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United Nations Office on Drugs and Crime

Special meeting of the Counterterrorism Committee on
Kidnapping For Ransom and Hostage Taking Committed by
Terrorist Groups
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Excellencies,
Distinguished participants,
Ladies and gentlemen,

It is my pleasure to be here today and represent the Terrorism Prevention Branch (TPB) of United Nations Office on Drugs and Crime (UNODC), at this Special meeting.

The urgent need to address the issue of kidnapping for ransom and hostage-taking in a robust and thorough manner is particularly evident when we look at the events taking place in the last couple of months, including in Iraq and neighbouring countries of the MENA region.

In the midst of these dramatic developments, the need to ensure that appropriate legal frameworks are in place becomes pressing. In that sense, we can all agree that the adoption on 27 January 2014 of UN SCR 2133 is a milestone in the fight against KFR. Resolution 2133 recognized that more expert discussions, especially on the legal challenges posed by kidnapping for

ransom and hostage-taking committed by terrorist groups is needed, calling upon the UNSC Counter-Terrorism Committee to convene this Special Meeting which we are attending today.

Several previous SC resolutions had also clearly condemned ransom payments to terrorist groups, as SR resolution 1904 did already in 2009. This framework is complemented by very important international treaties, developed over the course of several years. Among the current 19 instruments which constitute the international legal framework against terrorism (with a latest Protocol on civil aviation adopted in April this year), at least three main Conventions have a fundamental role in the prevention and fight against Kidnapping For Ransom and Hostage-Taking Committed by Terrorist Groups. These are: the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Diplomatic Agents Convention), the 1979 International Convention against the Taking of Hostages (Hostages Convention), and the 1999 International Convention for the Suppression of the financing of Terrorism (TF Convention).

These Conventions require States Parties to criminalize, to make punishable and to establish jurisdiction over the offences defined in these Instruments. Additionally, these Conventions require States Parties to co-operate, particularly by exchanging information to prevent the preparation and the

commission of these offences, within or outside their territories, and they also stipulate that States Parties shall all afford one another the greatest measure of assistance in connection with criminal proceedings.

Without going into more specific detail, the 1973 Diplomatic Agents Convention defines the offence of murder, kidnapping or other attack upon an "Internationally protected person", noting that such acts create a serious threat to the maintenance of normal international relations which are necessary for cooperation among States. The 1979 Hostages Convention is to date the only binding treaty addressing terrorist hostage-taking as a crime, consisting of two elements:

- (a) "the seizure or detention of another person";
- (b) "a threat to kill, injure or continue to detain that person in order to compel a third party to do or abstain from something as an explicit or implicit condition for the release of the hostage".

The 1999 TF Convention completes this framework by establishing the offence of terrorist financing whereby the provision or collection of funds is carried out "...directly or indirectly, unlawfully and wilfully [...] with the intention [...] or in the knowledge..." that these funds should be used, in full or in part, to carry out the acts defined by the international legal framework as terrorist. In other words it is enough that the perpetrator has the knowledge or the intention that funds be used, regardless of whether the funds are actually used to carry out a terrorist offence.

The international community has recently strengthened its legal framework to fight Kidnapping For Ransom and Hostage-Taking Committed by Terrorist Groups with the already mentioned milestone adoption of UNSC Resolution 2133. The Resolution calls upon all Member States to prevent terrorists from benefiting from ransom payments or political concessions, asks for close cooperation during incidents of kidnapping for r

2014 at the UN Global Counter-Terrorism Strategy Review, which noted that ransom payments to terrorists are used as one of the sources of funding for their activities, including further kidnappings², called upon all Member States to “...prevent terrorists from benefiting from ransom payments and political concessions and to secure the safe release of hostages, in accordance with applicable legal obligations...”, and encouraged Member States to “...cooperate, as appropriate, during incidents of kidnapping and hostage-taking committed by terrorist groups”³.

At the same time, several regional organizations have also taken important steps in this area, such as the African Union’s decision to combat the payment of ransom to terrorist groups (which requests “the international community to consider the payment of ransom to terrorist groups a crime”), or the Council of Europe’s Resolution 1722 (2010) that, although related to piracy, also requires member states to introduce clear policies and legislation in order to avoid the use of ransom payments to finance extremist or terrorist groups, adding the need to establish policies and legislation against the payment of ransoms.

The implementation of such instruments in all their provisions is a fundamental step to prevent and fight against KFR. However, such

² UN General Assembly

implementation requires determined action, together with specialized technical assistance and support, which needs to be complemented by further collection of best practices and approaches, such as those identified in the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists, developed by the Global Counterterrorism Forum (GCTF). Extremely complex legal and technical questions require further consideration: for example, whether the elements of the terrorist financing offence as set forth in Article 2 of the TF Convention, would be enough to allow for a prosecution of the payment of ransom. Many other relevant elements equally pose a number of legal challenges, above all - the interplay of the provisions of the international legal framework against Kidnapping For Ransom and Hostage-Taking Committed by Terrorist Groups

conducting activities aimed at building the capacity of national criminal justice officials to implement the international legal standards relating to Kidnapping For Ransom and Hostage-Taking, as well as to enhance operational responses thereto. Of particular importance here is the UNODC Counter Kidnapping Manual, updated this year, which serves as guidance to States in the development of their national strategies and operational capacities.

Allow me to also refer to the two-day Mediterranean Regional Counterterrorism Expert Workshop on the topic of "Terrorist Kidnapping and Hostage-Taking: Enhancing the Implementation of the International Legal Framework against Terrorism", jointly organised by UNODC and the OSCE. This event brought together over 60 senior counter-terrorism practitioners in the areas of law enforcement, the judiciary and prosecution, as well as officials from foreign ministries and crisis management units. I will be referring to the outcomes of this meeting as well as to our programmes for technical assistance in my intervention this afternoon at the side event organized by the Counter-Terrorism Committee Executive Directorate (CTED).

In concluding, I would also like to stress that in order to address terrorist-kidnapping and hostage-taking we must look at all ways and means to reduce financial flows to terrorist organizations. The increasing engagement of terrorist groups in cross-border criminal activities (such as drugs trafficking,

arms trafficking, weapons trafficking, fraud and terrorist-kidnapping and hostage-taking) as important sources of further financing requires a comprehensive and integral counter-terrorism financing strategy. Of relevance is to note the urgent need to ensure the inclusion of a financial component in terrorist case investigations, the need to trace financial flows not only in illegal markets, but also in legal markets, the importance of monitoring not only formal banking systems but also informal ones such as hawala and to monitor the potential for the abuse of the non-profit sector, or the need to adopt measures to counter the increasing use of cash couriers as a method to finance terrorist organizations.

Ladies and gentlemen, this Special meeting comes at a very important moment when the identification of areas where additional focus is needed is paramount to tackle Kidnapping For Ransom and Hostage-Taking Committed by Terrorist Groups. Cooperation among States is essential and one of the foundations of effective cooperation is sharing knowledge, experiences and best practices among practitioners. It is our hope that this meeting will set the pace for further action in this respect.

Thank you for your attention.