the auspices of the GCTF Countering Violent Extremism (CVE) Working Group. At this meeting, member states recognized the need to collaborate on developing a document outlining good practices for assisting terrorism victims. In addition, the Government of Spain circulated a draft document, “Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings.” On November 7, 2012, experts from GCTF members met to discuss and refine this document. Consistent with the Cairo Declaration, all States are encouraged to consider using these non-binding good practices, while recognizing that implementation of these practices must be consistent with applicable international law, as well as national law and regulations, taking into account the varied histories, cultures, and legal systems among States. States may also wish to take note of relevant international and regional instruments, UN General Assembly resolutions, and UN reports. States are also encouraged, but not obligated, to share their experiences with the following practices with the CVE Working Group.

A terrorist attack is traumatic for a wide range of individuals and institutions, but it most directly affects the victims and their families. How well the victims’ physical and emotional needs are met can have a significant impact on how well the victims are able to cope with the trauma. Prompt and efficient assistance and support to terrorism victims from the moment of the attack through normalization and beyond can have a positive effect on victims’ mental health and ability to cope. Providing for practical needs in a compassionate way is a tangible expression of the care and concern for citizens who are victims of terrorism. Particular attention should be paid to the needs of children.

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A. General Approach

Good Practice 1: Ensure effective and appropriate coordination among concerned bodies responsible for the provision of direct assistance to victims and their families.

Specific, established coordination is vital to provide specialized, prompt, and efficient support for victims from the outset of the attack through the long-term attack impact. Official coordination can ensure the victim response meets professional and ethical standards and fosters the recovery process, and could include, for example, personnel with special training in the following areas: psycho-social (social workers), medical, legal, forensic, and financial process experts, among others.

Such official coordination can operate with a goal of providing a comprehensive, integrated response to victim needs resulting from the terrorist attack. Governmental coordination should involve first responders, law enforcement, prosecution agencies, courts, corrections, victim assistance units, health professionals, and relevant organizations from civil society, including victims’ organizations and other relevant non-governmental organizations (NGOs), and the private sector.

In addition to providing coordination, governmental authorities could also provide policy guidance on victim issues in general, which can include drafting, implementing and monitoring compliance with protocols addressing issues ranging from immediate action at the moment of the attack to achieving normalized social integration or a new normal life for victims.2

Good Practice 2: Encourage State actions that are focused on victim needs and consistent with a set of guidelines.

States could identify guidelines to inform their actions. Some general guidelines could include: (1) immediacy—intervening as soon as possible; (2) accessibility—making assistance convenient and available to victims (which in some cases may mean acting as closely as possible to the attack location as is safe, or using technology to communicate with victims unable to travel or who are in other countries); (3) simplicity—using quick and simple methods adapted to the situation, recognizing that traumatized individuals may be feeling emotionally overwhelmed; (4) unity—identifying an official point of contact for the victims, according to the internal legal system, in case they would like to benefit from assistance; and (5) resiliency—highlighting the positive aspects of the victims’ previous environment or role, thus helping their self-esteem and their coping strategies; and (6) comprehensive assistance—taking into consideration all the particular needs of the victims in each stage, according to the different types of injuries or damages suffered.

Good Practice 3: Enact a legal framework for provision of victim services and rights.

As appropriate and consistent with its domestic legal system, States are encouraged to enact legislation establishing minimum standards for providing services to victims of terrorism within the national legal system. States are encouraged to also enact legislation establishing rights and roles for victims during the criminal justice process. States are encouraged to ensure

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2 The United Nations Global Counter-Terrorism Strategy calls on states to consider putting in place, on a voluntary basis, “national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives.” UN General Assembly Resolution 60/288 (Sept 2006), Plan of Action, Sec. 1, Para 8.
basic training, and where appropriate, in-service training for the benefit of stakeholders in the response to a terrorist attack, to better meet the needs of victims of terrorism.

**Good Practice 3b: States may also consider providing financial assistance and other forms of reparation, including financial compensation, for victims of terrorism.**

Compensation measures could be established through the appropriate national schemes and subject to domestic legislation, including, *inter alia*, financial assistance and compensation for victims of terrorism and their close family members. Depending on the provisions of the national legal system, States may wish to consider the establishment of a special state fund or an insurance model dedicated to the compensation of victims of terrorism independent of the course of the judicial process. Victims should be informed about and assisted with applications for any available financial assistance, including compensation.

**Good Practice 3c: States may consider, on request, technical as well as financial support to states dealing with the challenges of providing multi-disciplinary assistance to victims of terrorism.**

**B. Actions Immediately after the Terrorist Attack**

**Good Practice 4: Develop a multidisciplinary crisis response team that includes victim assistance professionals.**

If the State has an existing terrorism victim assistance unit, its members can work directly with first responders, law enforcement, victims’ associations and other elements of civil society in the immediate aftermath of an attack as part of a crisis response team. The crisis response team should be established in advance and should train together regularly. The crisis response team should try to access the scene of the attack as soon as possible. Victim assistance professionals should contact victims as soon as security and medical condition allow. The crisis response team can designate a member to provide information to victims and the families of those who are injured, killed, missing, or kidnapped. Information should be conveyed to victims and their families clearly and accurately. Victims’ first interaction with State officials sets the tone for all of their subsequent encounters, and can enhance public perception of State responsiveness.

**Good Practice 5: Develop a victim list containing identity and contact information.**

The victim assistance professionals should work with the crisis response team and law enforcement to compile a victim list containing identity and contact information. The list should include victims and family members. The list should be updated and confirmed throughout the intervention process. It is helpful to have pre-existing arrangements with other institutions such as non-governmental emergency response entities (such as Red Cross/Crescent) and medical providers (such as hospitals) to encourage the timely sharing of victim contact information. In cases of multiple coordinated attack sites, maintaining a master list of all victims is helpful. Adequate statistical data collection is an essential component in this context to develop strategies aimed at assisting victims.
**Good Practice 6: Protect victims’ privacy and confidentiality.**

States should protect victim information consistent with national law. When victims provide information to the State, they should be informed of the potential uses of that information, who will have access to it, and whether it is likely to become public, and that they might be called to testify in court. To ensure victim safety, States should make every effort to protect contact information. More sensitive information such as medical, emotional, or mental health status should also be safeguarded from public disclosure to the extent possible.

**Good Practice 7: Establish accessible crisis services.**

In the immediate aftermath of an attack, it may be helpful for State victim assistance professionals to proactively identify victims and assess their needs. A hotline can be established to communicate with victims, and information about it should be provided to them. Victim professionals may want to explore and implement other forms of communication, such as websites, social media, and text messaging.

It is a good practice to set up a receiving area close to the scene of the attack to receive friends and family members who are searching for victims. It is also helpful to establish information areas at local hospitals for injured victims and their families. These initial efforts may be transitioned into a centralized location to gather and obtain information, identify victims, provide emotional support, distribute basic necessities, deliver accurate information to families through organized briefings, and collect ante-mortem data. The location may be in a hotel, school, government building, trauma center, or other suitable facility.

Victim assistance professionals, in collaboration with relevant civil society organizations, including victims’ associations, as appropriate, can provide emotional support to victims at a central location and through any other communication system, such as a hotline. It is helpful for the professionals to be trained with a consistent model that establishes a coordinated approach to victims from the same incident. Victim assistance professionals should listen to and address the emotions and feelings of victims, expressing assurance and emotional support and seeking to alleviate the victims’ confusion and disorientation. Some recommended techniques for emotional support include appropriate physical location, active listening, clear and direct information, and, where possible, physical proximity.

To the extent possible and depending on available resources, victims can be provided with basic survival benefits including temporary accommodation, food, and transport. These services foster the normalization process, can reduce victims’ insecurity, and facilitate victim interaction with law enforcement investigators. Provision of such benefits to victims should not depend on cooperation with law enforcement investigators. Victims should in any case be encouraged to be cooperative with law enforcement and informed of the importance of preserving anything of evidentiary value including documentation of the medical, social, psychological, and other consequences of the attack.

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3 In other contexts, states have recognized the importance of State efforts to protect crime victims’ privacy. See, e.g., *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, art.6.1, Dec. 15, 2000, 2237 U.N.T.S. 319, Annex II [hereinafter *Trafficking in Persons Protocol*] (“In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons . . . .”).
Support services to victims should take into consideration any unique victim characteristics that may limit accessibility. For example, services provided to child victims should be tailored to meet children’s emotional and cognitive developmental capacity.

In the acute crisis stage, the State should focus attention on immediate victim needs and requests, addressing them in an orderly and prompt manner, and avoid burdening victims with elaborate administrative information that goes beyond what is strictly necessary during the emergency. The information provided should not in any case hinder the course of the investigations carried out by the law enforcement authorities.

**Good Practice 8: Provide information about and support in dealing with the media.**

Victims should have the choice whether to speak with the media. Some victims may not want any contact with the media, while other victims may want to speak with the media directly or provide information through a family member, friend, or other spokesperson. It is recommended that States provide victims with information to help them make an informed choice about whether to speak to the media directly, through a spokesperson, or at all. It is further recommended that victims receive information about options to lessen any possible additional trauma by setting limits on interviews or by releasing written statements. As the investigation continues and during any criminal justice proceedings, victims should be shielded from unwanted intrusions while also being assisted with media contact for those interested. States could provide or facilitate the training of media through stakeholders or representatives of victims’ associations to help avoid re-victimization of victims of terrorism.

It is recommended that the State develop a mechanism to get significant case information to victims and families before they hear it through the media. To the extent possible, victims should be informed in advance of press conferences and briefings so they can be prepared for media outreach or avoid reading or watching the media.

**C. Actions during the criminal justice process**

**Good Practice 9: Protect victims in counterterrorism investigations and criminal proceedings.**

Victims are essential in the investigation and prosecution of acts of terrorism. Victims often serve as important witnesses in investigations and trials. Their ability to participate without fear of intimidation or reprisal is essential to maintaining the rule of law. Legal procedures and practical measures should be in place to protect them. For further guidance, please see *The Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector; Criminal Justice Sector/Rule of Law Working Group, GCTF, Good Practice 1* at pp. 3–5.

Victims of terrorism should be protected from threat, intimidation, and retaliation, and should receive appropriate support to facilitate their recovery through the whole criminal proceeding. In addition to protecting victims’ physical security, victim professionals should strive to prevent emotional harm to victims during criminal justice proceedings, particularly when

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4 In another context, states have recognized the importance of protecting crime victims from experiencing additional victimization. See *Trafficking in Persons Protocol*, art. 9.1(b) (“State Parties shall establish comprehensive policies, programmes and other measures … [t]o protect victims of trafficking in persons, especially women and children, from revictimization.”)
victims testify. In such situations a good practice is for victim professionals to be present in court during victims’ testimony, a moment of particular vulnerability.

**Good Practice 10: Coordinate assistance to victims.**

All of the principal government institutions that interact with terrorism victims, as well as victims’ associations and other relevant NGOs and victims’ lawyers, should coordinate to provide victims with seamless services and accurate, timely information. Thus law enforcement, courts, prosecutors, forensic physicians and investigators, corrections officials, victim assistance professionals, and others should communicate with each other and define each institution’s function in connection with victim assistance. During judicial proceedings, coordination and collaboration among those assisting victims is especially important and can include NGOs as well. Those with information about hearings and other significant case events should provide that information to the victim assistance professionals with as much notice as possible so the latter can make sure victims are kept informed through an official point of contact (preferably a single one).

**Good Practice 11: Provide victims with access to justice, including legal aid at no cost, as well as information, as appropriate, about the criminal justice process and the case.**

Victim assistance professionals, including victims’ lawyers, can provide an important service to victims by giving them general information about the criminal justice process and specific information about the particular case. This could include the status of the investigation (to the extent it is appropriate and does not interfere in the investigation) and notice of the public court proceedings in the case. The victim assistance professionals should provide information in plain language and try to make legal language more comprehensible for people unfamiliar with criminal justice proceedings. Interpretation services and legal counsel also should be provided. Legal aid should be provided free of cost where the interests of justice requires it. Provision may be made for representation of victims by one legal counsel or team of counsel. General information about the criminal justice system can include an overview of the process, phases of the proceedings, and time frames for significant decisions. Information about the status of the investigation can include the arrest of alleged perpetrators and the filing of charges. When court hearings are scheduled the court should provide as much advance notice as possible so that the victims are informed about the hearings, allowing them to prepare them and take relevant contacts with the victim assistance professionals.

**Good Practice 12: Provide victims, when appropriate and in accordance with the relevant national law, with the opportunity to meet directly with the lawyers prosecuting the case.**

Meetings between victims, investigators, and prosecutors can help alleviate victims’ feelings of helplessness and encourage trust in the system through transparency. Victims can ask questions so that they can have realistic expectations of the judicial process. Lawyers should strive to provide information in layman’s terms wherever possible.

**Good Practice 13: Provide victims with the opportunity to attend court proceedings and, as appropriate, to be accompanied by a victim services professional.**

Victim assistance professionals should keep victims informed about the scheduling of public court proceedings that the victims are permitted to attend. This information should make clear that attending proceedings is voluntary (unless there is a legal obligation), and assure victims
that regardless of whether they attend, they will continue to receive information about case proceedings in accordance with national legislation.

As part of comprehensive services for victims of terrorism, victim assistance professionals can draft a procedure for court preparation and accompaniment, and should offer victims this service. The goal of court preparation and accompaniment is to minimize the victims’ feelings of being overwhelmed by the situation and to encourage trust in the proceedings and in judicial institutions.

Victim assistance professionals should contact victims in advance of proceedings and provide detailed information, including when and where the proceedings will be held, descriptions of the type of proceeding, the composition of the court, presence of the accused, and other logistical facts. This information should be provided in clear, simple language. It is a good practice to tell victims they can invite support persons such as family members and friends to accompany them to court.

Appropriately trained victim assistance professionals can accompany victims to court or be present in the courtroom or outside to provide any needed emotional support and to answer questions. Recognized aspects of emotional support include empathy, assertiveness, active listening, and respect for silence. Victims should be provided with waiting areas and court seating separate from the accused and the family and friends of the accused to prevent possible harassment. If potentially disturbing evidence such as violent photographs will be introduced in court, victims should be warned so they can choose to view the evidence or leave the courtroom prior to the evidence being shown. Appropriate court accompaniment can promote healing and help victims find a sense of justice in the aftermath of the crime.

**Good Practice 14: Enable participation by victims at appropriate stages of criminal proceedings.**

Consistent with national law, States should provide victims with opportunities to have their views heard and considered by the court. Victim participation in proceedings is beneficial at other points in the process as well. Including victim views in the process can lead to more confidence in the judicial system on the part of victims and the public.

**Good Practice 15: Prevent secondary and repeat victimization within the criminal justice process by providing sensitivity training to judges and other participants in the criminal justice system.**

Sensitivity training should be promoted for members of different professional categories when they are likely to come into contact with victims, for example: police officers, immigration officials, NGOs members, public prosecutors, lawyers, members of the judiciary, and court officials. Such training about victim issues can enable victims to establish trust in authorities. Victim assistance professionals may provide such training. It is a good practice for peers to train peers. Thus judges and other participants in the criminal justice system trained in dealing with victims can be effective trainers to their peers. Judges in particular should receive training

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5 In other contexts, states have recognized the importance of supporting victim participation in criminal proceedings. *United Nations Convention against Transnational Organized Crime*, art. 25.3 (“Each State Party shall, subject to its domestic law, enable views and concerns of victims to be presented and considered in appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.”); *accord Trafficking in Persons Protocol*, art. 6.2(b).
on questioning traumatized and frightened victims so that the questioning does not further traumatize the witness.

**Good Practice 16: Provide victims timely, accurate, and complete information about rulings, verdicts, appeals, and the availability of compensation programs.**

The courts and victim assistance professionals should communicate and coordinate to ensure that victims receive timely, accurate, and complete information about any rulings, verdicts, and appeals. Victim assistance professionals including victims’ lawyers should be prepared to inform victims of any entitlements resulting from the final sentence and, to the extent possible, facilitate the processing of any claims for possible compensation.

**Good Practice 17: Provide victims with appropriate information when no court hearings are held.**

In some cases there may be no public hearing concerning a crime because no perpetrators are identified or apprehended, or because of a plea bargain or other judicial procedure that negates the need for a public trial. In such situations, States are encouraged to provide victims and victims’ families with appropriate information about the crime, the perpetrators, and the victim’s fate if the victim has not been found. Appropriate information can include the results of the State’s investigation and the reason why no public court proceedings will be held.
Sample Agenda for Training Course
Implementing the *Algiers Memorandum Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom (KFR) by Terrorists*  

(country, dates)

### Agenda

#### Day One

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<tr>
<th>Session</th>
<th>Time</th>
<th>Topic/Activity</th>
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<tr>
<td>Registration</td>
<td>08.00 to 08.30</td>
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<tr>
<td>Introductory session</td>
<td>08.30 to 09.30</td>
<td>Welcome from Host Countries/Institutions</td>
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| **Module 1: Introduction, Workshop goals and objectives** | 09.30 to 11.00 | • Overview of course  
• Introduction to KFR  
• Overview of KFR in the Sahel  
National perspectives from the participating countries (10 minutes per country) |
| 11.00 to 11.30 | Tea/Coffee and Group Photograph |
| **Module 2: International and Regional Frameworks to Address KFR** | 11.30 to 13.00 | International, regional, and other KFR frameworks and agreements, their application and current challenges:  
• The Algiers Memorandum and other GCTF instruments  
• UN and Regional Organization(s)  
  o Resolutions, conventions, agreements  
• FATF  
  o KFR-related typologies, standards, and recommendations  
• Overview of KFR in African Counter-Terrorism frameworks |
| 13.00 to 13.30 | Lunch |
| **Module 3: KFR Context and Model for Responses** | 13.30 to 15.30 | • “Lifecycle” or “anatomy” of a KFR event  
• Reasons for terrorist-related kidnapping and observed trends: ideological, political, financial  
• Vulnerabilities that facilitate KFR  
• Groups using KFR and their tactics  
• Impact of KFR beyond terrorism |
| 15.30 to 16.00 | Afternoon Tea/Coffee |
| **Module 4: Good Practices in KFR Prevention and Deterrence** | 16.00 to 17.00 | • Using “pre-crisis” intelligence developed on KFR actors, groups, and facilitators/financial intermediaries - focus preventative law enforcement and actions on highest priorities/threats  
• Travel advisories and personal security advice (Good Practice 1)  
• Private sector outreach and engagement (Good Practices 14 and 15)  
• Community Engagement and Outreach Programs |
| 17.00 to 18.00 | Table Top Exercise (part 1) and Feedback |
| 18.00 to 18.15 | Evaluation Day 1 |
Day Two

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<th>Session</th>
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<td>08.30 to 09.00</td>
<td>Review of Day 1, and Preview of Day 2</td>
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| Module 5: Good Practices in KFR Crisis Response: Session 1 | 09.00 to 09.45 | • International and regional perspectives on response and investigation (Good Practices 3 and 9)  
  o Tip lines, reward programs and other immediate response/interruption techniques  
  o Model processes for investigations, evidence collection, intervention, etc. |
|         | 09.45 to 10.15 | Tea/Coffee Break |
| Module 5 - Good Practices in KFR Crisis Response: Session 2 | 10.15 to 11.30 | • Interagency, cross-border, and regional/international cooperation/coordination (Good Practices 2, 10, 11)  
  o Integration of Intel, Law Enforcement, CT, and Military  
  o Information sharing and cooperation processes and methods  
    • Communications management |
|         | 11.30 to 13.00 | Table Top Exercise (part 2) and Feedback |
|         | 13.00 to 14.00 | Lunch |
| Module 5 - Good Practices in KFR Crisis Response: Session 3 | 14.00 to 15.00 | • Media engagement strategies  
  Working with families and the private sector (Good Practices 13, 14) |
|         | 15.00 to 15.30 | Tea/Coffee break |
| Module 6: Good Practices in Denying Benefits of KFR to Terrorists - Session 1 | 15.30 to 17.00 | • Tactics for denying benefits of KFR (Good Practice 4)  
  o Financial  
  o Diplomatic  
  o Intelligence  
  o Law Enforcement |
|         | 17.00 to 17.15 | Evaluation Day 2 |
### Day 3

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<td>08.30 to 09.00</td>
<td>Review of Day 2 and Preview of Day 3</td>
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<td>09.00 to 10.30</td>
<td>• Prosecutions and Rule of Law (Good Practices 5, 6, 7, 12)</td>
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<td>• Rabat Good Practices</td>
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<td>• Public awareness of prosecutions</td>
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<td>12.00 to 13.15</td>
<td>Table Top Exercise (part 3) and Feedback</td>
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<td>13.15 to 14.00</td>
<td>Lunch</td>
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<td>14.00 to 16.00</td>
<td>• Action Planning: Country discussions and Feedback</td>
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<td>• Presentation of Training Certificates</td>
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APPENDIX 6

Table-top exercise (parts 1 to 3)
Appendix 6

Implementing the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists

Tabletop Exercise: Scenario Background, Incidents and Questions
Introduction and Guidelines

1. The information in the exercise material describes a fictional scenario designed solely to prompt discussion on experiences with kidnapping for ransom (KFR) and implementing the good practices outlined in the Participant Manual and the Algiers Memorandum to prevent KFR and deny the benefits to terrorists.

2. The region, countries and groups described are fictional and do not represent real countries or groups.

3. The fictional scenario provides a context and framework for discussion about KFR and implementing good practices.

4. Discussion is not for attribution.

5. The scenario is a simplified version of reality and you won’t have all the details—draw upon your experience to fill in ‘gaps’ where necessary.

6. For each scenario assume you are from one of the countries that border country B.

7. Assume the country you are asked to play has similar legal authorities and structures to your own country.

8. Share your knowledge and expertise with your colleagues to guide discussions and decision-making.

9. Facilitators are here to help you and provide some guidance during the simulation.
1. This tabletop exercise deals with fictional country 'B' and neighbouring countries.

2. XYZ is listed under the United Nations (UN) al-Qaeda sanctions as a terrorist organisation. XYZ aims to overthrow governments in the region and institute its own state. XYZ uses isolated, poorly governed spaces in the desert regions of countries bordering 'B' as a base of operations to conduct an insurgent and terror campaign against the government of country B. XYZ does not have a history of targeting foreigners in its activities.
Country B

1. The capital of country B is Panstimar, with other major cities including Kimpuna and Malaf.

Country B recently established a Financial Intelligence Unit (FIU), assigning it jurisdiction over investigating money-laundering and financing of terrorism, and tracing terrorist assets. Country B is still developing the necessary law enforcement and regulatory expertise to make this effective.
Assumptions

1. Country B has a national law enforcement (LE) agency with jurisdiction to investigate and prosecute hostage takings that occur in its territory. In addition to national-level LE, country B also has local/community-level LE forces.

2. Country B has domestic and foreign intelligence services responsible for the collection, analysis and distribution of intelligence information to various parts of the government. The foreign intelligence services of country B cooperate with neighbouring countries and with intelligence services of G7 countries.

3. Country B has a border control force. Country B does not have agreements in place with its neighbouring countries to allow ‘hot pursuit’ across borders.

4. Country B has a military composed of ground, air and naval forces. The military forces from country B cooperate with and participate in regional-level exercises.

5. Country B’s FIU is in the early stages of cooperation with the Egmont Group.

6. Country B is a member of the UN and a regional cooperative organisation.
Exercise 1 – Prevention and Deterrence

Activity for Module 4: Good Practices in KFR Prevention and Deterrence
Exercise 1 – Scenario

1. In recent months, XYZ has kidnapped citizens from country B and neighbouring countries.
   - Detentions have been relatively short – periods of up to a few weeks – as families have been paying ransoms to secure the hostages’ release.
   - Families have shared limited information with authorities (until after hostages have been released) out of fear for their loved ones’ safety and lingering feelings of mistrust toward law enforcement and the military.

2. Concerned that this trend may continue and even escalate should XYZ begin to target foreigners, officials from country B have asked the international community for advice on raising awareness among its population, engaging with foreign citizens in-country, and reaching out to local communities and businesses to help prevent and/or deter future attacks.
Exercise 1 – Instructions

1. Participants, in groups, should respond to the following questions as though they are providing advice to representatives from country B.

2. Participants should draw on their own experiences, where applicable, sharing their lessons learned in enacting awareness and prevention programmes and/or conducting community outreach and engagement efforts.

3. Groups will have ____ amount of time to review and discuss the questions and develop their responses.

4. In plenary session, groups will share their responses to one or more of the questions, and discuss similarities with and differences to others’ approaches.
Exercise 1 – Questions

1. Regarding the threat to local populations, how would you recommend that officials in country B raise awareness of the KFR issue?
2. What messages should be sent?
3. What information should be communicated?
4. How much detail should be shared?
5. Through what means should messaging be sent?
6. What should country B do to raise awareness locally?
7. What should your country do to raise citizens’ and the private sector’s awareness of the risks in country B?
Exercise 2 – Responding to a Kidnapping

Activity for Module 5: Good Practices in KFR Crisis Response
Exercise 2 – Scenario

1. Over a period of 12 hours, authorities in country B receive reports of the following events:
   • An aid worker and staff assistant from your country were kidnapped from a refugee camp in country B.
   • Two nationals of your country who are tourists and their country B guide who were on a forest excursion have disappeared from a resort in country B.
   • Several workers have been taken from an international mining operation in country B, including one of your country’s nationals and other foreign workers, in addition to nationals from country B.

2. A television station in country B receives a ‘proof of life’ video purported to be from XYZ showing the captured foreigners, including five nationals of your country. Other hostages, believed to be nationals of country B and other countries, can be seen in the background. In the video, which the TV station shares with country B police, kidnappers demand ransoms of US$5 million each for the release of the foreign hostages, including your country’s nationals. No mention is made about ransom for the nationals from country B who were also seized.

3. Witnesses to the kidnapping at the mining operation in country B alert company officials, who contact their private KFR insurers for advice.
Exercise 2 – Instructions

1. Review and respond to the following questions. Refer to the crisis response model, as depicted in the graphic below, as needed.
2. Draw on your own experiences and, where applicable, share lessons learned in responding to KFR-related crises or other hostage situations.
3. Groups will have ____ amount of time to review and discuss the questions and develop their responses.
4. In the plenary session, groups will share their responses to one or more of the questions, and discuss similarities and differences with respect to others’ responses.

Crisis Response Model

1. Alert
2. Notification
3. Verification
4. Investigation
5. Liaison
6. Recovery
7. Reintegration
8. Denial of benefits
Exercise 2 – Questions

1. On a broad level, what options are available to respond to this kidnapping?
2. How can countries cooperate with each other if they have nationals being held together?
3. In responding to the crisis, how can authorities ensure that the possibility of prosecuting the kidnappers remains a viable outcome?
4. What law enforcement tools will allow you to further the goal of prosecution?
   - How should authorities collect and protect evidence, protect witnesses and others involved in the investigation and prosecution, and information sources?
   - How should authorities handle interviews of victims and witnesses, undercover investigations, electronic surveillance, and incentives for cooperation?
   - Witness protection is also a key issue – witnesses may be unwilling to assist due to fear of offenders or the authorities. How will you handle this?
5. How do authorities identify and investigate intermediaries and other supporting players, not just the kidnappers themselves? What kinds of evidence should they be looking for?
6. Do you have the necessary legal authority to respond appropriately, or for your proposed actions?
7. How will you engage with the family/media/company affected?
Exercise 3 – Denying Benefits

Activity for Module 6: Good Practices in Denying Benefits of KFR to Terrorists
Exercise 3 – Scenario

1. Investigations identify middlemen who supplied items to XYZ (vehicles, supplies, cellphones, etc.). At least one is a national of a neighbouring country, others are from outside the region but have ties to other terrorist organisations.

2. A £2 million ransom was paid for the mine workers taken from country B by the mining company’s KFR insurance company, who is cooperating with authorities in your country, where the insurer is headquartered. The insurer has provided the currency numbers to your country’s FIU authorities, who have shared the information with the FIU in country B.

3. Information and intelligence shared by all countries involved, combined with intelligence from tribal members along country B’s border and information gathered from an escaped country B local, helps pinpoint the location where the captives are being held.

4. A multilateral rescue operation was mostly successful— one hostage from your country and one from country B were killed. All others were rescued.

5. Some XYZ operatives were captured and taken into custody by country B. They appear to be low-level operatives, based on interrogation. At least one seems cooperative with LE; others are resistant to questioning.
Exercise 3 – Instructions

1. Review and respond to the following questions, drawing on your country’s experiences and, where applicable, sharing lessons learned in working KFR-related issues or other hostage events.

2. Groups will have ______ amount of time to review and discuss the questions and develop their responses. Identify a spokesperson who will share your group’s answers when called upon.

3. In the plenary session, groups will share their responses to one or more of the questions, and discuss similarities and differences with respect to others’ responses.
Exercise 3 – Questions

1. What impediments might there be for the various countries for prosecution?
   - How do authorities share information that is collected through investigations or as a result of a rescue operation so that any of the countries involved can pursue prosecution or additional investigation? What restrictions/caveats/agreements are needed?

2. Your country has decided to pursue prosecution of the captured kidnappers in this scenario.
   - How will you protect sensitive law enforcement and intelligence information where that is required?
   - What issues arise regarding the use of financial information gathered in the course of investigating and responding to a KFR?
   - What good practices for chain of custody of seized evidence will be necessary to use data from computers and other seized items at the place of rescue as evidence? How can these good practices be insured?

3. How will extradition and mutual legal assistance treaties (or similar arrangements), Egmont membership, etc. be helpful in your collection and development of evidence or securing the accused for the prosecution?

4. How can country B and its neighbours publicise or otherwise use successful prosecutions as a deterrent against future events? Is publicity effective or does it benefit XYZ by giving the group more media exposure?
Final Activity

1. Overall, in context of the GCTF’s KFR good practices, what do you consider to be your country’s or agency’s areas of strength and weakness in response to KFR by terrorists?
   • Which of the good practices discussed in the workshop have you already adopted or implemented?
   • Of those you have not implemented, which do you think you could most easily adopt? Why?
   • Which would be most difficult to adopt? Why? What challenges would need to be overcome, and how would you address them?
   • What additional authorities (legal or otherwise) are needed for your or other agencies to be more effective in addressing/countering potential KFR threats in your country/region?
   • What additional actions can your agency and/or your government take to improve/enhance collaboration and information sharing across agencies in your country, and internationally – both ahead of and during a crisis?
   • What additional assistance do you need from the international community to help establish, maintain or strengthen your agency’s and/or government’s abilities to address/combat KFR threats and/or resolve KFR-related crises?

2. For your agency, draw up a rough outline of an action plan, mentioning steps you will recommend upon returning home that will enable you to put information from this course into practice and enhance your implementation of the good practices.
Sample Evaluation Form
Training Workshop: Implementing the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists

Summary Evaluation Form

Your feedback is valuable to us in ensuring that the workshop content and structure remains relevant for future participants. Thank you for your participation.

| The workshop goals and objectives were clearly stated | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree | Not Applicable/No Response |
| As a result of this workshop I have a better understanding of the Algiers Good Practices |
| The information presented in the workshop is relevant to my responsibilities |
| I learned new information in this workshop |
| The activities and discussions reinforced workshop presentations |
| The facilitators/panellists presented information clearly |
| Facilitators/panellists answered participant questions |
| The timing of modules and overall pace of the workshop was appropriate |
| There was enough time to complete exercises |
| Participants had enough time/opportunity to interact with each other and with facilitators |
| I can take specific actions as a result of this workshop to better implement good practices within my agency |
Of the topics discussed in this workshop, which were most valuable/informative, and why?

Which topics were the least valuable/informative, and why?

Which topics should be discussed in more detail?

Which topics were given too much time?

What topics were missing and should be included in this workshop?

On which topics from the workshop would you like to receive more specific, detailed, training?

Please share any additional comments about the workshop that may not have been covered by the questions above:
Example – List of African Regional Conventions, Resolutions, and Other Agreements
LIST OF AFRICAN REGIONAL CONVENTIONS, RESOLUTIONS, AND OTHER AGREEMENTS

Arab Convention for the Suppression of Terrorism (1998)

- The League of Arab States (known as the Arab League) adopted the Arab Strategy to Combat Terrorism in 1997, and this convention in 1998.
- It advocates for the adoption of comprehensive actions to address terrorism at both national and regional levels to combat terrorism.


- Approximately 44% of the AU’s member states are also members of the Organisation of Islamic Cooperation (OIC, previously the Organisation of Islamic Conference). The OIC adds the Gambia and Somalia to the list of countries that have ratified the 1979 UN Convention against the Taking of Hostages.
- In the OIC convention, OIC members agreed to consider, as terrorist crimes, all those crimes stipulated in a number of other conventions, including the 1979 UN Convention against the Taking of Hostages.
- The OIC convention did, however, make an exception for those crimes excluded by OIC member-state legislation and for those listed conventions that a member state has not ratified.


- The Organization of African Unity (OAU) convention describes a ‘terrorist act’, requests member states to align national legislative regimes to criminalise and punish the acts noted in the convention, and sign, ratify and/or accede to a list of international instruments listed.
- Member states undertake to refrain, either directly or indirectly, from any acts relating to terrorism, including ‘organising, supporting, financing, committing or inciting to commit terrorist acts, or providing havens for terrorists’.
- The convention specifically provides for international cooperation measures, and particularly extradition.

AU Decision 256 to Combat the Payment of Ransoms to Terrorist Groups (2009)

- In the 2009 AU decision, AU member states strongly condemned the ‘payment of ransom to terrorist groups for hostages to be freed’ and reaffirmed ‘the urgent necessity ... to adopt restrictive legal measures to combat the payment of ransom to terrorist groups’.
- In effect, the AU as a whole affirmed its view that ransoms paid to terrorist groups are a form of terrorist financing and should not be treated any differently from other forms of terrorist financing.

AU Decision on the Prevention and Combating of Terrorism (2010)

- In the 2010 AU decision, AU member states rejected all forms of blackmailing by terrorist groups, such as the threat of execution or the execution of hostages and demand for ransom to finance terrorist operations.
- In this decision, member states requested that the AU Commission work to mobilise wide support within the international community to combat terrorism in Africa, including cutting off financing sources and ending the payment of ransom.
AU Model Anti-Terrorism Law

- Section 16 of the AU model law is relevant to instances of KFR.

Communiqué of the 2013 G8 Lough Erne Summit

- ‘We unequivocally reject the payment of ransoms to terrorists in line with the UN Security Council Resolution 1904 (2009) which requires that Member States prevent the payment of ransoms, directly or indirectly, to terrorists designated under the UN Al Qaeda sanctions regime through the freezing of funds and other assets.’
- ‘We welcome efforts to prevent kidnapping and to secure the safe release of hostages without ransom payments, such as those recommended by the Global Counterterrorism Forum specifically in the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists.’
- ‘We call on discussions at the UN on new mechanisms to increase international awareness of the threat of kidnapping for ransom, and propose consideration of further UN Security Council resolutions to address and mitigate the threat.’
- Decisions, resolutions, etc. from other regional organisations.