



GCTF

GLOBAL COUNTERTERRORISM FORUM

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, 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

¹ Financial Action Task Force Report, Organized Maritime Piracy and related Kidnapping for Ransom, para. 49 (July 2011), available at <http://www.fatf-gafi.org/dataoecd/40/13/48426561.pdf>.

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.