

International Terrorism: U.S. Policy on Taking Americans Hostage

[The following official policy statement is reprinted from a special information pamphlet issued by the Bureau of Public Affairs U.S. Department of State, June, 1986.]

U.S. GOVERNMENT POLICY

The U.S. Government will make no concessions to terrorists holding official or private U.S. citizens hostage.* It will not pay ransom, release prisoners, change its policies, or agree to other acts that might encourage additional terrorism. At the same time, the United States will use every available resource to gain the safe return of American citizens who are held hostage by terrorists.

BASIC PREMISES

It is internationally accepted that governments are responsible for the safety and welfare of persons within the borders of their nations. Aware of both the terrorist threat and public security shortcomings in many parts of the world, the United States has developed enhanced physical and personal security programs for U.S. personnel and established cooperative arrangements with the U.S. private sector. It also has established bilateral counterterrorism assistance programs and close intelligence and law enforcement relationships with many nations to help prevent terrorist incidents or resolve them in a manner that will deny the perpetrators benefits from their actions. The United States also seeks effective judicial prosecution and punishment for terrorists and criminals victimizing the U.S. Government or its citizens and will use all legal methods to these ends, including extradition. U.S. policy and goals are clear, and the U.S. Government actively pursues them alone and in cooperation with other governments.

U.S. GOVERNMENT RESPONSIBILITIES WHEN PRIVATE U.S. CITIZENS ARE TAKEN HOSTAGE

Based upon past experience, the U.S. Government concluded that paying ransom or making other concessions to terrorists in exchange for the release of hostages increases the danger that others will be taken hostage. U.S. Government policy is, therefore, to reject any demands for ransom, prisoner exchanges, and deals with terrorists in exchange for hostage release. At the same time, the U.S. Government will make every effort, including contact with representatives of the captors, to obtain the release of the hostages without paying ransom, exchanging prisoners, etc.

Consequently, the United States strongly urges American companies and private citizens not to pay terrorist ransom demands. It believes that good security practices, relatively modest security expenditures, and continual close cooperation with embassy and local authorities can lower the risk to Americans living in high-threat environments.

* Hostage-taking is defined under international law (International Convention Against the Taking of Hostages, adopted December 17, 1979) as the seizing or detaining and threatening to kill, injure, or continue to detain a person in order to compel a third party to do or abstain from doing any act as an explicit or implicit condition for the release of the seized or detained person.

The U.S. Government is concerned for the welfare of its citizens but cannot support requests that host governments violate their own laws or abdicate their normal law enforcement responsibilities.

On the other hand, if the employing organization or company works closely with local authorities and follows U.S. policy, U.S. Foreign Service posts can be involved actively in efforts to bring the incident to a safe conclusion. This includes providing reasonable administrative services and, if desired by the local authorities and the American organization, full participation in strategy sessions. Requests for U.S. Government technical assistance or expertise will be considered on a case-by-case basis. The full extent of U.S. Government participation must await an analysis of each specific set of circumstances.

When the goal of a U.S. private organization or company is to gain release of hostages by paying ransom or pressuring the host government for political concessions, U.S. Foreign Service posts will limit their participation to basic administrative services, such as facilitating contacts with host government officials.

The host government and the U.S. private organization or citizen must understand that if they wish to follow a hostage resolution path different from that of U.S. Government policy, they do so without its approval or cooperation. The U.S. Government cannot participate in developing and implementing a ransom strategy. However, U.S. Foreign Service posts may maintain a discreet contact with the parties to keep abreast of developments.

LEGAL CAUTION

Under current U.S. law, 18 USC 1203 (Act for the Prevention and Punishment of the Crime of Hostage-Taking, enacted October 1984 in implementation of the UN convention on hostage-taking), seizure of a U.S. national as a hostage anywhere in the world is a crime, as is any hostage-taking action in which the U.S. Government is a target or the hostage-taker is a U.S. national. Such acts are, therefore, subject to investigation by the Federal Bureau of Investigation and to prosecution by U.S. authorities. Actions by private persons or entities that have the effect of aiding and abetting the hostage-taking, concealing knowledge of it from the authorities, or obstructing its investigation may themselves be in violation of U.S. law.