

A Human Rights Perspective on the Question of an Appropriate International Response to Ransom Payments to Terrorist Kidnappers

By

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I. Introduction:

Excellencies, ladies and gentlemen, let me begin by thanking the Counter-Terrorism Committee Executive Directorate for their invitation to present this paper, and for the opportunity to infuse into the extant discussion the carefully deliberated perspective of the Human Rights Council Advisory Committee (HRCAC), on which I sit. As that committee has done significant work fairly recently on the human rights dimensions of the problem of terrorist hostage-taking or kidnapping, this invitation was a well-considered and relevant one.¹ Many of my own personal thoughts will also be offered here.

The more specific goal of this paper is to reflect on the question of an appropriate international response to ransom payments to terrorist kidnappers and the human rights imperatives that need to be weighed and factored into the decision-making process. This is important if the responses that are mandated at the UN and regional levels, and the actions which states take to implement them are to pass muster in their courts of law, and in the relevant international human rights fora.

In terms of the organization of the thoughts expressed in this paper: it begins with a consideration of the problematique at hand. It then moves on to the task of developing an analytical human rights framework for thinking through the international response to this problematique; and then ends with an attempt to apply this framework toward the development (in outline only) of a number of practical suggestions regarding such a response.

II. The Problematique of an Appropriate Response to Ransom Payments to Terrorist Kidnappers

There is widespread agreement as to the fact the individuals and families affected by terrorist kidnapping are traumatized by the experience, and especially by the prospect or concrete realization of the murder, torture or other ill-treatment of the affected persons. The terrorist kidnappers usually subject such individuals and their families to a number of serious or gross human rights violations, or at the very least place them at grave risk of

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¹ See *Human Rights and Issues Related to Terrorist Hostage-Taking: Report of the Human Rights Council Advisory Committee*, A/HRC/24/47, 4 July 2013; especially at paragraphs 22-60.

being subjected to these harms. In many instances, the harm suffered will include the impairment or violation of their rights to: life; liberty and the security of the person; freedom from torture or other forms of cruel, inhuman or degrading treatment; freedom of movement; freedom of thought/religion; freedom of association; privacy; work; favorable conditions of work; rest and leisure; food, shelter and clothing; health care; education, etc.² As is well known, all of these rights are guaranteed in the UDH and/or in the two international human rights covenants.³ It is also important, as the HRCAC has also noted, to consider the gender dimensions of this sort of harrowing experience, and the additional or peculiar harms to which female victims of terrorist kidnapping may be subjected to or placed at risk of suffering.⁴

There is also a widespread realization that communities affected by terrorist kidnapping live in constant and incessant fear or terror of these harms being visited upon one or more or a host of the individuals who constitute them.⁵ In some cases, the terrorists even seize and hold territory; effectively kidnapping whole communities or areas within a country. This is currently the case in parts of Syria, Iraq, Afghanistan, Colombia, North Africa, and the Sahel region of West Africa.⁶ The effect on communities which have been either completely occupied by terrorists or which are chronically affected by frequent incidents of terrorist kidnapping is highly traumatic as well. The enjoyment of the various human rights mentioned already can be seriously restricted or even denied to the individuals who live in such communities, and their right to social and economic development is invariably impaired.⁷

Another key point here, on which there is little if any debate, is the fact that such terrorist kidnapers usually demand ransom payments from the victims and their families, which leads to a “vicious cycle” in which such funds end up strengthening the operational capabilities of terrorists by allowing them to take care of their own socio-economic needs, including through enabling them to arm, re-arm or better arm themselves. It is in this sense that the suggestion that some have made that such ransom payments may be *impliedly* caught by certain laws and treaties that bar the financing of terrorism, begins to appear plausible.⁸ Importantly, such ransom payments also encourage or incentivize further terrorist kidnappings, imperiling many more individuals and communities, and continuing the cycle of violence and gross human rights violation. As the Security Council has itself shown in the resolution that mandated this special meeting, there is hardly any disagreement or room for reasonable doubt about these facts.⁹ There is also a

² See A/HRC/24/47, supra note 1, at paragraph 25.

³ See the *Universal Declaration of Human Rights*, 10 December 1948, UN Doc. A/811, Articles 3-28; the *International Covenant on Civil and Political Rights*, 1966, 999 UNTS 171; and the *International Covenant on Economic, Social and Cultural Rights*, 1966, 993 UNTS 3..

⁴ See A/HRC/24/47, supra note 1, at paragraph 25.

⁵ Ibid, at paragraph 27.

⁶ Ibid, at paragraphs 28-33.

⁷ Ibid, at paragraphs 31-32

⁸ For example, see R. Sandy, “A Critical Analysis of Piracy, Hijacking, Ransom Payments, and Whether Modern London Insurance Market Clauses Provide Sufficient Protection for Parties Involved in Piracy for Ransom” (2013) 44 *Journal of Maritime Law and Commerce* 1, 19-21; and A. Felton and D. Price, “Forbidden Funds – Indonesia’s New Legislation for Countering the Financing of Terrorism” (2004) 15 *Australian Journal of Asian Law* 1.

⁹ See S/RES/2133 (2014) of 27 January 2014, at operative paragraphs 7-8. See also A/HRC/24/47, *ibid*, at paragraph 34.

strong consensus regarding the imperative need to choke off the access of terrorists to financing obtained through these or other means.¹⁰

As importantly, however, there is also increasing acknowledgement of the fact that, as the Human Rights Council Advisory Committee noted in its report on this subject, responses to the terrorist kidnapping should, *as far as is possible*, respect the fundamental human rights of all affected by that heinous activity (including kidnapped individuals, their families, and the other members of the affected community).¹¹

It is against this background that an understanding of the human rights dimension of this question of paying ransoms to terrorist kidnappers becomes very important and perhaps even central to the consideration of an international law/policy response to the issue. This paper seeks to offer an analytical human rights frame work for thinking through the international community's response to the problematique of what to do about the payment of ransoms to terrorist kidnappers. In the end, some practical solutions that flow from an application of that analytical framework are outlined.

Given the disparate and somewhat uncoordinated approaches thus far adopted by states and even regional organizations in their domestic legal orders to the issues of ransom payments (ranging from non-regulation to an outright ban/criminalization),¹² and the concerted effort to coordinate and deal with the issue at the United Nations (i.e. global) level, this discussion is crucial.¹³

III. An Analytical Human Rights Framework for thinking through the International Community's Response to the Extant Problematique:

A. The human rights argument in favor of a total ban on ransom payments to terrorist kidnappers:

The human rights argument in favor of a total ban on the payment of ransom to terrorist kidnappers is that, as has been noted earlier, these payments do have the troubling effect of leading to the impairment of certain fundamental human rights of a host of other individuals both in the affected community and even around the world (in this last respect, in the context of copy-cat terrorist kidnappings elsewhere in the world). People are all-too-often murdered by these terrorist kidnappers or caught in the cross-fire when security forces confront the terrorists (a denial of the rights to life of masses of people in the affected communities). In many cases, whole towns and villages have been either razed to the ground or rendered desolate as a result of the activities of these terrorists or such counter-terrorist confrontations (a denial of their rights to life, liberty or security of the person, food/shelter/clothing, freedom of movement, etc). Large numbers of children

¹⁰ Ibid.

¹¹ See A/HRC/24/47, supra note 1, at paragraph 23.

¹² See A/HRC/24/47, supra note 1, at paragraphs 36-46; R. Weill, "Exodus: Structuring Redemption of Captives" (2014) 36 Cardozo Law Review 177, at 180-198; and R. Sandy, supra note 8 at 19-21.

¹³ For example, of the regional organizations, the African Union and the Arab League have had the most robust ban on ransom payments to terrorist kidnappers. See the African Union Decisions No. 256 (XIII) of 3rd July 2009, and 311 (XV); and the Arab League Resolution 525 of 5 March 2010. Although they have made certain moves in a similar vein on Piracy, the Council of Europe and the European Union have no equivalent documents. The Association of South East Asian States (ASEAN) and the Organization of American States (OAS) are in a similar position as the Europeans. See generally here, A/HRC/24/47, supra note 1, at paragraphs 36-46.

are unable to attend school due to a fear of being killed or kidnapped (a denial of their education rights). These are but a few examples of the rights that large numbers of people within these communities are either denied of, or chronically placed at risk of being deprived of. In addition, the community's right to socio-economic development is often imperiled. Here, the point that advocates of a ban would make is that in the interest of others in the community, whose fundamental human rights are foreseeably threatened with impairment, and are in fact all-too-often impaired, by the payment of ransoms to terrorist kidnapers, i.e. in the interest of public safety and the greater good of society, the rights of presently kidnapped persons to "purchase" their own safety through the payment of ransoms to terrorist kidnapers should be abridged or in some cases completely negated.

These kinds of public safety arguments for the abridgement or even negation of the human rights of a few in society in order to protect the rights of the many, such arguments in favor of the justifiability of measures which are considered to be in the interest of the greater good, are well recognized and even internalized by international human rights law, although only in a narrower sense and subject to certain strict conditions. International human rights law would recognize such arguments in two broad types of situations: (a) in the course of the interpretation of certain human rights provisions themselves (depending on their wording), even in "normal" times, and (b) in permitting strictly limited derogations from some human rights in times of declared public emergency. In the first type of case, it should be noted that human rights provisions do not tend to be couched in absolute terms (although some are). Many a human rights provision is explicitly subjected to the content of laws passed to limit them in the interests of public safety, public welfare, and so on. In the second type of case, it should be noted that the relevant treaties, such as the International Covenant on Civil and Political Rights (ICCPR) (under its Article 4), do make explicit (and strictly limited) provisions for derogations from their provisions to be made by states in situations in which they face a public emergency that threatens the survival of the state. In both types of cases, before the restriction on the rights of the individual is deemed lawful under International human rights law, the rights of the directly affected individual are balanced in the treaty provision itself, or have to be *balanced* by the courts/quasi-judicial bodies, in a systematic and thoughtful way against the rights of others in the community who might be affected by terrorist kidnapping. More will be said on this question of balancing in section III(C) below.

B. The human rights argument against a ban on ransom payments to terrorist kidnapers:

The human rights argument against a ban on ransom payments is that the rights of the kidnapped individuals to life, liberty and the security of the person, and so on, are directly and immediately imperiled, and are –in at least one respect – likely to be rendered illusory by the failure to concede to the ransom demands of the terrorist kidnapers; and that one or two of these rights (especially the right to life) are so fundamental in value that their protection should usually take priority over the foreseeable, but nevertheless statistical, possibility of the impairment of the rights of other persons in the community. It is based on this kind of human rights argument that the Constitutional Court of Colombia annulled aspects of *Colombia's Act No.40 of 1993* which would have permitted the government to, among other things, freeze the assets of victims of kidnappings and

their families in order to prevent the payment of ransoms to kidnappers.¹⁴ This provision had been copied from the Italian version of the same law.¹⁵

Again, international human rights law clearly admits of this kind of argument; one that seeks (in general) to prioritize the protection of *individual* rights, over the interest of the group, while still taking into account the interests of other persons in society. What is more, certain individual rights (such as the right to life and freedom from torture) that would likely be impaired if the demanded ransom payments are not made and the terrorist kidnappers of the day carry out their usual threats to kill or harm kidnapped persons in respect of whom they do not receive a ransom are, at least under the ICCPR, couched in ways that do not appear to explicitly permit any restrictions on their enjoyment *in the interest of public safety*. These particular set of rights are listed as *totally non-derogable*, even in times of public emergency. With regard to the right to life in the ICCPR, no such restrictions are permitted unless they are in the context of the implementation of a lawful death penalty. The provision on torture is not explicitly subjected to any restrictions whatsoever. This would appear to mean that in situations where death or even torture would be a reasonably foreseeable result of the non-payment of a ransom, *total* bans on such payments, to the extent that they clearly prevent the protection of the right to life of the affected individuals, or at least impair the ability of the victims or their families to secure the person's life, might appear to run afoul of international human rights law. This is more so the case as the duty to protect the right to life of an individual citizen of a state may, in some cases, extend to the duty to prevent an immediately foreseeable loss of life.¹⁶ This analysis would, of course, only apply to those countries which have ratified the ICCPR and are as such bound by its provisions. It should be noted though, that even on this interpretation, certain milder restrictions on the payment of such ransoms, which fall short of a total ban (i.e. which do not impair as strongly the ability of the victim or her family to secure her life) may *not* run afoul of international human rights law.

Yet, despite the above argument, it should be noted that in the *detailed* interpretation and application of these otherwise inflexibly-couched right to life and freedom from torture provisions in the real world by courts/tribunals/international human rights bodies, these bodies may (rightly or wrongly) make certain smaller allowances in favor of the appreciation of those rights in the interests of public safety. For example, a government may be permitted to send young men and women into war even though it is reasonably foreseeable that many or even most of them would be killed as a result, thus impairing their rights to life. Another example of such interpretive flexibility is offered by the Supreme Court of Canada's decision post-9/11 that despite the absolute prohibition of deportations to torture in the *Convention against Torture*,¹⁷ Canada could – in exceptional circumstances – be within its rights to deport someone to a place where they faced a substantial risk of torture.¹⁸ Yet another example of the ways in which such

¹⁴ See Constitutional Court of Colombia, 24 November 1993, *Sentencia C-542/93*, cited by R. Weill, *supra* note 12 at 207.

¹⁵ See R. Weill, *ibid*, at 207.

¹⁶ See C. Ovey and R. White, *The European Convention on Human Rights* (4th edition) (Oxford: Clarendon Press, 2006) at 56.

¹⁷ See the *Convention against Torture*, 1984, 1465 UNTS 85.

¹⁸ See *Suresh v. Canada* (2002) 1 S.C.R. 3. See also O.C. Okafor and P.L. Okoronkwo, "Re-Configuring Non-Refoulement? The *Suresh* Decision, 'Security Relativism,' and the International Human Rights Imperative" (2003) 15 *International Journal of Refugee Law* 30.

bodies may make more moderate interpretive allowances in the interest of public safety is when they consider that interest in a conscious or unconscious way when setting the lower threshold as to what constitutes torture (as in the instance of the question of the solitary confinement of certain prisoners). This point must therefore be kept in mind.

C. Balancing competing human rights considerations – an analytical approach:

In any case, the overarching point here is that – at a minimum – the competing human rights considerations that favor either the protection of the vast majority of the other individuals in the community (on the one hand) or the directly affected individual (on the other hand) must be balanced against each other to arrive at an appropriate, human rights-proof, solution to the problem of the negative impact of the payment of ransoms to terrorist kidnappers.

This kind of balancing occurs in two broadly different kinds of contexts: namely, in “normal” times or in situations of properly declared public emergencies.

Balancing in “normal” times

Depending on how a human rights provision is phrased, it may be that it is possible to restrict its application in the interests of public safety without resort to the official declaration of a public emergency. For, as has been noted already, although under the ICCPR, the rights to life and to be free from torture cannot be easily restricted or limited (since the language in which these particular provisions are couched admits of no limitations that are relevant to our purposes, the courts may nevertheless interpret such provisions in a somewhat more flexible manner in certain concrete circumstances. However, in the case of many of the other rights that are usually violated when a terrorist kidnapping occurs, such as the rights to liberty and the security of the person under Article 9 ICCPR (which are limited to such restrictions as are established by law), or the right to education under Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (which is provided for in a manner that leaves a lot of wiggle room to states), an ability to balance the competing human rights considerations at issue here is clearly apparent on the face of the relevant provisions.

Here, an analogy with constitutional human rights law and practice may be helpful. As in the case from Colombia, Constitutional human rights law and practice in democratic states would usually require the balancing of the rights of kidnapped victims against the societal interest in safety of the other members of the society.¹⁹ In so doing, the general tendency is that it is only when there is a “high probability” that the public interest will be seriously endangered would the courts prefer to protect that more general interest over and above the rights of the kidnapped person.²⁰ (This “high probability” test suggests the possibility of a geo-political variability in the potential lawfulness of a total ban on ransom payments, and we will return to this issue toward the end of this paper.) The logic here is that the statistical interests in the future safety of other members of the community is somewhat remote at the time the decision whether or not to pay a ransom in the case of a particular kidnapped individual has to be made, and as such should be de-prioritized vis-à-vis the clear and present (and even grave) danger of the impairment or even outright negation of fundamental rights that faces the presently kidnapped person.

¹⁹ R. Weill, *supra* note 12 at 215.

²⁰ *Ibid.*

In the Canadian context, which is instructive for present purposes, the Supreme Court of Canada has developed a systematic and rigorous general way of balancing the community's interests in public safety (etc) vs. the individual's human rights.²¹ The so-called *Oakes test* is applied whenever it is necessary to limit individual rights to advance certain collective goals of fundamental importance, such as the choking-off of the supply of funds to terrorists and the like. And so in Canada, before a limitation on individual rights can be justified, two things must be clearly shown:

- (a) That the objective of the proposed limitation is related to concerns which are pressing and substantial in a free and democratic society, and;
- (b) That the means chosen is reasonable and demonstrably justified. To show this, the measures adopted must be carefully designed to achieve the objective (and not be a blunt instrument). The means chosen must also impair as little as possible the human right in question. There must also be proportionality between the effects of the measures limiting the right and the objective for which it has been limited (i.e. no overkill and strict adherence to the principle of limiting rights only to the extent absolutely required)

Proponents of a ban on ransom payments would be correct to argue that the concern over the augmentation of the finances and the strengthening of the operations of terrorist groups by the payment of ransoms to them satisfies requirement (a) above. There should be little disagreement here.

They would, however, have much more difficulty showing that the ban would satisfy requirement (b). First, while a total ban on ransom payments to terrorist kidnappers may appear to many people as a reasonable means of choking-off the flow of funds to terrorists, it may not be as carefully designed to achieve the objective as it ought to be. This is because it appears to be a blunt instrument that, while it may succeed in choking off the flow of funds to terrorists, will likely lead to the preventable deaths of many individual's captured by them. But even if such a ban would not be a blunt instrument, it does not appear that it impairs the individual's rights to life, liberty, etc, *as little as possible*. Indeed, in practice, it will likely render the right to life of many an individual totally illusory. As importantly, the means chosen, i.e. the ban on ransom payments may not be "demonstrably justified." In this context, it should be noted that while this kind of ban appears to have worked in Italy, it is not as clear that it has worked elsewhere.²² And even the Italian causal evidence is not rock solid.²³ What is more, there may be other effective ways of arriving at the same result of choking-off most of the supply of funds to terrorists, means that do not lead to as severe or total an impairment of the fundamental rights of the kidnapped person.

Balancing in situations of a declared public emergency

Again, it should be noted at the outset here that the rights to life and to be free from torture in the ICCPR are both totally non-derogable under Article 4 of that treaty. As such, they cannot be restricted to any significant extent even in a properly declared and procedurally unassailable public emergency. However, some other human rights that are usually violated when terrorist kidnappings occur (such as the right to liberty and the

²¹ See *R v. Oakes* (1986) 1 S.C.R. 103.

²² See R. Weill, *supra* note 12, at 206-207.

²³ *Ibid.*

security of the person) may be lawfully derogated from in such an emergency. However, the proper substantive and procedural restrictions must be observed (including immediately informing other states parties via the UN Secretary-General; ensuring that the measures taken are strictly required by the exigencies of the situation, and ensuring that those measures are applied/implemented in a non-discriminatory manner). The position is similar under the European Convention on Human Rights.²⁴

Interestingly, there is no general derogation clause in the African Charter on Human and Peoples' Rights,²⁵ and so all its provisions are, on their face, non-derogable.²⁶ However, as held by the African Commission on Human and Peoples' Rights in *Media Rights Agenda v. Nigeria*, these rights are all subject to the duties to the community and the state and to the necessity of exercising such individual rights with due regard to the rights of others, as stated in Article 27(2) of the Charter.²⁷ The subjection of all the Charter's provisions to Article 27(2) may be interpreted by some as meaning that the right to life and to be free from torture may be derogated from in a very liberal manner. This approach would, however, be a wrong. For, the African Commission has held that before there can be any derogation or restriction on any right in the Charter, there must be a "legitimate state interest" in doing so; the means chosen or the measures adopted must be "strictly proportionate"; and the restriction must be "absolutely necessary".²⁸ What is more, the Commission went on to state that a limitation on a right must never render the enjoyment of that right illusory.²⁹ Importantly, for present purposes, this last situation would be the likely result for all-too-many victims of terrorist kidnapping were a total ban to be imposed on the payments of ransom to terrorist kidnappers.

IV. Applying the analytical framework - toward a third way:

In conclusion, what does the analytical human rights framework discussed above suggest overall for the adoption of measures to choke off the supply of funds to terrorists? Briefly put, it appears to suggest a focus on "third way" or middle-ground type solutions that range between a total ban on every single kind of ransom payment in every single terrorist kidnapping situation and the maintenance of the current gaping hole in international hard law regulation of the making of such payments.

Four different kinds of middle-ground measures that have a much greater chance of not violating international human rights law are suggested here, as follows:

(a) A partial ban on only state actor ransom payments

The idea here is to restrict the possible ban to only the payment of ransoms by states, while not prohibiting individuals and their families from making such payments. This will be a measured way of ensuring that the rights to life, liberty, etc, of actually kidnapped individuals are not totally impaired and rendered illusory by a total ban on any form of payments by any kind of actor. This policy position would also have the benefit of helping stem the size of the flow of funds to terrorists, since most individuals are

²⁴ See *The European Convention on Human Rights and Fundamental Freedoms*, 1950, ETS No. 5.

²⁵ See *African Charter on Human and Peoples' Rights*, 1981, (1982) 21 ILM 58.

²⁶ See *Media Rights Agenda v. Nigeria*, suit no. 105/93.

²⁷ *Ibid.*

²⁸ *Ibid.*, at paragraph 68.

²⁹ *Ibid.*, at paragraph 69.

usually less able to muster large ransom payments than most states. BY contrast, the ban that is issued in African Union Decision 256 (XIII) is *total*: the African Union “strongly condemns the payment of ransom to terrorist groups for hostages to be freed” (paragraph 7) and “requests the international community to consider the payment of ransom to terrorist groups a crime” (paragraph 8). Yet, it must be noted that although the good intentions of the African Union here are unassailable, and such total bans or near-total bans (such as non-concession policies) may have worked certain places such as Italy, they have not always worked everywhere (either because they have been declared unconstitutional as in Colombia, or they have been difficult to implement as in the USA).³⁰

(b) A partial ban that is geo-politically bounded

Such a ban, to be left in the hands of particular states and regional organizations, would only be applicable in countries, and perhaps in regions, where there is a high probability that the public interest will be seriously endangered by a failure to ban the payment of ransoms to terrorist kidnapers. Such a partial ban would distinguish between the measures that may be necessary in certain regions where terrorist kidnappings are very common and the measures that are needed where such events are not as common. Here a regional variation in the applicable international law would be allowed, i.e. a kind of regional margin of appreciation. This kind of partial ban may satisfy certain regional bodies, such as the African Union and the Arab League, two bodies which are composed of many countries that have to deal with chronically frequent and serious problems of terrorist kidnapping, and do so without unduly tying the hands of states in other regions of the world where the extant problem is not as acute.

(c) A process/structural-based solution

Because total bans and non-concession policies have not tended to work well in the past and have not appeared to attract many states, Rivka Weill has proposed a process-based solution that travels the middle course as well. She has proposed a two-step ratification process for authorizing or prohibiting ransom payments on a case-by-case basis in liberal democratic countries.³¹ Under this model, such decisions are to be made separately by the executive branch and a legislative committee that usually works in secret, but they two organs must concur before a ransom payment is made. Both organs must work in secret when making such a decision to diminish the influence of social and individual pressures on them and allow them to adequately consider the societal interest. They must each make their decision by an absolute majority in order to increase the chances of a correct and widely-supported decision being reached. They must each consult separately the heads of the security agencies. Each body must afford a hearing to both the families of the kidnapped person(s) and families in the broader community which have been affected by terrorist activity, so as to recognize the perspective of victims and the human rights dimensions of the issues. The scheme must be set down in a hard to repeal (i.e. a lightly entrenched) statute that is widely publicized, so as to signal to would be terrorist kidnapers the fact that as a result of the statutory scheme it will be very hard to concede

³⁰ See R. Weill, *supra* note 12 at 206.

³¹ *Ibid*, at 218-234.

to any ransom demand. This will serve as a disincentive to those who would engage in terrorist kidnappings in the country.

In my own view, a model UN Law or framework convention on ransom payments to terrorist kidnappers should be adopted. This model law or framework convention would either encourage, or impose a mandate on states, to enact statutes in their own domestic legal systems which have the kinds of provisions outlined above.

(d) The prevention of terrorist kidnappings as a key human rights imperative

Here, the simple point is that since without terrorist kidnappings occurring, there would not be any ransom demands or payments, local and international efforts to increase the capacity of states to prevent such kidnappings from occurring in the first place need to be ramped up as a matter of urgency and priority. In this connection the enhanced training, resourcing, and equipping of police/security officers or military troops engaged in anti-terrorism operations would serve an important human rights objective.³² Greater inter-governmental and government/NGO cooperation is needed to realize this goal, as well as to meet other objectives that might help prevent terrorist kidnappings.³³

³² See C. Gray McGlamry, “Kidnappers without Borders: A Epidemic in Need of Global Solutions” (2012) 40 Georgia Journal of International Law 807, at 829.

³³ Ibid, at 821.