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TO PAY RANSOM OR NOT TO PAY RANSOM?

An Examination of Western Hostage Policies

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INTRODUCTION

In 2014, the world looked on in horror as ISIS murdered its American hostages in Syria. The beheadings were among the most widely followed news stories in recent history; more than nine out of 10 Americans had heard of them by September of 2014.¹ The ISIS cases were the latest in a long history of international hostage-taking incidents. Since 2001—the year of the 9/11 attacks—at least 1,185 Westerners from 32 countries have been taken hostage overseas by terrorist, militant, and pirate groups.

Some of the families of the Americans abducted and murdered by ISIS have questioned the U.S. government’s handling of their cases, saying that the lack of a well-coordinated, effective hostage policy contributed to their distress and possibly to the deaths of their loved ones. Their concerns were echoed by current and former government officials who called for the United States to formulate a more effective and humane hostage policy.²

Indeed, American hostages have suffered disproportionately bad outcomes compared to other Western hostages. Ninety Western hostages have been murdered since 2001; Americans accounted for around one in five of all Western hostages taken since 2001, but almost half of those who were

murdered. A total of 41 Americans were killed by their captors.

While these outcomes are likely due in part to the United States’ prominent international role and the target it places on American citizens, the United States’ strict adherence to its no-concessions policy has also contributed to the failure of American efforts to recover hostages.

The no-concessions policy is defended on the basis that paying ransoms would create incentives for U.S. citizens to be kidnapped and that ransom payments finance terrorist groups. No clear evidence exists to support the claim that Americans are targeted less often because of the no-concessions policy. On the other hand, there is strong evidence to suggest that a no-concessions policy puts hostages at greater risk once abducted. And although ransom payments have undoubtedly provided large sums of money to terrorist groups, for a group like ISIS, kidnapping Westerners is only a minor source of revenue. There are ways to deprive these groups of funding that do not cost American lives.³ In addition, the negotiation of ransom payments or other concessions represents an opportunity for Western governments to collect information needed to trace and root out terrorist kidnappers.⁴

KEY FINDINGS

According to a database compiled by New America from public sources, since 2001, American hostages taken captive by terrorist, militant, and pirate groups have been more than twice as likely to remain in captivity, die in captivity, or be murdered by their captors as the average Western hostage. Forty-three percent of American hostages died, remain in captivity, or remain unaccounted for, compared to an average of 19 percent for all Westerners.⁵

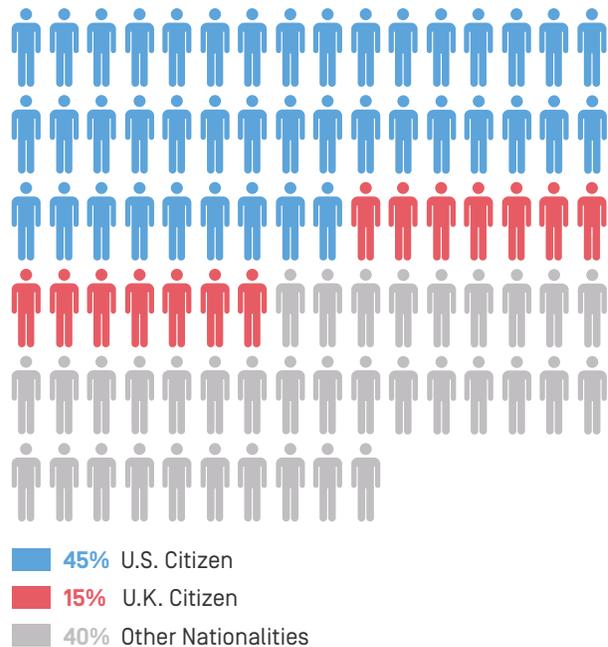
A majority of murdered Western hostages are American or British. Of the 90 Western hostages murdered by their captors between 2001 and 2016, 41 (45 percent) were American and 14 (15 percent) were British. The United Kingdom is the only other country examined that strictly adheres to a no-concessions policy. (Figure 1)

Hostages from European countries known to pay ransoms are more likely to be released. Hostages from countries such as Austria, France, Germany, Spain, and Switzerland are far more likely to be freed, even when they are held by the terrorist groups that are most likely to murder their hostages. Eighty-one percent of European Union hostages held by jihadist terrorist groups were freed, compared to 25 percent for the United States and 33 percent for the United Kingdom⁶

Citizens of countries that make concessions such as ransom payments do not appear to be

kidnapped at disproportionately high rates. There is no clear link between a nation's ransom policy and the number of its citizens taken hostage. The United States had the most hostages taken since 2001 with 225, followed by Italy with 148, France with 143, and the United Kingdom with 137. Kidnappings are driven primarily by conditions of general instability in countries such as Iraq,

Figure 1 | Nationalities of Murdered Western Hostages, 2001–2016



Syria and Yemen, rather than by the targeting of particular nationalities.

American and British citizens taken hostage by al-Qaeda and ISIS fare worse than continental Europeans taken hostage by these groups. Of the 130 Westerners kidnapped by al-Qaeda and its affiliates, more than three-quarters were freed. Only two of the eight Americans taken by these groups were freed. Three were murdered, one was killed in a U.S. drone strike, one was killed during a rescue attempt, and one remains in captivity.

Fifteen Americans were taken hostage by ISIS and its precursor groups.⁷ Thirteen were murdered, one died in captivity, and one was released.

Three of the four British hostages taken by ISIS and its precursor groups were murdered and one remains in captivity.

Of the four American hostages taken by ISIS in Syria, three—James Foley, Steven Sotloff, and Peter Kassig—were murdered. One, Kayla Mueller, died in captivity.

Of the 16 continental European hostages held by ISIS in Syria, 14 were released.

Eight out of 10 EU hostages⁸ held by jihadist terrorist groups were freed compared to one in four⁹ for the United States and one in three¹⁰ for the United Kingdom.

There are at least 14 Western hostages, including six Americans, currently being held by terrorist and militant groups.¹¹ Seven of the 14 are being held by the Taliban-affiliated Haqqani network. Of the remaining seven Western hostages, three are held by Al-Qaeda in the Islamic Maghreb (North Africa), two by Abu Sayyaf in the Philippines, one by ISIS, and one by an unknown group in

Figure 2 | Outcomes for Hostages held by Jihadists, by Nationality



American and British citizens taken hostage by al-Qaeda and ISIS fare worse than continental Europeans taken hostage by these groups.

Yemen. Five of the Americans are being held by the Haqqanis and one is held by Al-Qaeda in the Islamic Maghreb.

Rescue operations are dangerous and often result in hostage deaths. Attempts to rescue hostages held by jihadists were fatal to the hostage 20 percent of the time. Six of the 12 Western hostages in our database who died during rescue attempts were American or British. American and British raids have also resulted in the deaths of hostages from other countries. South African Pierre Korkie and American Luke Somers were killed in a U.S. attempt to rescue them in Yemen from Al-Qaeda in the Arabian Peninsula in 2014. Korkie was killed hours before he was to be released after a ransom payment of \$200,000 was made.¹²

The French government's efforts to move toward a no-concessions policy in 2010 led to an increase in hostage deaths. Twelve of the 16 French hostage deaths in our database occurred after the attempted rescue in 2010 of Michel Germaneau, an aid worker held by Al-Qaeda in the Islamic Maghreb in Niger. President Nicolas Sarkozy identified the raid as marking a “major turning point,” after which France resolved to be tougher on kidnappers by making fewer ransom payments and attempting more rescues. These deaths include that of Germaneau, who was murdered after the failed raid. Four other hostages were either killed during rescue attempts or murdered in reprisal for attempted or threatened raids. It should be noted that the French did not cease to pay ransoms altogether; for instance, they made payments to ISIS in 2014.

Since a new U.S. hostage policy was announced in the summer of 2015, which focused on better coordination across the government to secure the release of hostages and better U.S. government

communications with the families of hostages, at least six American hostages have been released and one has died in captivity. However, none of these publicly identified hostages that were released were held by jihadist terrorist groups. Two were held by unidentified, probably criminal, groups in Nigeria and four were held by the Houthis, a Shia militia that now controls much of Yemen. U.S. citizen John Hamen was held by the Houthis and died under mysterious circumstances in November 2015. It is also possible that he was the first American hostage deliberately killed by his captors since the 2015 policy reforms.

The Hostage Recovery Fusion Cell, an interagency coordinating unit of the U.S. government, says that since its establishment in 2015 it has overseen the release of approximately 100 hostages, a quarter of whom were held by terrorist groups.¹³ The Fusion Cell has not provided any details on these cases, and it is unclear if any of these released hostages were held by jihadist terrorist groups.

It is likely that many of the 100 released hostage cases involved kidnappings by organizations that have not been designated as Foreign Terrorist Organizations by the U.S. State Department. Some cases may also have been classified as terrorist incidents because of intelligence assessments linking them indirectly to terrorist groups. The kidnapping of American Wren Thomas by Nigerian pirates in 2013 may be one such case. Though a Nigerian navy spokesman called his kidnappers “common criminals and pirates, not militants,” Thomas’ abduction was recorded as a terrorist kidnapping in the State Department’s 2013 *Country Reports on Terrorism*.^{14 15} Thomas said that after his release the FBI told him the ransom money paid for his freedom may have been directed to Boko Haram, a Nigeria-based terrorist group.¹⁶

DATA AND METHODOLOGY

The original dataset was given to New America by Hostage US, an independent nonprofit organization that supports hostages and their families. Funding for Hostage US' research was provided by the James W. Foley Legacy Foundation. Hostage US is not involved in efforts to secure the release of hostages and is not involved in advising on negotiations or raising ransoms. It supports the need for informed policy debates but is not engaged in policy analysis or advocacy. This report does not represent the views of Hostage US, its staff, or board of directors.

The Hostage US dataset was aggregated from press reports, government documents, and databases maintained by the Combating Terrorism Center at West Point,¹⁷ the START program at the University of Maryland,¹⁸ and Humanitarian Outcomes,¹⁹ which provides research for aid organizations. New

America added a significant number of other cases to the database.

New America identified 1,185 Western hostages* over the past decade and a half, including 323 hostages kidnapped by Foreign Terrorist Organizations (designated as such by the U.S. State Department) and 461 by other militant groups.^{20,21} Because our data was gathered from open sources, it does not represent a definitive count of all Western hostages taken during the period studied. Criminal kidnappings are far more common than terrorist and militant kidnappings, but generate far less media coverage. The only criminal cases that are recorded in our database are kidnappings by pirates. These cases were included in the data set because they intersect with the operations of militant and terrorist groups. These cases were also

* "Hostage" was defined in accordance with Article 1 of the United Nations International Convention against Hostages, the Taking of which states that "Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (hereinafter referred to as the "hostage") in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostages ["hostage-taking"] within the meaning of this Convention." According to the UN, a person held by a state is usually not a hostage but a "detainee," which it defines as "a person who is deprived of personal liberty by the state, but has not been convicted of an offence." For our purposes, all persons held by state actors were considered detainees and excluded from the database. Also excluded were "barricade incidents," including aircraft hijackings, in which hostages were held at the location of the kidnapping.

highly visible, as the piracy crises in Somalia and Nigeria disrupted international shipping and oil operations.

The hostage takers were coded as Foreign Terrorist Organization, Militant Group, Pirate, or Unknown.²² Jihadist groups were coded as Al-Qaeda, ISIS, Al-Qaeda Affiliate, ISIS Affiliate, or Other Jihadist.

The outcome of each hostage's case was coded as Unknown, Released, Rescued, Escaped, Murdered,

Died in Captivity, Still Captive, Died During Rescue, or Freed (specifics unknown). The outcomes for each country were also analyzed in terms of positive and negative outcomes. Positive outcomes were all those that resulted in the freedom of the hostage: Released, Rescued, Escaped or Freed (specifics unknown). Negative outcomes were all those that resulted in the death or continued captivity of the hostage: Murdered, Died in Captivity, Still Captive or Died During Rescue. Unknown outcomes were recorded separately.

AMERICAN HOSTAGES AND THE NO-CONCESSIONS POLICY

Do American Hostages Suffer Worse Outcomes Because They Are Americans, Rather Than Because of the United States' No-Concessions Policy?

The evidence suggests that for some hostage takers, particularly jihadist terrorist groups, this is indeed the case. Christian Chesnot, a French reporter kidnapped in Iraq in 2004 and held for four months before being released, asked his captors if he would have been treated the same way if he were American or British. According to Chesnot, they replied that as a journalist you “represent your country. So are you [sic] French, even if you are journalist, you are representing your country. If you're American, British, you are representing your country. It means

Blair and Bush policy, and so you are occupying the country ... If we execute one guy, American, we cut his throat and we make a video, we'll have the maximum of impact in New York or London.”²³

But there is also reason to believe that the fates of American hostages are not predetermined by politics. Jihadists, despite their radical ideology, can be rational actors. Chesnot said of his captors: “They are not crazy. They have a strategy, a strategy of fear, which is very cruel. But ... they can be very pragmatic. They can negotiate.”²⁴ ISIS has shown itself willing to negotiate and release Western hostages for ransom, including citizens of France, one of its most hated enemies. As mentioned previously, of the 16 continental European hostages held by ISIS in Syria, 14 were released.²⁵

American hostages do appear to have a high propaganda value for jihadist terrorist groups, but these groups have sometimes also been willing to negotiate for their release.

- In 2014, U.S. Army Sgt. Bowe Bergdahl was released in exchange for five Taliban prisoners held at Guantanamo Bay.²⁶
- American journalist Jill Carroll was kidnapped in Iraq. Her Mujahideen Shura Council captors demanded the release of all female prisoners held by the United States in Iraq. Carroll was released after five female Iraqi prisoners held by the United States were freed in 2006.^{27 28}
- Peter Theo Curtis [a.k.a. Theo Padnos], an American journalist kidnapped in 2012 by

al-Qaeda's Syria affiliate, the Nusra Front, was released in 2014 after the government of Qatar intervened on his behalf. It is not clear what sort of concession was made, but he is unlikely to have been released without one.²⁹ The U.S. and Qatari governments maintain that no ransom was paid.³⁰

- ISIS demanded ransom from the families of Americans Kayla Mueller and James Foley.
- In 2016, the Taliban-affiliated Haqqanis, who currently hold five Americans, indicated they were willing to release American Caitlan Coleman and her family in exchange for their family member Anas Haqqani, who is on death row in Afghanistan.

DOES MAKING CONCESSIONS LEAD TO TARGETED KIDNAPPINGS?

A common objection to ransom payments is that they incentivize terrorist groups to kidnap more citizens of the ransom-paying country. In 2012, David Cohen, then the U.S. Treasury under secretary for terrorism and financial intelligence, asserted: “We know that hostage takers looking for ransoms distinguish between those governments that pay ransoms and those that do not—and make a point of not taking hostages from those countries that do not pay ransoms.”³¹ Uncritical acceptance of this claim

is surprisingly common, given the lack of empirical evidence to support it.

That hostage takers choose their victims on the basis of nationality seems like common sense, but it presumes a degree of sophistication on the part of the kidnappers that is not evident in our data or supported by the individual cases we examined. In some cases the kidnappers misidentified their targets' nationalities. In 2007, for instance, French

diplomat Laurent Alegre and his bodyguards were kidnapped in the West Bank by the Al-Aqsa Martyrs Brigade, which released them within hours, saying they had been mistaken for “members of an Israeli special unit.”³²

Thomas Hegghammer, a researcher at the Norwegian Defence Research Establishment, in a study of the kidnapping epidemic in Iraq in 2004, found that “it is not at all clear that all hostage takers pay close attention to the nationality of their victim before the abduction.”³³ He notes that he found several examples of hostage takers mistaking one nationality for another, and that two-thirds of the foreign hostages in his dataset of more than 150 hostages were from countries that were not members of the U.S.-led coalition in Iraq, a surprising statistic given the political context of the Iraq War.

A 2015 study of jihadist kidnappings by the Combating Terrorism Center at West Point also found little evidence of targeting by nationality, and concluded that increases in jihadist kidnappings were more likely “a function of increased target availability or an expansion by jihadists of their zones of operation.”^{34 35}

While kidnappers may not know the nationality of the hostage before the kidnapping, it is of enormous importance after the fact.

Indeed, seemingly disproportionate kidnapping rates may be explained by the number of nationals of a given country present in the region. The number of French hostages taken by Al-Qaeda in the Islamic Maghreb is sometimes cited as an example of targeted kidnapping.³⁶ Yet, the French government estimated that there were 98,000 French citizens living in North Africa in 2012.³⁷ The Institute for Public Policy Research, a London-based think tank, estimated in 2010 that there were just

under 30,000 British citizens living in North Africa. Since 2001, terrorist and militant groups have taken 21 French hostages and seven British hostages in North Africa, a result that is proportional to their respective population estimates in the region.^{38 39} Four of the seven British hostages were abducted in Libya, which has the second largest British expat population in the region after Egypt.⁴⁰ Sixteen of the 21 French hostages were taken in Niger, Mali, Algeria and Chad, former French colonial possessions.

While kidnappers may not know the nationality of the hostage *before* the kidnapping, it is of enormous importance *after* the fact. Gary Noesner, former head of the FBI’s Crisis Negotiation Unit, wrote in a 2015 piece for *Negotiator Magazine*: “It is important to note that there is no empirical data that suggests that Americans are targeted any less because of our current unyielding policy. This is often given as the rationale against ransom payment, yet no research supports this. In fact, it could be argued that Americans remain high value targets despite this policy.”⁴¹

A 1977 RAND Corporation study of international hostage incidents concluded similarly. “A no-concessions policy may affect the form more than the frequency of kidnapping—that is, the kidnappers may make propaganda rather than concessions their main objective.”⁴² At the time that study was released, the propaganda objective might be making the front page of the newspaper; hostages were typically released once sufficient attention had been drawn to the kidnappers’ cause.

Only 3 percent of the 348 hostages in the RAND study were murdered by their captors. Forty-two out of the 53 hostage deaths in that sample (79 percent) were the result of rescue attempts.⁴³ By contrast, 90 out of 115 hostage deaths in our post-2001 database (78 percent) were murders, and more than half of those murders were of hostages from no-concessions countries. Jihadist terrorists kidnap Westerners and extract from them whatever value they can: monetary value when it is available, propaganda value when it is not.

THE CONSEQUENCES OF FUNDING TERRORISM

The clearest risk of paying ransom is that it can help terrorist groups expand and fund their activities. In 2012, David Cohen, then the U.S. Treasury under secretary for terrorism and financial intelligence, warned of al-Qaeda's growing strength in Mali and Yemen, stating: "At the root of their strength is the money they have amassed, including, importantly, through kidnapping for ransom."⁴⁴ Nasir al-Wuhayshi, then the leader of Al-Qaeda in the Arabian Peninsula (AQAP), confirmed the importance of ransoms to AQAP, writing that almost half of the group's budget came from hostage taking.⁴⁵ Al-Wuhayshi also described kidnapping as a "profitable trade and a precious treasure."⁴⁶

While ransom payments have played a central role in AQAP and AQIM's budgets, they have played a far less significant role in financing ISIS operations.

In North Africa, ransom payments played a central role in the growth of Al-Qaeda in the Islamic Maghreb (AQIM). In 2003, the relatively small Salafist Group for Preaching and Combat carried out a series of kidnappings of tourists and aid workers, receiving more than \$6 million in ransoms

that enabled the group to expand regionally into AQIM.⁴⁷ The group's kidnapping operations became so profitable that an AQIM letter discovered by *New York Times* reporter Rukmini Callimachi in Mali considered a ransom of about \$1 million to be meager.⁴⁸

Yet, while ransom payments have played a central role in AQAP and AQIM's budgets, they have played a far less significant role in financing ISIS operations. Estimates of ISIS' revenue from ransoms vary. In October 2014, Cohen stated that ISIS had raised at least \$20 million from ransoms so far that year.⁴⁹ The United Nations Sanctions Monitoring Committee reported that according to one member state estimate, ISIS made \$35 million to \$45 million from ransom in 2014.⁵⁰

Estimates for ISIS' ransom revenue pale in comparison with the group's other revenue streams.⁵¹ According to Daniel Glaser, assistant secretary for terrorist financing at the U.S. Treasury's Office of Terrorism and Financial Intelligence, ISIS received about \$360 million a year from taxes—or eight times the United Nations' high-end estimate of the group's kidnapping revenue in 2014.⁵² In 2014, ISIS also seized \$500 million from banks in the territory it took over, according to the U.S. Treasury Department, more than 11 times the

UN estimate for ISIS ransom revenue.⁵³ At one point in 2014, oil was estimated to bring in \$1 million a day for ISIS.⁵⁴ In addition, ISIS raises revenue from a wide variety of other funding streams such as antiquities smuggling. A 2015 ISIS budget found by researcher Aymenn Jawad Al-Tamimi confirmed the central role of ISIS' income from confiscation of property, oil and gas revenues, electricity fees and taxation.⁵⁵

Compared to these revenue streams, the role of ransom payments in funding ISIS is relatively small. We estimate that ransoms accounted for no more than 4 percent of ISIS' total income in 2014. The threat of ransom payments enabling terrorist groups to expand their operations is real, and ransom has contributed substantially to the growth of AQAP and AQIM. However, in 2014, when the United States was faced with a series of decisions regarding whether to pay ransom for hostages held by ISIS, the group was one of the richest terrorist groups in history with a great diversity of income streams. As

a result, ransoms contributed relatively little to the group's budget.

The propaganda value ISIS has derived from murdering hostages is more difficult to quantify. The 100 million Euro ransom demanded for American journalist James Foley may not have been a good faith offer, but it may have indicated the degree to which ISIS valued the enormous amount of publicity Foley's murder would generate globally. News of the deaths of Foley and Steven Sotloff reached 94 percent of Americans within a month, according to an NBC News/*Wall Street Journal* poll.⁵⁶ A YouGov UK poll found that within three days of the Foley video being posted online, "83% of British people heard about the video showing the beheading."⁵⁷ The beheading videos positioned ISIS as the world's preeminent jihadist terrorist group and brought the group global attention, which it used as a recruiting tool.⁵⁸ The possibility must be considered that this was more valuable to ISIS than a ransom payment.

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CONCLUSIONS AND POLICY RECOMMENDATIONS

If freeing the hostage was the only concern, the policy solution would be clear. Acceding to the demands of the hostage taker almost invariably leads to the release of the hostage. There are some cases, however, where granting the concession cannot be seriously considered, such as when a hostage taker demands a political concession that would damage the national interest. In most cases, however, the concession sought will be money, the release of prisoners, or both. In these cases, there are three primary considerations that inform the decision to make or reject the concession sought. The first consideration is the life of the hostage. The second is the threat that a concession would encourage future kidnappings of citizens of the concession-granting country. The third is the damage that would result when the hostage-taking group puts the concession to use.

The policymaker must weigh the lives of current hostages against the lives of those who may be kidnapped in the future, or killed in attacks financed by ransom payments or carried out by a terrorist exchanged for a hostage. The decision whether to make a concession hinges, therefore, on the ability to accurately forecast the damage caused by that concession.

Governments that pursue a no-concessions policy, like those of the United States and the United Kingdom, anticipate that the future harm caused by making a concession will typically be greater than the harm caused by the death of the hostage. The rationale of the governments that do make concessions is somewhat less clear. It may be that they believe less harm will be done if concessions are made, but this is belied somewhat by the fact that these countries deny making concessions, apparently out of a belief that they risk making their citizens targets in the future. Ransom payments are usually made through intermediaries or budgeted as development aid to allow for plausible deniability.

The fact that these ransom-paying countries typically lack the military capability to attempt rescues abroad should not be overlooked.⁵⁹ Few countries have the military resources to mount such rescue attempts, and they are both costly and dangerous.⁶⁰ New America's data shows that attempts to rescue hostages from jihadist groups result in the death of the hostage about 20 percent of the time.⁶¹ If rescue is not an option, what recourse do these countries have? It is possible to secure the negotiated release of a hostage without making substantive concessions, but this is a very difficult outcome to achieve and relies on regional

influence and reasonable hostage takers. This approach is particularly unlikely to succeed in cases where the propaganda value of killing the hostage is high enough to compete with the value of a concession.

Our research produced two primary conclusions. First, countries that do not make concessions experience far worse outcomes for their kidnapped citizens than countries that do. Second, there is no evidence that American and British citizens are more protected than other Westerners by the refusal of their governments to make concessions. If it is not the case that making concessions will cause more of your citizens to be kidnapped, then policy makers are left with two considerations to balance against each other: the lives of hostages and the impact of funding terrorist groups.

The history of AQIM suggests that the payment of ransoms sometimes leads to a generalized increase in kidnapping that affects all Westerners in a region equally, regardless of a nation's concession policy. If this is the case, there are two logical policy responses. The first, and the one currently being pursued by the United States and United Kingdom, is to reduce the overall number of kidnappings by persuading other Western countries to cooperate in refusing to pay ransoms.

It seems unlikely that countries with no other way to recover their hostages will find this course compelling. The second option is to further relax the U.S. prohibition on private ransoms so that Americans are not killed at such disproportionate rates. If European governments continue to pay ransoms while the United States does not, terrorist groups will continue to kidnap Westerners, including Americans, and Americans will continue to die at higher rates than citizens of the countries fueling this cycle. This option is likely to reduce the number of Americans killed by hostage takers, but additional measures would have to be taken to mitigate the damage done by the funding of terrorist organizations through ransom payments.

In 2015, the White House took a number of steps to reform U.S. hostage policy, establishing a Hostage Recovery Fusion Cell to coordinate hostage recovery operations across the U.S. government, and opening the door to private ransom payments by announcing that the U.S. government will no longer threaten the friends and families of American hostages with prosecution for paying ransoms.⁶² It should be noted that the Justice Department has not disclosed its criteria for determining who will be considered “family or friends” of the hostage.⁶³ It is therefore ambiguous whether third parties, such as employers or insurance companies, will

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be subject to prosecution if they fund or reimburse a ransom payment made to a designated terrorist organization. This ambiguity may constitute a significant barrier to families raising money for private ransom payments, as potential donors may be unwilling to gamble on prosecutorial discretion.

Changes have also been made to improve information sharing between the government and the families of hostages. The families are now given access to intelligence about their case, specially declassified to keep them informed about their loved ones without compromising sensitive sources and methods. The Hostage Recovery Fusion Cell also says that it is responding more quickly to kidnappings and taking over the management of the negotiations earlier.

These changes have been praised by the families of hostages and their advocates, but it is not yet clear what effect the reforms have had on the outcomes of cases. The number of terrorist kidnapping cases resolved by the U.S. government since the June 2015 policy change (approximately 25) has been significant, but until we know which cases are included in this number we cannot say whether or not the rate of release has been improved.⁶⁴ Our data shows that different terrorist groups release hostages at very different rates. If many of these 25 hostages were recovered from jihadist groups, then the Fusion Cell's recovery rate represents a substantial improvement over the historical average. If most or all of them were recovered from less dangerous groups, such as non-jihadist terrorists or quasi-state actors like the Houthis, then a high rate of recovery is to be expected.

Recommendations

1. The United States should clarify its stance on granting immunity from prosecution to third parties assisting the family and friends of hostages that are held by terrorist groups.

Ransom payments are the most reliable way to recover hostages held by terrorist groups, and they should be available to those without substantial

private means. Most American families cannot generate the sums required to free hostages and must turn to corporations or other entities to raise these sums. The current law is ambiguous about whether these corporations might be held liable for payments to terrorist groups.

2. The United States should facilitate prisoner exchanges for its citizens kidnapped abroad.

American Caitlan Coleman and her Canadian husband, Joshua Boyle, have been held by the Haqqani network since they were kidnapped in Afghanistan in 2012.⁶⁵ Also held are their two sons, who were born in captivity. The Haqqanis have threatened to kill the family if the Afghan government carries out the death sentence it has imposed on Anas Haqqani, a brother of the group's leader, Sirajuddin Haqqani. Anas was arrested in 2014 and convicted of raising money for the group.⁶⁶ The governments of the United States and Canada have an opportunity to secure the release of the Coleman-Boyle family, and the three other Westerners held by the Haqqanis, by interceding with the government of Afghanistan to negotiate an exchange for Anas Haqqani.

3. The United States should encourage more data-driven study of hostage taking.

International hostage-taking is an issue that demands careful cost/benefit analysis, yet there is no single repository of accurate and comprehensive data. The kidnapping insurance industry gathers and analyzes data in order to understand criminal hostage markets and calculate the amounts that can be safely paid without generating more kidnappings. There does not seem to be any similarly rigorous data analysis being performed by the U.S. government to understand the dynamics of political kidnappings. To gather the necessary data, the United States would need the cooperation of international partners, in both the government and private sectors, who are currently unlikely to participate in such an exercise. European governments are unlikely to disclose the details of negotiations they have undertaken in defiance of U.S., UN, and G8 policy commitments. Private security and kidnapping insurance companies

have no incentive to expose themselves to U.S. legal scrutiny. There is an enormous amount of valuable data on hostage taking, but it will be of limited use until it is collected in one place. If the United States cannot, for political reasons, gather this information, it should facilitate further study of this issue by sharing its own data with third-party experts and academics, and incentivizing or requiring private companies to do the same.

4. The United States should evaluate the degree to which the rise of digital media has changed the cost/benefit analysis underlying its hostage policy. The no-concessions policy is predicated on the idea that if kidnappers are allowed to benefit from kidnapping, they will be incentivized to do it again. Therefore, if no concession is made, they will not benefit and will have no incentive to kidnap again. This theory assumes that the hostage must be exchanged for a concession, such as a ransom, in order for the kidnappers to benefit. This is true in the case of criminal kidnappings for ransom, but 21st century jihadist kidnappings are different. Groups like ISIS understand the propaganda value of hostages and, through the internet, can produce and distribute that propaganda unilaterally. For jihadists, this is a benefit that does not require a concession. Refusing to make concessions to these groups does not, therefore, remove the incentive to kidnap again. Given this incentive structure, the importance of concessions in evaluating the success or failure of policy is greatly reduced. A ransom payment may well be less damaging than the global exposure a group such as ISIS can achieve by killing their hostages.

Notes

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5 If we exclude the cases with unknown outcomes we find that 28 percent of American hostages were killed or remain in captivity, compared to an international average of 12 percent.

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21 Several of the hostages in our database were kidnapped more than once. In these cases each kidnapping was recorded separately. The total

number of individual Westerners kidnapped is therefore slightly lower than the figure given above.

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