

# **HOSTAGE-TAKING AS A TERRORIST STRATEGY IN INDIA : NATIONAL AND INTERNATIONAL RESPONSES**

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CERTIFICATE

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This is to certify that the M.Phil. dissertation entitled, "HOSTAGE-TAKING AS A TERRORIST STRATEGY IN INDIA : NATIONAL AND INTERNATIONAL RESPONSES" submitted by Mr. Harish Chandra Nayak in partial fulfilment for the award of degree of MASTER OF PHILOSOPHY of Jawaharlal Nehru University is his original work. This has not been published or submitted to any other university for any other purpose.

We recommend that this dissertation be placed before the examiners for evaluation.

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*DEDICATED TO*

*MY PARENTS*

## PREFACE

Terrorism is an old problem with new challenges. Through the centuries, it has been used as a political expedient in the struggle for power within and among the nations. The end of cold war does not mean the end of conflict or of history. On the contrary, with the old power structure breaking up, terrorism is on the rise and terrorists are increasingly inventing new strategies and tactics to intimidate the people and destabilize the government. Apart from mere killing, bombing, and hijacking, now-a-days, terrorists are resorting more and more to kidnapping and hostage-taking. Though hostage-taking has been a terrorist strategy by the militant outfits of Latin America and Middle East, in recent year, it became a new strategy by the different terrorist groups in India. The purpose of this study is to describe the growth and development of a particular form of kidnapping called hostage-taking and its relationship with the contemporary terrorism in India. As the victims of this strategy belong to both domestic and foreign nationals, the study also tries to emphasize the national and international aspects of this strategy. The whole analysis has been divided into five chapters.

Chapter I deals with the nature and objectives of terrorism. It also focuses briefly on the operational strategy, tactics and targets of terrorism.

Chapter II examines hostage-taking as a terrorist strategy. It  analyses the techniques of hostage negotiations and governmental policy responses to tackle the scourge of this strategy.

Chapter III describes origin, growth and development of hostage-taking as a terrorist strategy in India. Through various case studies, it tries to prove the involvement of national governments and international terrorist organizations in hostage-taking.

Chapter IV evaluates critically the national and international policy responses to hostage-taking in India.

Chapter V attempts to summarize the findings.

I'm highly obliged to My Supervisor, Dr. Sushil Kumar for his meaningful suggestions, pedantic criticisms and sustained inspirations without which this work could not have been possible.

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Though I received help from all these quarters, yet, needless to mention, the responsibility for the errors are mine alone.

Harish Chandra Nayak  
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## CONTENTS

|              |   | <b>Pages</b> |
|--------------|---|--------------|
| Chapter 1    | Terrorism : Nature, Strategy<br>and Targets                                   | 1 - 24       |
| Chapter 2    | Hostage-Taking as a Terrorist<br>Strategy : A Global Overview                 | 25 - 72      |
| Chapter 3    | Hostage-Taking in India   | 73 - 111     |
| Chapter 4    | National and International<br>Policy Responses to Hostage-<br>Taking in India | 112 - 124    |
| Chapter 5    | Conclusion  | 125 - 133    |
| Appendix A   | International Convention Against<br>the Taking of Hostages                    | 134 - 140    |
| Appendix B   | Major Hostage-Taking Cases in<br>India  | 141 - 142    |
| Bibliography |   | 143 - 149    |

## CHAPTER I

### **TERRORISM : NATURE, STRATEGY AND TARGETS**

Terrorism is one of the most menacing problems posing a serious threat to our democratic society. Both the developed and developing countries of the world are facing the scourge of this deadly menace. Although the concept of terrorism is as old as human civilization, in recent years, it poses as an important political and diplomatic challenge to the International Community. It is the systematic use of terror or unpredictable violence by the organised group or groups of individuals against government, public or individuals to attain certain political objectives. By deliberately choosing victims at random or selective basis, terrorists seek to create an environment of fear in which any one can feel at risk. Spectacular deeds like the killing of Israeli sports person at Munich, the massacre in Lord airport, hostage crisis in Lebanon, or the assassination of Rajiv Gandhi and Premadasa have served to focus attention on specific political issues.

Though terrorism is an old phenomenon, it is curious that the modern world did not give it international importance until the 1960's. Because, until the beginning of the 1960s, terrorist acts were limited to certain countries. With the development of different terrorist ideologies like Carlos Marighella's theory of Urban Terrorism and George Habash's theory of internationalization of guerrilla warfare on the one hand and modern science and technology on the

other, the concept of modern terrorism developed and it was the U.S.A and the Zionist Israel, the two self-proclaimed defenders of the 'free world' which became the main targets. Thereafter, to achieve their tactical and political objectives the terrorists cut across the national boundaries and created problems in different parts of the world. Another important point is the development of modern science and technology which enables the terrorists to change their strategie from mere killing or bombing to skyjacking, kidnapping and hostage taking. It is obvious that the militants are resorting now-a-days more and more to kidnapping and hostage-taking to achieve their political objectives.

#### **Definition of Terrorism**

The definition of terrorism is a controversial issue in all debates and discussions on terrorism because the term has come to mean many things to many people. Although the concept of terrorism is an old phenomenon, it is difficult to define it in a manner which could be widely accepted. At the international level there is no universally accepted definition. The International Encyclopedia of Social Sciences defines terrorism as :

"Terrorism is a term used to describe the method or the theory behind the method whereby an organised goup or a party seeks to achieve its avowed aims chiefly through the systematic use of violence. Terroristic acts are directed against perosns who, as individuals, agents or representatives of authority, interfere with the consumption of the objectives of such a group. The terrorist does not threaten, death or destruction as part of his programme of action, and if he is generally directed primarily not towards



winning his freedom but towards spreading a knowledge of his doctrines. Terrorism as a method is always characterised by the fact that it seeks to arouse not only the reigning government or the nation in control but also the mass of the people to a realization that constituted authority is no longer safely entrenched and unchallenged. The publicity value of the terroristic act is a cardinal point in the strategy of terrorism. Terrorism in its proper sense implies open defiance of law and is the means whereby an opposition aims to demoralise a governmental authority, to undermine its power and to initiate a revolution or counter-revolution. The moral and political justification of the terrorism of a revolutionary or counter revolutionary party proceeds from its consideration of existing government as an usurper of the people's power."<sup>1</sup>

Apart from that many international authors on terrorism have defined terrorism in various ways. Walter Laqueur states that,

"there is no universally accepted definition of the phenomenon and the definition varies depending upon one's political ideology, geographical location, international linkages, incidence of terrorist activity on one's soil and so on."<sup>2</sup>

Terrorism is the direct product of the glorification of violence. Abduction for turning individuals into hostages should be distinguished from violence and terrorism. Violence is as widespread as terrorism is but all violence is not terrorism. Eugene Victor Walters states that violence may occur without terror, but not terror without violence.<sup>3</sup> To him terrorism is a policy and process consisting of three basic elements : (i) the decision to use terrorism as a systematic weapon; (ii) the threats or acts of extra-normal violence themselves; (iii) the effects of this violence upon

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1 International Encyclopedia of Social Sciences, Vol.13-14, The Mac Millan Company on Free Press, New York, pp. 575-579.

2. Walter Laqueur, "Reflection on Terrorism", Foreign Affairs, vol.65, No.3, Fall 1986, p.-86.

3. Eugene Victor Walters, Terror and Resistance : A study of political violence, Praeger Publishers, New York, 1969, p.5.

the immediate victims.... and the wider national and international opinions.<sup>4</sup> Yonah Alexander, another noted author on terrorism defines terrorism as "the threatened or actual use of force or violence to attain a political goal through fear, coercion or intimidation."<sup>5</sup>

Some legal definitions may be cited to gauge the enormity of the definitional problem. The Central Intelligence Agency (CIA) propounded a definition of terrorism in 1980 which has been accepted by the U.S State Department. It states:

"Terrorism: The threat or use of violence for political purposes by individuals or groups, whether acting for or in opposition to established government authority, when such actions are intended to shock stun or intimidate a target group wider than the immediate victims. Terrorism has involved groups seeking to overthrow specific regimes to rectify perceived national or group grievances, or to undermining international political order as an end in itself."<sup>6</sup>

The British Prevention of Terrorism Act of 1974 again defines the problem in a broad manner. It states that, "Terrorism means the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the community in fear."<sup>7</sup>

The Indian Terrorist and Disruptive Activities

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4. Ibid. p.13.

5. Yonah Alexander, David Carlton, and Paul Wilkinson, (eds). Terrorism : Theory and Practice, Boulder, Colo : Westview Press, 1979, p.4.

6. James Adams, The Financing of Terror : How the Group That Are Terrorising the World Get the money to Do it, Simon & Schuster, New York, 1986, p.6.

7. Ibid. p.7.

(prevention) Act 1989 in sub-section (I) of section 3 reads:

"Whoever with intent to overawe the government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or fire-arms or other lethal weapons or poisons or noxious gases or otherwise of a hazardous nature in such a manner as to cause, or it is likely to cause death of, or injuries to, any person or persons or loss of, or damage to, or destruction of property or disruption of any supplies or services essential to the life of the community, or detains any person and threatens to kill or injure such persons in order to compel the governments or any other person to do or abstain from doing any act, commits a terrorist act."<sup>8</sup>

After analysing the above definition, it is much clear that terrorism is a systematic, organized method of terrorising people by an organized group for the realization of its specific objectives. The concerned group resorts to violence and terrorism plays a means for achieving its end.

Terrorism is usually carried out by small groups and directed against targets selected or random for their potential shock effect. Its purpose is to create an environment of fear and undermine confidence in the existing security system of the host country. On this ground terrorist may be categorised into two types—those essentially political and those who are plain criminals.<sup>9</sup> Plain criminals are those who adopting tactics like abduction of persons for huge ransom (kidnapping of Jennifer Guinness in Ireland for ransom demand of over \$2 million), drug trafficking to extract large amount of money. Hostage taking; placing explosives in cars,

8. TADA Act(1989) Cited in Surendra Chopra, "Terrorism : The Apex of violence - A Prolegomenon to its Causes," India Quarterly, vol.XLVII, No.4, Oct-Dec, 1991, p.87.

9. K. Subramanyam, "Terrorism : To the forefront of the stage," Strategic Analysis, vol.10, No.3, June, 1986, p.237.

stores, public places and aircrafts; killing innocent people as part of evoking political terror hijacking planes and vehicles, assassination of major political personalities etc fall under the category of political terrorism.

The affected countries generally use their respective law enforcement agencies to tackle criminal terrorism, while in the case of countering political terrorism invariably security agencies of the state are involved. Both these categories of terrorism have acquired international dimension. Sometimes criminal terrorists try to camouflage themselves behind the relative respectability of political terrorism. Political terrorism creates a climate conducive for organised criminal groups to pursue their vocation-be it smuggling, narcotics trafficking etc.

#### **Forms of Terrorism**

There is no question that distinctions can be made between terrorism and such other forms of political violence as conventional, nuclear, chemical, biological and guerrilla warfare, as well as insurgencies. It is a common but elementary mistake to equate terrorism with guerrilla warfare in general. Political terrorism in proper through the use of bombings, assassinations, kidnaps and hijacks can and does occur without benefit of guerrilla war. Historically rural guerrilla war was largely waged without resort to terrorist tactics, although today urban and rural guerrilla movements in Africa and Latin America do employ terrorism.<sup>10</sup> They are

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10. Paul Wilkinson, "Terrorism versus Liberal Democracy : The Problem of Response, "Conflict Studies," No.67, Jan 1976, p.2.

taking terrorist methods to bring to an end the system of apartheid and colonialization or the domination of the tribal, military, or other ruling elites.

Apart from that, in principle, there is an essential difference between guerrilla warfare and political terrorism. Guerrilla warfare is directed against the military and not against defenceless civilians who serve as a main target for political terrorists. The latter do not differ from criminal terrorists according to the methods used, but only by fact that they are not looking for private gain and are prepared to sacrifice their lives. Guerrilla and such other units of armed forces enter upon the road of criminal activities when they start to conduct their operations without respect for the laws of war - for instance, when their actions are directed against not only military personnels but also defenceless civilians come under their targets.<sup>11</sup>

It may be worthwhile here to differentiate between 'terrorism' and 'insurgency' for the better understanding of the implication of international terrorism. More recently, it has been reflected that 'terrorism' and 'insurgency' are of the same brand. But still there are two schools of thought.<sup>12</sup> One claiming that there is a difference between political terrorism and insurgency, the former evolving into the latter. Terrorism becomes insurgency when the terrorists are able to gain control over territory or a sizeable area of

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11. R.Khan, "Guerrilla Warfare and International Law," International Studies, Vol.9, No.2, 1967, p.114.

12. L. Randeep Singh, "New Dimension of Terrorism," Strategic Analysis, Vol.13, No.4, July 1990, pp.436-437.

safe haven in an adjoining state and establish their own state. Some scholars have termed some terroristic campaign (Tupamaro's in Latin America) as urban insurgency though it is not possible to have a such type of activity.<sup>13</sup> In any insurgency, however, the governmental structure is much larger and conforms to sections, platoons or companies. They may exist separately but come together for joint operations of the 'hit and run' variety. The terrorist, on the other hand, avoids the security forces and goes in for soft unprotected targets. Military Pundits consider insurgency as one of the forms of warfare and terrorism as one of its weapons or tactics."<sup>14</sup>

There are some other who believe that 'terrorism' and 'insurgency' have become co-terminous term. Because, they suggested that insurgency is widely used as a tool for the terrorist in the initial stage. Sabotage is one of the weapons of guerrilla warfare. Both the terrorists and insurgents resort to this technique. It is a tactic of maximum gain by minimum investment. In many cases of modern terrorist trends some sort of political motive for a political gain can be found.<sup>15</sup> Therefore, terrorism, political violence, and insurgency activity etc. became inseparable and came out to be of the same category.

There is always a grey area between the state terrorism or state-supported terrorism and state-sponsored terrorism.

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13. K. Subramanyam, n.9, p.241.

14. M.C. Pande, "Mechanics of International Terrorism," Strategic Analysis, Vol.12, No.10, Jan.1990, p.1080.

15. L. Randeep Singh, n.12, p.439.

The state terrorism is a reality and any government engaged in acts of violence or threats in order to achieve its colonial, racial or apartheid policies. State terror may include not only terrorist type acts by a government against his own population, but also government support of individual terrorist activity. state terrorism is also involved when a government supports acts of terrorism by sponsoring terrorist groups, providing them with training and financing them. For examples, state terrorism as happens to Tamils in Srilanka; in military regime like Cuba and Pakistan; apartheid regime like South Africa.<sup>16</sup> "General Zia was a 'super terrorist' who was using half a million armed troops to keep the 70 million Pakistanis as hostages. The horrible conditions prevailling in Namibia and South Africa Portray a fairly representative practice of the early colonial terrorism."<sup>17</sup>

Some people argue that totalitarian states employ similar forms of violene to induce submission from their citizans and shoud therefore also be called terroristic. If someone considers the records of Stalin and Hitler in this century, and the barbaric practices of the Mongols and others in earlier times, state terrorism has wrought a great deal of human suffering. Stalin is accused of liquidating an estimated 40 million non-conforming Russians, thus, breaking the all time record of Chang, 'the butcher of all ages' who, during his reforms of 1643-48, exterminated 38 million people in the Chinese province of Szechwan. The Germans under

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16. K. Subramanyam, n.9, p.239.

17. M.C. Pande, n.14, p.1085.

Hitler, the world's most scientific terrorist, eliminated nearly all the Jews and other undesirable Germans aggregating to a tidy figure of 6 million. Out of over 25 million Chinese believed to be killed during internal struggle upto 1949, most were the victims of the KMT or Communist sponsored ideological terrorism. Before Castro seized power in Cuba, Batista's terrorism had hacked over 11,000 cubans. A number of lives taken by the detestable 'Pol Pot' regime in Cambodia, even by conservative standards touches the 1.5 million mark."<sup>18</sup>

It is only in recent years that the world has experienced with the phenomenon of the term 'state-sponsored' terrorism. If there has been a significant development during the last decade, it is not by the state-terrorism but by the state-sponsored terrorism. It is an attempt by a country to undermine the political or social order in other country through subversive activities. State sponsored terrorism can be defined as "an act of terrorism committed by one subject of international law against other. This would cover an act of terrorism committed by: (a) a state; (b) a nation in battle for liberation;(c) an international organisation."<sup>19</sup> Hence, it is a policy of terrorism or proxy war of one state on the territory of another.

The term destabilization may be new, but the use of proxies is as old as the hills. The Chief protagonist of this

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18. Ibid. p.1086.

19. Mizanur Rahman, " Terrorism and the legal Challenge : The SAARC Response," BIISS Journal, vol.9, No.3, July 1988, p.267.



kind of terrorism between the two world wars was Mussolini, who used various Balkan terrorists to destabilize neighbouring countries like Yugoslavia. Libya is an extreme example of this type under Muammar-al-Quaddafi. Quaddafi is still only a minor troublemaker, isolated among the Arabs, disturbed and kept at distance even by those who support him at the U.N. or take his money. Syrian and Iranian sponsors of terrorism have been more discriminating in their targets and, within limits, more successful.<sup>20</sup>

Despite the fact that terrorist groups are not characteristically organised and directed by the states, they generally need the external support. Terrorist organizations can not continue to operate without freedom of movement, finance and safe havens. Hence, support is crucial to their survival. The United States State Department keeps a list of the most egregious state supporters of terrorism. As of 1992, the list included Cuba, Iran, Iraq, Libya, North Korea and Syria. It is also trying to include Pakistan into this list.

State-sponsored terrorism is also an extension of diplomacy by other means. Terrorism sponsored by Iran or Pro-Iranian factions in Lebanon and Kuwait is directed toward changing the regional balance of power and driving outside interests from the Middle East. Kidnapping and hostage-taking of French nationals, for example, were considered to be related to French support for Iraq during the Iran-Iraq war as well as to debts owned to Iran by France.<sup>21</sup>

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20. Walter Laqueur, n.2, p.89.

21. Martha Crenshaw, Terrorism and International Co-operation, Westview Press, New Yourk, 1989, p.12.

There are so many examples of such type of terrorism all over throught the world. The 1978 murder of Geoargi Markov by Bulgarian agents in London; the Rangoon bombings aimed at wiping out the entire political leadership of South Korea; the attempt on the life of the Pope; Hostage Crisis in Iran in 1979; the attack on Jordanian envoys on three continents by Syrian agents in 1983; the Kuwaiti bombings by Iranian agents; the shooting of a British police woman in the Libyan Embassy; wholesale murder of politicians including the Prime Minister of India allegedly orchestrated by Pakistan and other foreign powers; the bombings of the Vienna and Athens airports by Quaddaffi-backed agents .... the list is endless. The diplomatic objective is neither panic nor publicity but purely and simply elimination of enemies, preferably enemy leaders of another state.

A significant and growing terrorist threat to the free world is the state-sponsored terrorism. Although the use of surrogate to fight wars is nothing new but new technological innovations have made it increasingly cost-effective for nations to carry as a kind of low-intensity warfare against states.

#### **Aims and Objectives of Terrorism**

Terrorists are highly politically and ideologically motivated groups and their aim is also to represent their motivation because terrosists involve themselves in criminal activities with illegal methods without considering the fact that whether the targets and victims are national or international. By its very nature, terrorism is a ferocious

violence of humans against humans. Since the objective of this violence is to instill a sense of insecurity among the masses, the long term objective is to change the fundamental social order and overthrow the existing political system of the target state.

Sometimes this kind of violence is spread to fulfil their short term objectives in the nature of publicity; mobilising and increasing the involvement of mass support; cause the regime to over-react and alienate people, demonstrating the incapacity of the regime to maintain law and order; and the tactical objectives of eliminating opponents to their activities, informers, and to gain resources.

The primary objective of political terrorism is to publicize and magnify their cause and strength. The modern electronic media greatly play a pivotal role for the attainment of this objective. Terrorists try to attract world-wide attention and spread fear and violence because they are sentimentally involved to their cause and that is why they are not even afraid of death in the struggle. This represents a high commitment and sacrifice to their cause. William Hannary rightly said that,

"to argue that a just cause can neither justify or legitimize terrorism, does not mean that a study of its causes is irrelevant. For it may reveal that some politically motivated acts are rooted so deeply in dedication to a cause that no sanction can deter them and also in that other acts of terrorism spring from a frustration of legitimate means, causes in turn by acts of governmental repression and terrorism which it would be anomalous for an international organization

like the U.N dedicated to equal rights and justice to ignore."<sup>22</sup>

Mobilizing and increasing the involvement of support is another objective of terrorism. The show of strength and capability is presumed to mobilize adherents and urge potential sympathizers to greater militancy. In areas where two religious and ethnic groups live in spatial proximity, terroristic attacks against one group and retaliatory measures will cause polarization of the group and otherwise passive part of the population may support the movement.

However, the objectives of terroristic activity in a foreign territory away from the homeland is to influence people rather than win friends. There are objectives to show of strength and demonstrate the incapacity of the regime to protect people and maintain the law and order. The most usual reaction of the regime to terrorism has been repressive terror using extra-legal measures, liquidation of suspects, mass arrests etc. which are likely to alienate people. In terroristic circumstances the regimes usually increase security precautions for important people and installations. This reduces the amount of security forces available to protect the general public and the security measures hamper the smooth flow of ordinary life enhancing their feeling of insecurity, thus increasing terror.

Tactical objectives are combined with other short-term objectives. The objectives are generally to eliminate the opponents and gain material resources through various

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22. William A. Hannary, "International Terrorism, The need for a fresh Perspective," International Law, Vol.8, 1974, p.279.

strategies and tactics. This applies especially to assassination, kidnapping, hijacking, and hostage-taking in which demands for ransom are coupled with demands for release of prisoners.

The strategy of terrorism is however, more effective when applied to the realization of some specific tactical objectives. Brian M. Jenkins has pointed out six specific objectives of terrorism.<sup>23</sup>

First, terrorism generally aims at getting specific concessions like the payment of ransoms, the release of their comrades, and publication of terrorist message. To achieve these goals they use the tool of violence to create a horrible atmosphere in which they can sort out their problem.

Secondly, terrorists aim at changing public behaviour or attention and gaining more and more publicity which recognises them and to achieve these goals they apply all possible means like kidnapping, hostage-taking, bombing, mass-killings and spreading of violence.

Thirdly, terrorists may aim at disorder and demoralization prevailing in a particular society and changing it to prove themselves as an agent of desirable social change which indicate the revolutionary nature. Terrorists generally oppose the existing social norms and rules as an intolerable order.

Fourthly, terrorism also aims at deliberately provoking repression, reprisals and counter-terrorism which lead to -----

23. Brian M. Jenkins, International Terrorism : A new mode of Conflict, Crescent Publications, Los Angeles, Colifornia, 1975, p.3.

overthrowing of an unpopular government. This is generally against the government, law, and security system.

Fifthly, terrorists declare their victims as nasty, brutish and guilty. In this context they are highly ideologically motivated because they think whatever they are doing is right and necessary to create a just order. Sometimes these victims are chosen because of their particular life style and sometimes against a particular economic and social system. In this way terrorist always try to persuade other countries to persuade their adversary into a settlement favourable to the terrorist's cause and that is because it is in their own interests to put an end to the terrorist violence.

Sixthly, the purpose of state or official terrorism (what is frequently called institutionalised violence) is to enforce obedience and cooperation, but extremists themselves also imply institutionalised violence against their own fellowmen to ensure discipline and loyalty. This kind of activities depend upon the creation of an atmosphere of fear. Therefore, they use extreme and ruthlessly destructive methods.

#### **Strategy, Tactics and Targets**

Terrorism can also be seen in a strategic context. Each group must choose a mix of specific terrorist operations that collectively are deemed the most advantageous in terms of effectiveness. The mix could be called the terrorist strategy of that particular group, and the operations seen as tactics in that strategy.

Strategy of terrorism has mostly been employed by those who have been otherwise weak. The terrorist activities have been planned in such a way as to require less force but to produce maximum result. Both strategy and tactic are intertwined and almost inseparable because the line of demarcation between them is very thin. Nevertheless, the strategy of international terrorism is the aims and objectives of an organization for the achievement of which it employs international terrorism. The tactics of international terrorism may be the methods and techniques of terrorists to achieve their specific aims and objectives.<sup>24</sup>

Operational terrorist tactics include almost any violent act that intimidates non-combatants. The most common tactics of terrorism are armed attacks including bombing, arson, assassination, and physical injury; hijacking; and kidnapping including hostage-taking. Targets can be individuals, property or both. Terrorism strikes at two different kinds of targets - 'hard targets' and 'soft targets'.<sup>25</sup> The latter must be less effective than the former. A terrorist organization which has such aim to random attack uses soft target. For example, bombing or killing in schools, railway stations, buses or any public place. If a terrorist organization which has such aim to selective attacks like hijacking, kidnapping or hostage-taking

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24. Nand Kishore, International Terrorism : A new kind of conflict (A study of Strategy and Tactics), S. Chand & Co., New Delhi, 1989, p.49.

25. J. Teichman, " How to define Terrorism," Philosophy, Vol.64, No.247, 1989, p.516.

generally uses hard target. On the whole 'soft' target is non-military target where as 'hard' target is quasi-military target i.e., victim may be surrounded by the security forces for self-defence.

Terrorists employ armed attacks for various reasons. They may be seeking to create a sense of fear among the people either to alienate them from the government or to make them lose faith in the government's ability to protect them. They may be seeking to undermine the national economy by destroying the government apparatus, discouraging foreign investments, and dissuading foreign tourists from visiting the country. The terrorists may be seeking to provoke harsh government reprisals to gain the sympathy of the population, or they may simply be seeking to create an international incident to publicize their political cause.

Armed attacks mainly in the forms of bombing, arson, assassination, physical injury and sabotage. Bombing involves the attempt, whether successful or unsuccessful to explode a device that will cause some amount of damage. Timing mechanisms are usually employed and the incident is not considered part of a general armed assault. Sabotage entails the attempted damage of facilities by means of other than explosives or incendiary devices. It is deliberate destruction of machines, railway lines, bridges etc. by terrorist groups. Assassination involves the attempt to kill a specific individual for political purpose. Generally specific attacks are planned for a combination of reasons. Assassinations of Indira Gandhi, Rajiv Gandhi, and Premadasa



are some of the noted examples of this tactic.

Hijacking has been used as another tactic by the terrorist groups in recent years. Hijacking can involve any public conveyance but most often involves airliners. surface transportation (buses and trains) also provides easier targets for the terrorists. In 1975 and 1977, South Moluccau terrorists (an Indonesian separatist group) hijacked two Dutch trains to publicize their cause and demanded freedom of jailed colleagues. In the 1960s and 1970s airline hijacking became popular for people seeking asylum, avoiding real or imagined persecution, or who are simply seeking publicity. In the late 1960s the PLO's terrorist attacks against international civil aviation gave a unique impetus to international terrorism. On 22nd July 1968 an EIAL 707 flying from Rome to Tel Aviv hijacked by PLO hijackers (PFLP) to Algiers, where the Israelis on board were imprisoned for two months. The spectacular hijacking of the Italian cruise ship 'Achille Lauro' in October 1985 reaped tremendous publicity, which was the main purpose of the hijackers.<sup>26</sup> Till 1992, there have been more than 100 hijacking incidents taken place over the world.

Creating a hostage situation is a significant technique of international terrorism and has been fairly popular among the various terrorist groups now-a days. The situation in which a person or group of persons captured by terrorists and held as hostage(s) has been termed as 'hostage-situation'. A

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26. David E. Long; The Anatomy of Terrorism, Free Press (Macmillan), New York, 1990, p.125.

hostage may be a person who is forcibly held as a 'pledge' and for whose release, fulfilment of certain demands is made. Demands are generally in the nature of release of fellow terrorists held by the host government, safe passage, huge ransom, and worldwide publicity. The kidnapping of the Americans and the Europeans in Lebanon in the mid 1980s by Hezbollah's Imad Mughniya was primarily aimed at trading the victims for Lebanese and Iraqis imprisoned in Kuwait.

Terrorist associated with kidnapping and hostage taking may also involve purely in criminal activities. It is thought that many of those kidnapped in Lebanon were actually taken by professional criminals. Hostage may also be taken to avoid capture in an armed attack or a robbery attempt. The distinction is more important to the counter terrorist than to the terrorist because of special measures required in dealing with hostage barricade situation. Ancilliary terrorist tactics aimed at extracting financial rewards include extortion, blackmail, and ransom. They can be conducted in conjunction with kidnapping or hijacking, or with a threat of bodily harm. Those terrorists who are involved in hostage taking usually exploit the communication media to assure maximum publicity.<sup>27</sup>

Victims of terrorist activities are generally defenceless persons of the host country and foreign nations. The terrorist murders, miams, kidnaps, hijacks, torturcs, bombs and menaces the innocent without the justification of militay tasks. The types of victims are in the nature of the

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27. Ibid. p.126.

government officials, defenceless civilians, politicians or/and relatives of renowned politicians, tourists, foreign officials working in the host country, and foreign diplomats.

Since the late 1960s, when international terrorism assumed renewed importance, attacks on diplomats and diplomatic facilities have progressively increased. According to U.S State Department, between January 1968 and April 1983 diplomats of about 113 states have either been attacked, or threatened with attack by terrorists of more than 100 groups in 130 countries. As estimated in 1985, over 400 diplomats including 23 ambassadors have been killed by terrorists over last 15 years and about 900 diplomats wounded.<sup>28</sup> Hostage crisis at Turkish Consulates in Munich and Marscille on 25 June, 1993 was a recent example of this type of tactic.

Several factors may influence the choice of operational strategy. The most important factors are the operational environment including physical, political, security, economic factors, and organizational strengths and weaknesses of a particular group.<sup>29</sup>

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The operational environment is the field upon which the terrorist plays his game. The physical environment has to do with geographic and demographic conditions in the area in which the particular group is operating. The political environment largely refers to the degree of political stability present in the area of operations. In countries

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28. R.G. Sawhney, "Democratic States and the Scourge of Terrorism," Strategic Analysis, Vol.10, No.2, May 1986, p.131.

29. David E. Long, n.26, p.127.



with visible instability, terrorist tactics are largely used in support of a broader insurgent effort. That is why terrorists are active in their operational tactics in developing countries when political instability is a perennial problem. In Western Europe and North America, on the other hand, where there is a high degree of political stability, terrorist tactics are generally carried out independently in the absence of any insurgency.

The degree of ethnic solidarity is also an important factor contributing to operational strategy of terrorism. The most radical Palestinian terrorist, for example, can not ignore an overall Palestinian consensus for a negotiated peace settlement, no matter how committed he or she is to armed struggle. Action Directe, on the otherhand, can ignore the fact that the vast majority of fellow ethnic Frenchmen oppose its ideology, aims and tactics.

Like ethnic solidarity, security is always plays a pivotal role for terrorist strategy. In countries with efective security services, elaborate precautions must constantly be taken by the terrorist to avoid detection and arrest. That would tend to rule out large, concerted terrorist campaigns and suggest, instead, either carefully planned attacks that take months or even years to plan or random attack, which are less effective psychologically but also hard to detect in advance.

Another way to link the attack to political events is to seek government reprisals for one attack while already

planning an attack to be made "in response" to the reprisal. If a group needs to make a prompt response to some political situation, however, and has little or no lead time, it may have to settle for a less sophisticated approach. It may plan multiple attacks to make sure that at least one succeeds. For example, the Libyan terrorist campaign against the U.S targets in April 1986 in response to the U.S bombing raid on terrorist camps.<sup>30</sup>

From the terrorist's point of view, economic condition of the group also plays a vital role for operational strategy. The need to raise money directly influence terrorist tactics. Bank robbing or kidnapping for huge ransom has been a significant source to increase the economic condition of terrorist group in Colombia, for example, and narco-terrorism, i.e, drug trafficking is becoming an important tactic for both Colombia and Peru. In countries where public security is more effective, groups must resort to other means to raise money.

The choice of tactics and their effectiveness are also greatly influenced by the organizational strengths and weaknesses of the particular terrorist group. Some terrorist groups are numerically small and some are big like PLO and LTTE. Organizational strengths and weaknesses generally are not attributed to organizational structure. Quality of leadership is also essential. Successful groups also require managerial and technical skills that are vital in covert operations.

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30. Ibid. p.129.

After analysing terrorist operational tactics, strategies and the conditions to choose tactics, one can draw the rationality with which most terrorist groups decide their operational priorities. Their ultimate aim is the psychological intimidation of the government authorities, as well as the political constituencies of those authorities. They use the violent methods to achieve this goal. The victim is seldom the ultimate target, it is just a means to create a fear psychosis among the population and to destabilise the political system.

## CHAPTER II

### HOSTAGE-TAKING AS A TERRORIST STRATEGY A GLOBAL OVERVIEW.

Hostage-taking for political and strategic gains as a terrorist strategy became one of the most dramatic and crucial form of contemporary terrorism. Now a days it creates a severe disruption to the normal condition of national political order and international relations. Almost all the developed and developing countries over the world are now facing the scourge of this terrorist strategy.

'Hostage' is someone who is taken prisoner by an individual or an organization and is threatened with injury or death unless people do what that organization or person demands. In simple, hostage(s) would be killed if the demands are not fulfilled. Hostage-taker is 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 judicial person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of hostage commits the offence of taking of hostages.<sup>1</sup> On the other hand, terrorists seize hostages because they want to draw attention to themselves. They believe that in holding a human life, their power is increased. Their extortion, whether political or financial,

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1. Article 1(i) of the international convention against the taking of Hostages, See International Legal Materials, Vol. 18, No. 1, 1979, p. 1457.

is more likely to be successful. Individual targets are generally selected for their symbolic value.

Kidnapping as an act of illegally holding one or more persons captive in a secret or otherwise hidden or unknown place. The political form of kidnapping is hostage-taking. Although the techniques may appear identical, they are significant differences between kidnapping for ransom money and politically motivated kidnapping. The motivation of the political kidnapper is likely to be less single and obvious than that of kidnapers seeking to exchange of victims for money only. Some political kidnappings are carried out for the purpose of seizing hostages for possible exchange to secure the release of fellow prisoners held by domestic or foreign governments. Other kidnappings are perpetrated for their symbolic value as a means of demonstrating the strength of the terrorist organizations and the impotence of political authorities. Any of these politically motivated kidnapping may be perpetrated with the objective of securing maximum coverage by the media.<sup>2</sup> Hence, the most important distinction between simple kidnapping and hostage taking is the question of publicity.

Political hostage takings were mainly occurred in France and Germany. But the highest rate of politically motivated kidnapping occurred in Spain and Italy. In Spain the majority kidnappings have been carried out by the ETA, a Basque Separatist organisation. In Italy two most important

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2. Harold J. Vetter and Garry R. Perlstein, Perspectives on Terrorism, Brooks/Cole, California, 1990, P. 132.



political kidnapping were Aldo Moro and General James Zoizier by Red Brigades. Aldo Moro was a symbol of Italian government and James Zoizier was a NATO commander of allied forces. In Middle East, most of the political kidnappings have occurred in Lebanon by Shia extremists such as the Islamic Jihad and Hezbollah. The targets are mostly the American, French, British, and Soviet citizens. In India, such type of kidnappings are carried out by Khalistan Liberation Force of Punjab, JKLF and its faction in Jammu and Kashmir, and ULFA in Assam.

### **Historical Development**

The practice of taking hostage is a crime as old as civilization. In the past, individuals used to be abducted or kidnapped, mainly for ransom only. There were no hostage takings, but hostages were given to other party or group on a guarantee that the party or group to whom the hostage belonged would fulfill the promises agreed upon. Thus, hostage was not taken but given. This given hostage was normally a prince or nobleman or such type of dignitaries like the Pope. The practice of hostage-giving was very well known in Europe and was accepted as a legal and political tool. This accepted legal practice in Europe was transported and introduced into the Middle East through the crusaders latter.<sup>3</sup>

After the fall of the Roman Empire, Europe metamorphosed politically and socially. Power became de-

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3. Walid Amin Ruwayla, Terrorism and Hostage-taking in the Middle East, Trimestre, 1991, p. 334.

centralized and followed by feudalism. This political structure had a place for hostages. By the late eighteenth century, this political structure began to change, as nationalism began to replace feudalism. As the nation-state increased in influence, the voluntary exchange of political hostages became less common, and finally disappeared altogether as a factor in international relations.<sup>4</sup>

However, in the late 20th Century, the international political scenerio is changing once again. The nation-state is being challenged by international forces seeking to shape political events. The growth of international organisations, regional organizations, special interest groups, and rise of international terrorism as a major influence in world affairs have all contributed to erosion and undermining nation-state. As a concomitant development, the incidence of political hostage-taking has increased.

The modern version of hostage taking, as practised by different terrorist groups now-a-days, is a logical extention of political developments and represents the latest stage of a continuing phenomenon. Hostage-taking as practised in the modern time, first used by the western terrorist groups mainly in the British and France. The aims and objectives of this new method were and are, to obtain political concessions and/or to attain political goals.

The roots of political hostage-taking in the modern

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4. Norman Antokol and Mayer Nudell, No One a Neutral: Political Hostage-Taking in the Modern World, Alpha Publications, Ohio, 1990, p. 26.

world can be traced back to the theory propounded by Brazilian revolutionary Carlos Marighella in his work entitled '*minimanual of the Urban Guerrilla*' in the late 1960s, which became the bible of the Tupamoros, Mantoneros and other groups. For a time in the late 1960s and early 1970s, these Latin American groups held center stage, as they threatened to destabilize Argentina, Uruguay and other South American countries. Marighella and his disciples realised that the taking of hostages would reap even greater returns than mere bombing or murder alone. It would contribute to the accomplishment of all the goals and objectives. Hostages could be exchanged for terrorists who previously had been imprisoned - usually referred to as "political prisoners" or revolutionary comrades" in the tortured argot of the terrorist. They could be used to raise ransom money and thereby further the financing of the terrorists objectives. And because political kidnappings or hostage incidents are on going situations full of inherent threat and drama, they would provide an almost unparalleled source of publicity for the group responsible.<sup>5</sup>

Following the teaching of Carlos Marighella, the Feddayeen then attempted a campaign of urban terrorism based in Gaza in 1968 and 1969. Unlike the pattern in Latin America, however, this effort did not meet with much success. So George Habash; leader of the Popular Front for the Liberation of Palestine (PFLP) developed the idea of international terrorism. Modifying Marighella's terrorist

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5. Ibid., p.39.

tactic of hostage-taking and other type of assaults, Habbash and the PFLP institutionalised airplane hijacking as a political tool. Habbash's theory had two important elements: (i) nearly anything or any one could be target; and (ii) any revolutionary or terrorist group could be enlisted for action in anyone else's cause. Habbash's idea essentially was to take the battle beyond the arena of Israel or the West Bank and to internationalise it. Operations were to be carried out against the forces of imperialism and reaction as part of the world-wide revolutionary struggle. Israel was still to be the main target, but the battle ground was the entire world. This strategy was largely born of necessity, of course, but it also incorporated elements of the prevailing anti-imperialism of the day.<sup>6</sup>

Hence, both the above theories have contributed to the sudden increase of hostage-taking since the 1960s. Both of these movements in the Middle East and the Latin America have a common thread, however, the quest of publicity. Beyond the operational goal of prisoners release or to gain huge amount of ransom, the aim of both always to capture or hold hostages for the public consciousness.

Yet another variation of the hostage-taking has replaced it. As the palestinian cause achieved its goal of worldwide attention, another Middle Eastern group - the Shiites - have arrived on the scene, especially in Lebanon. Having as one goal the elimination of western influence in the Middle East, the Shiites discovered that they could

6. Ibid., p. 57.

attract attention and bring enormous pressure on western governments by taking captives and secreting them. The worst of this is that the tactic has a religious foundation and blessing, as Shiite leaders such as the late Ayatollah Khomeini of Iran and Sheik Mohammad Fadlallah, leader of the Hezbollah party in Lebanon, sanction such action.<sup>7</sup>

The re-introduction of hostage-taking into international political affairs is not an isolated phenomenon, even if its use is principally a Middle Eastern and Latin American tactic. It also equally disturbing trend in the modern world. Today's hostage-taking reflects the convergence of political criminality with the decline of the nation-state as a dominant political factor.

#### **Nature of Hostage-Taker**

As already indicated earlier that neither all terrorist groups aspire to the same goals and objectives nor they are driven by the same motives. They cannot, therefore, be assumed to have engaged in hostage-taking for the same reason nor, for that matter, can they be expected to respond in the same way. It has been suggested that such differences "may be due to the group's ideology, the availability of targets, regional cultures of violence, societal norms, group strength in terms of firepower, logistics and manpower, public support for the groups, security systems of the potential targets and the preferences of the group's leaders."<sup>8</sup> Some groups, such as the Harkis or the Group of Martyr, are either not overly

7. Ibid. p. 165.

8. Edward F. Mickolous, "Negotiating for Hostages: A Policy Dilemma", Orbis, Vol. 19, No. 4, Winter 1976, p. 138.

politicized or have an nuclear, even confused ideology. Other groups, such as JRA or Italy's NAP (Nuclei Armati Proletari), are anarchist or marxist while still others, such as the Fuerza Nueva of Italy or the Croats' Ustachi, are right wing. Some groups are less doctrinaire and change their political orientations according to the dictates of the moment. The provisional Irish Republican Army (PIRA) only adopted a left-wing stance when it became apparent their sources of arms from the U.S were drying up and they would have to turn to other group for re-supply.

The tactical and strategic objectives of the groups engaged in political hostage-taking also vary considerably. The Palestine Liberation Organization (PLO) on the one hand engaged in a struggle for national liberation, while at the other hand, the fighters for the defence of Israel seem to exist only to combat their ideological rivals. The structural size of groups also varies, from the Red Brigades of Italy with as identified active membership of over 1,2000 to Black December, whose sole membership consisted of the three hostage-takers involved in the seige of the Indian High Commissioner in London in 1973.<sup>9</sup> Even the sociological composition of groups is dissimilar and ranges from 2nd June Movement where over 65 percent of the membership were from the middle class to the PIRA whose membership is predominantly from the working class.<sup>10</sup>

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9. The International Herald Tribune (Paris), 27th Feb. 1983.

10. Charles A. Russell and Bowman H. Miller, "Profile of a Terrorist", Terrorism: An International Journal, Vol. 1, No. 1, 1977, p. 26.

It can be stated that different terrorist groups have different norms and standards of behaviour which will serve as a model for future behaviour, especially during similar operations. However, it can be assumed that their behaviour will be governed by the same fundamental principles and processes which apply to all social interactions. Indeed, it has been noted that the terrorist's cause is the sine qua non of his actions; except for his belief in the cause he would be in all respects rational. Therefore, findings from the study of similar small groups under similar conditions of external danger would be equally valid. These behaviour will almost certainly be adhered to by the members of the group if they wish to retain their membership in it. If the group or a faction within the group has engaged in hostage-taking before, their behaviour and conduct in, for instance, releasing women and children or sick hostages, is more likely to be replicated by other members of the same faction in the future once that particular norms has been established.<sup>11</sup>

Another aspect of the nature of the hostage-taker is to establish inter-group linkage. In international level, many terrorist groups have their secret relationship with others to achieve their goals. The result is a coalition of terrorist organizations, each with their own particular grievances and target, but willing to come together for the furtherance of 'world revolution'. The groups have such linkages are the West German Baader-Meinhaf gang (Red Army

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11. Clive C. Aston, " Political Hostage -Taking in Western Europe", Conflict Studies, No. 157, 1984, p. 3.

Faction), the Japanese Red Army (JRA), several Turkish and Latin American terrorist organisations. These groups help each other out with money, training, weapons and documents.<sup>12</sup>

#### **Typologies of Hostage-Takers:**

Typologies represent an attempt to find out unity in diversity by classifying objects and events according to perceived similarities. Social scientists recognise the limitations and risks of creating typologies, but they view such classification schemes as useful analytical tools. In the case of typologies of hostage-takers, they serve the important pragmatic propose of preparing and formulating possible negotiating responses to various kinds of hostage-takers and hostage situations. Typologies can also aid in planning counterterrorist strategies.

There have been several attempts by researchers to develop typologies of hostage takers. Among them, Goldaber has developed a sophisticated and detailed typology that includes nine categories as shown in the table.<sup>13</sup> At first, he divides the catagories into three types of hostage-takers - psychological, criminal, and political. In each category, he describes the goals, motivations and character of the hostage-takers. He also suggests some authoritative responses to deal with each type of hostage-taker.

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12. Norman Antokal and Mayer Nudell, n. 4. p. 58.

13. Goldaber. I, " A Typology of Hostage-Takers", Police Chief, 6th June, 1979, pp. 21-22, cited in Harold J. Vetter and G.R. Perlstein, Perspectives on Terrorism, Brooks/Cole Publishing Company, California, 1991, pp. 136-139.





### Psychological :-

Generally, the suicidal personalities, the vengeance seekers and the disturbed individuals come under the psychological type of hostage-taker.

The suicidal personality is an individual who is caught in a crisis life-style, for whom the only resolution of the crisis is ending his life. Unable to destroy himself, he creates a situation of threat in which the police officers responding to his actions are compelled to do it for him. This type of individual is not likely to react to reason and therefore must be regarded as extremely dangerous.

Time is on the side of the vengeance seeker, who is compulsively driven by his single purpose. This individual makes no distinction between those he believes have done him harm and innocent people trapped in his retribution scenario. His adversaries may be real or imaginary, and he is capable of holding hostages.

The disturbed individual may be someone who is emotionally upset over a particular situation or a person with a serious personality disorder. Either type of individual is likely to engage in hostage-taking that is often improvised and always illogical. Police officers and administrators must be able to know from the hostage-takers behaviour whether they are dealing with momentary frustration or psychiatric disorder.

Criminal:- The cornered perpetrator is considered the commonest type of criminal hostage-taker like a bank robber. He tries to take hostages as an escape bid. In this kind of

situation, as in the case of Stockholm Syndrome, there is the possibility of a relationship developing between the perpetrator and the hostages that predisposes the hostage-taker to deal with a negotiator who offers him an acceptable way out of his predicament.

The aggrieved inmate is seen as extremely dangerous. As someone who is already incarcerated, he is comfortable in an adversarial relationship with law enforcement agents. In addition, he is familiar with his surroundings and his opponents, and he is capable of organizing other inmates in support of his plan.

The felonious extortionist has a cold-blooded, methodical approach to hostage-taking. He is aware of this kind of things that can go wrong with his scheme and prepares himself to deal with these eventualities. Above all, he sees himself as a player for high stakes. He is capable of being bold, daring, and decisive in his actions.

Political:- Political hostage-takers are different from the above two types of hostage takers in terms of ideology, strategy and objectives. The political hostage-takers are ideologically motivated to their cause and try to change the social order and destabilise the political system of the target state to achieve the narrow political objectives.

The social protester is apt to be youthful, idealistic, and committed to a cause. The protester's actions usually involve group support from people who share his or her values and aspirations. Although social protesters can be difficult

to handle, they perceive matters realistically and are susceptible to rational appeals and approaches.

The ideological zealot is a person who trades freedom for security of mind and considers it a fair exchange. To this type of individual, simple solutions to the complexities of life become irresistible. Anyone who fails to become a fellow convert risks being viewed as an enemy. Ideological zealots who engage in hostage-taking can become ruthless adversaries, because they can find personal validity only in serving their cause.

The terrorist extremist appears with increasing frequency around the world. People of this kind are trained and disciplined, and they see themselves as soldiers fighting a war in which they can give no quarter. They are ideologically motivated to their cause and take the hostages to pressurise the government to fulfil their demands. The demands are in the nature of safe passage, freedom of fellow prisoners, huge ransom, and publicity. If terrorist extremists seize hostages, any approach to negotiation must be directed toward the top leaders of their organization or group.

The law enforcement response to these various hostage-takers is directed, first and foremost, by the necessity to limit possibilities for further violence. The psychological type of hostage-takers like suicide-prone individuals and the distraught or disturbed individuals must be calmed and seized. To tackle the criminal and political hostage-takers, negotiation must be employed.

## **Nature of Hostage-Taking/Types of Seizure**

As suggested earlier that all the terrorist don't have same goals or objectives. Therefore, not all incidents take place for the same reason. They have also separate methods to take hostages. According to Clive C. Aston, there are two types of seizure commonly used by the terrorists : Planned and Unplanned.<sup>14</sup>

1. Unplanned: This type of hostage-taking can be further divided into various possible types of incidents:

(a). Spontaneous : Incidents can occur spontaneously during the heat of the moment when emotions or passions have been raised to a Feror-Pitch for some reasons. Such incidents most closely resemble those initiated by a "frightened man on a binge." The terrorists are in this case unlikely to have engaged in any preplanning or made any preparation or even much thought to the consequences of their act. They will be trapped into unfamiliar role behaviour by the situation for which they are unlikely to be psychologically prepared. They may, therefore, act in the manner they feel, they are supposed to or in the manner the media have shown others to have acted in the past.

(b) Kidnap/Seige:- This will occur when the responding authorities locate the hideout where a kindap victim is being held and physically surround it. A further variation is where a seige occurs after an attempted kidnapping when, for example, the police respond too quickly, for the terrorists to escape or when the terrorists are delayed by their victim

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14. Clive. C. Aston, n.11, p. 8-11.

for long enough for the police to arrive. This occurred during the attempted kidnapping at the Yugoslav Embassy in Stockholm by the Ustachi in 1971.

In such circumstances again, the terrorists will be forced into a situation for which they are unlikely to be psychologically prepared. A certain mental disorientation will develop once they lose the initiative they would normally possess during kidnapping. They will also lose their own freedom of movement and apparent invisibility and will no longer feel invincible. Consequently, feelings of frustration will set in and they will become angry and more aggressive toward the police on the outside whom they will see as the source of their frustration. Potentially, this frustration could be displaced on to the hostages with dire results.

(c) Hostage taken in an escape bid :- When another form of attack is frustrated or interrupted or when suspected terrorists are about to be arrested, hostages may be seized in an escape bid. In many ways, this form of seizure closely resembles with those conducted by an "escaping felon". The terrorists can also be described as "caught in an-unplanned situation..." confused, frightened and being forced to make snap decision in a crisis without the opportunity to assess the situation realistically.

2. Planned:- In incidents which have been planned, the terrorists will have taken as much time as they will have needed to ensure the operations success. Not much will have been left to chance. The terrorists are unlikely to implement the final plan unless they are relatively confident they will

survive and their demands will be met. The leader in particular will need to ensure the plan succeeds if he is to retain his position within the group's hierarchy. A leader whose plans constantly fail is unlikely to stay leader for long. The group will want the plan to succeed to bolster their own morale. As George Habash, leader of PFLP has conceded, "you should see how my people react to a successful operation - spirits shoot sky - high". The group is therefore likely to be fully prepared psychologically and well equipped logistically, such preparedness may take many forms. For example, during the 1973 Chopin Express seige, one of the terrorists told to police, "I have got plenty of pills... I can stand it forever". Groups are also quite capable of basing their preparations on the often detailed and readily available academic articles and conference papers on various aspects of host government's contingency plans, such as the psychological dynamics of hostage negotiations. This was clearly intimated on fact during the 1975 OPEC seige when Carlos told Riyadh al-Azzami, the Iraqi charge d' Affaires who acted as mediator, "tell Kreisky... I know all the tricks".

However, not all incidents have been conducted with the same degree of professionalism. During some incidents the terrorists have conducted themselves with almost military precision and discipline. The terrorists guarding Aldo Moro after his kidnapping in 1978 were regularly replaced to prevent fatigue and boredom setting in. During other

incidents, such as the Black September seize of the Indian High Commissioner in 1973, there appears to have been only slightly more planning than for an incident which occurs spontaneously.

With the discrepancies as great as these, it is hard to provide any guidelines as how the terrorists are likely to conduct themselves. However, in general terms, they are likely to be more organised, more professional, more calculative and initially at least, more adamant in their demands.

### **Types of Hostages**

As the term terrorism was added to contemporary political lexicon, greater numbers of people found themselves as potential targets. The ranks of political hostages/victims began to include not only the nationals of the host country but also the foreign nationals and international protected persons. Clive C. Aston has classified the hostages into citizens of the host government and foreign nationals and then further divided into civilians, politicians/symbolic leaders and finally foreign dignitaries.<sup>15</sup>

1. Civilian Citizens of host government :- The greatest internal dangers posed by terrorism to the host country are the weakening of national security and the erosion of rule of law. More prolonged or widespread terrorist campaigns may succeed in blackmailing governments into making major concessions to terrorist demands. Failure may lead to a loss of confidence in the government by its civilians and may result in the withdrawal of their support and precipitate an

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15. Ibid., p. 12.



early election. Indeed, it has been noted that "if the terrorists weapon can be shown to pay off against a particular government then that government and its political moderates will find their powers and authority undermined."<sup>16</sup>

Generally government officials (both public sectors and private sectors), businessmen, journalists, mediamen, relatives of the politicians or ministers and such types of dignitaries come under this category. They hold this type of hostages to pressurise the government for ransom or prisoners release. The main motive is to undermine the government, their policy and security apparatus.

2. Politicians/symbolic leaders of host government :- These are another type of victims/hostages to pressurise the host government and policy-makers. A government's obligation is to protect its civilians naturally extend to include its politicians and various symbolic leaders. In fact, this obligation can be assumed to be of a greater importance solely because of the symbolism involved. In the United Kingdom, for example, royalty and some senior cabinet Ministers, such as Defence and Northern Ireland, are routinely guarded by specially assigned armed police regardless of any specific threat against them. Other politicians and, for that matter, any civilians must be accorded the same level of protection if their names are found on a terrorist's list as potential targets.

3. Civilians of foreign government :- In the contemporary

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16. Paul Wilkinson, "Terrorism versus Liberal Democracy : The Problem of Response", Conflict Studies., No. 67, Jan. 1976, p. 11.

international relations, terrorists generally taking foreign civilians who are working in host country or any other purposes as hostages to get international attention. The main purposes are publicity and to effect the foreign policy. Foreign officials working in public sectors or private sectors, tourists, journalists, crewmen(T.V.), and such types of civilians come under this category.

Different terrorist groups have different targets to take foreign nationals as hostage. In the Middle East, Lebanon's Hezbollah, Islamic Jihad group, PLO, and PFLP (GC & SC), are mainly associated with the hostage-taking of foreign nationals. The victims belong to the nationals of the U.S.A, France, Italy, Germany, Israel, Kuwait, and the Arab World. For example, on 19 July 1982, David Dodge, an American National was working as Rector in American University at Beirut kidnapped by Islamic Jihad and subsequently released on 21 July 1982. Jean-Paul Kauffman, a french journalist was also kidnapped by the same Islamic Jihad at Beirut on May 1985 and he was released after one year of captivity. A French T.V cameraman, Jean Huey Normandin was also kidnapped by Islamic Jihad in March 1986.<sup>17</sup>

4. Foreign dignitaries :- Foreign dignitaries including diplomats, consulate generals, foreign heads of the states/governments and personnels of inter-governmental organizations come under this category. The duty of the host government is to provide protection to foreign

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17. David. E. Long, The Anatomy of Terrorism, free press (Mac millon), New York, 1990, p.183.

dignitaries which is codified under international law.

International terrorism has been characterized most notably by attacks on diplomats and diplomatic facilities. The seizure of diplomatic personnels as hostages mainly in order to bargain with their governments or with the host government. In the 1970s it was a fashionable tactic in Latin American countries by the terrorist groups like Tupamaros of Uruguay or Carlos Marighella's Brazilian Action for National Liberation.<sup>18</sup> Their demands usually include the release of prisoners, the payment of a monetary ransom, or the publication of a communication. The inherent drama of hostage seizures, particularly barricade incidents, such as the takeover of the Dominican Republic Embassy in Colombia or the Saudi Arabian Embassy in Khartoum, as well as the concern of governments for their citizens and for their international reputations exacerbate the issue of whether or not concessions should be made to terrorist demands. The current situation in Lebanon has highlighted this policy dilemma.

Besides a number of countries notably Israel, Libya, and Iran, not only support these attacks but have resorted to similar tactics as a means of expanding their foreign policy options and conducting a surrogate warfare against their opponents. According to the U.S state department, between 1968 and 1983, diplomats about 113 states have been attacked or threatened with attack by the terrorists of more than 100

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18. Martha Crenshaw, Terrorism and Internation Cooperation, Westview press, New York, 1989, p.13.

groups in 130 countries.<sup>19</sup> The growing trend of embassy attacks, diplomatic kidnappings (diplonappings) is not merely a violation of traditional diplomatic immunities and privileges, it is an attack on the foundation of diplomatic reciprocity and a potential threat to normal diplomatic and economic relations.

The final category includes the Secretary-General and the officials of the secretariat of the various international and intergovernmental organizations. The permanent representatives of the member countries of the UN are naturally accorded the same privileges and immunities enjoyed by other diplomatic agents and are therefore inviolable.

A host government, then, is under a very special obligation to protect these above individuals. Failure to do so could, at the very least, lead to international condemnation and censure. However, major purpose of any terrorist groups is to harm the relations between the countries in the hope of discrediting the Government.

#### **HOSTAGE NEGOTIATION**

Hostage negotiation to release the hostages is a unique and complex communicative phenomenon that is characterized by heightened emotionality, equivocal rules of interaction, and restricted contextual parameters. It is a communicative and tactical relationship between hostage-takers on the one hand, and government authorities on the other. In conducting negotiation with terrorists holding hostages, the main

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19. R. G. Sawhney, "Democratic states and the scourge of Terrorism", Strategic Analysis, vol. 10, No. 2, May 1986, pp. 131-132.

objective must be to obtain the release of the hostages unharmed and to grant minimum concession to the terrorist demands. Safety of the hostages must be of paramount concern and must be the most important consideration in any counter-terrorist strategy. The problem of balance between the safety of the hostages on the one hand, and the granting of the minimum of concession on the other, is where the art of negotiation lies and achieving a balance between those who competing aims must be the primary objective of the negotiation. Negotiating with terrorists holding hostages to be effective and successful, must be carried on within and in knowledge of those in charge and in consideration of the objectives of all the participants in hostage negotiation. Not only those objectives of the government authorities, but those of the terrorists and indeed the hostages are important. The objectives of these three groups are fundamentally different.

### **Terrorist Objectives**

The objectives of negotiation with the terrorists would not be completed without proper study to the objectives of terrorists. In general the terrorist's main objectives or demands one likely to differ from incident to incident. However, there are certain objectives which are relatively common amongst terrorists in hostage taking situations. The main and most obvious terrorist objective is to enforce full concession by the authorities by the expressed or implied threat to kill or harm hostages. It is however, unusual for the initial objectives not to be to some extent toned down or

diluted as the incident and the negotiations progress. For example, In Munich Olympic incident, the initial demand was for the release of 250 palestinian prisoners held in Israel, but after incident the terrorists were allowed to fly out to Egypt with their hostages.

Preservation of the lives of the hostages also another objective. Generally, terrorists do not pain to kill or harm hostages because hostages are the terrorist's main asset for bargaining. Although there are some cases of Cold blooded killing of hostages with little or no provocation or expectation of gain.

Publicity is frequently a main terrorist objective. propaganda for the terrorist's causes is often the main motivational factor for taking hostages. It is for this reason that aircraft hijcking , in particular, with its potential for international media interest, is a favourite tactic of emerging terrorist groups.

### **Hostage Objectives**

The main objective of any hostage in captive will be to survive. There are many examples of hostages taking initiatives of their own in pursuit of their personal survival, ranging from escape itself, to organising the payment of a huge ransom, through taking a substantial, even leading part in the negotiations with the terrorists. The famous example of this type was Dominican embassy seize in Honduras.<sup>20</sup> This incident represents the most unusual case of

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20. Alastair C. Mac Willson, Hostage-taking Terrorism: Incident -Response strategy, Mac Millan, London, 1992, p. 56.

hostage negotiations in history.

The hostage's objectives can place intense pressure upon the authority. The Iranian embassy seize, in London was notable for the manner in which some of the hostages, at the instigation of the terrorists, literally harangued, berated, and demanded of the negotiators that they take certain action that the terrorists themselves wanted doing. In this situation the hostages were actively supporting the terrorists in what they were trying to achieve. It is a strong and natural will to survive, may on occasions work to the advantage of the authorities. It is a doubtful feature and has often been found to work against the negotiation strategy which the government is employing, so for this reason the attitudes and the real objectives of the hostages inside strongholds, especially are in which they have been in close contact with the terrorists for some considerable time, should be viewed by everybody on the government's side with serious mistrust.<sup>21</sup>

In summarising the objectives of the various participants in hostage-taking negotiation, it is fair to say that on balance and despite apparent initial disparity between what each side is trying to achieve, most situations are resolved satisfactorily so far as the former objective is the safe release and preservation of life concerned.

**Hostage as a Medium of Negotiation:-** Hostages are important pawns for the terrorists, authorities, and negotiators. In many incidents, terrorists have used the hostages as a

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21. Ibid. p. 58.

negotiating medium to enter into dialogue with the government authorities. There is clear advantages to hostage-takers in doing this. Hostages put them in the same position as the authorities. They themselves use like negotiations and not like decision makers. It gives the hostage-takers the time and opportunity to digest what is being said by their opposite side before having to come back with a response.

The other advantage is that pleas to the authorities, through the negotiator from actual hostages, to take a suggested line of action is likely to carry more weight and urgency, and apply more pressure upon the authorities, than if it was simply coming through the terrorist spokesman. Any tactic which in this situation is likely to give advantage to the terrorist should be resisted on principle. However, it is not always possible or desirable to refuse out of hand to listen to what hostages have to say on terrorist's behalf.

The circumstance is also important, in which a hostage is likely to be able actively to assist the authorities. There have been some occasions in the past, and so consideration of this possibility is necessary, as the negotiator in particular way will have to pay an important part of this situation. During an incident at the Turkish Consulate in Paris, for instance, a woman hostage found an opportunity to throw a note from the first floor window down on to the pavement for the police down below to pick up. This was an instance of a hostage-taking the initiative to communicate.<sup>22</sup>

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22. Ibid., p. 70.



### **Role of the Negotiator :-**

Effective control over a hostage situation can only be achieved if the representatives of authority, i.e., negotiators have complete command over the means of communication that are used for the negotiation. Unlike negotiation in other contexts, hostage negotiations are uniquely characterised by the pursuit of conflicting communicative goals. Selecting suitable negotiator is also an important factor in hostage crisis management. Although a negotiator never be in a position to take strategic tactical decision, concerning the resolution of a hostage-taking situation, he should nevertheless be of sufficient status as to inspire confidence amongst the terrorists that they are talking to someone of importance and experience. According to Francis, A. Bolz, Jr., following are some of the criteria used to select the members of the Hostage-Negotiation team-<sup>23</sup>

Volunteers only

Good Physical Condition, Psychologically Sound

mature appearance

good speaking voice, outgoing

skilled interrogators

Apart from that, there are many other qualities which to be analysed. Intelligence is also an important quality for hostage negotiator. During the course of an incident and especially in the dialogue and at close quarter negotiation, a quickness of mind and understanding are essential. During a

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23. Francis A. Bolz, Jr., "Hostage Confrontation and Rescue", in Robert Kupperman and Darrell Trent(eds.), Terrorism : Threat, Reality Response, Hoover institution press, Stanford, California, 1979, p. 401.

hostage situation, it is vital that the negotiator should more quickly to identify and establish rapport with the leader of the terrorist group. A feeling of team-work must develop between the two so that they can build mutual trust and understanding for the successful resolution of the hostage situation.

The next characteristic is patience and strength. The length of time that some incidents can last often demands great reserves of strength and resilience from the negotiations concerned. The hijacking of the train in Holland by the South Moluccans in 1976 lasted for twenty days. Another example was the seige of Bogota, by Colombia terrorists, involving the holding of a number of ambassadors in the Dominican Embassy, that lasted for sixty days.<sup>24</sup>

Apart from the qualities of negotiators, the role play by the negotiator is also important. The first to remember about hostage negotiation is the maxim, "negotiations never command and commanders never negotiate".<sup>25</sup> It is vital that the person in overall charge of the decision-making process not be the actual negotiator unless absolutely no alternative exists. In many cases, a governmental representative will do the actual negotiation. There are private negotiators available for cases in which it is determined that governmental authorities are more effectively kept at arm's length.

According to a recent analysis of 245 hostage-taking conducted by the FBI (Federal Bureau of Investigation),

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24. Alastair C. Mac Willson, n. 20, p. 35.

25. Norman Antokol and Mayer Nudell, n. 4, p. 134.

nearly 60% involved in hostage-taking who was classified as neutrally or emotionally distraught. This means that the majority of individuals, who enter into a hostage-taking are predisposed to a heightened level of emotional excitement. While hostage-taking can constitute an expression of power or a plea for help for these individuals, the act of taking hostages and being confronted by the police function to increase their level of emotional arousal. So the role of negotiator should be dualistic, (1) to help the hostage-taker deal with the stress-producing antecedent which prompted the hostage-taking, and the emotionally associated with the hostage-taking itself and, (2) to gain the non-involvement surrender of the hostage-taker and the release of hostages.<sup>26</sup>

#### **Techniques of Negotiation :-**

For the successful negotiation, the negotiator(s) must apply different techniques. Norman Antokol and Mayer Nuddell have suggested the following types of techniques are among those which have been employed successfully in past hostage incidents.<sup>27</sup>

The first technique is to keep the hostage-taker(s) in a detail coping mode. By being forced to concentrate on a myraid of minor problems, hostage-takers can be worn down and lose control over the flow of events. The negotiator used this technique with extreme effectiveness during the 1980 Princes Gate incident.

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26. R.G. Rogen W.A. Donahue and J. Lyles, "Growing and excercising control in Hostage negotiation using empathic perspective-taking", International Journal of Group Tension , vol. 20, No. 1, Spring 1990, p. 80.

27. Norman Antokol and Mayer Nudell, n. 4, pp. 143-147.

The second technique is the using of open-ended questions. This type of questions, which cannot be answered with simple yes or no, but require a response in which conversation between the two parties can be continued for a long. It also relates with the first technique which was also used in Princes Gate incident. It is very much useful for the rescue operation.

Confrontation Between the authority and the hostage-takers can result in tragedy. Therefore, the third technique is to avoid confrontations. Hostage negotiations are about claiming things down, not exacerbating them.

The fourth technique is to ignore the deadlines by trying to talk with them. As the expiration of each ultimatum approaches, attention should be diverted from the deadline by introducing some new problem. This provides the hostage-taker with plausible reason for allowing the deadline to pass without any action on his part. After the first deadline passes, subsequent ones will be easier to talk through. In a hostage situation in Sudan in 1983, the terrorists simply forgot that a deadline had passed and subsequently five hostages survived.

Another technique is to categorization of hostages to reduce the number of hostages at risk. During the opening stages of a hostage situation hostage-takers tend to think of their captives as symbols. This makes them willing to consider them in categories and as commodities to be exchanged when advantageous. During 1976 Entebbe incident, the terrorists decided to release all the non-jewish

hostages.

Manipulating the environment of the hostage-takers is another technique to be followed. Communications, electricity, water, and other factors can be manipulated to isolate the hostage-takers and wear down their resistance level. In March 1977, the Hanafi Muslim seizure of B'nai B'rith offices and other locations of Washington D.C. was resolved after over 40 hours in part because the leader of the terrorists, Hamaas Khaalis, could not tolerate performing his bodily functions in front of the hostages after authorities cut off all utility services to the building.

Using terrorist rhetoric against them by appealing to humanitarian and other concerns are also important. Terrorists are generally couch their rhetoric in humanitarian or internationalist terms, using phrases such as 'anti-colonialism', 'oppression', etc. These words - although only superficially relevant to terrorist actions, can sometimes be turned against them to gain the release of hostages. In many hijackings, the sick or injured, women, children, or other hostages have been released on humanitarian grounds. Negotiators can often employ the appeals of family members, religious leaders, and others to gauge the depth of terrorists' sincerity.

A negotiator should always try to avoid the negative response directly. Instead of saying 'no' to a demand, the negotiator will stall, citing the need to refer to a higher authority. Positive response may increase the

hostage-taker's expectations. The negotiator must always maintain the attitude that everything can be worked out and he must constantly reassure the hostage-taker(s) that this is the case. It was also applied by the negotiator in 1980 Princes Gate episode.

Keeping a record of deadlines, promises, actions and other significant events also a technique of hostage negotiation. This can be advantageous for the authorities, but they must never allow themselves to fall into the same situation. During the Ma'alot incident in Israel, the Israelis were constantly aware of the terrorist's deadline and structured their response accordingly.

The hostage-takers must be persuaded to keep the hostages alive, and not develop the idea that hostages safety will override all other considerations on the part of law enforcement authorities. During the 1980 incident at the Dominican Republic's Embassy in Bogota, Colombia, a group of Latin American terrorists were able to take as hostages a number of ambassadors and other diplomats. In this and similar incidents, the importance of these hostages was obvious—engendering delays and difficulties in the negotiation.

The most important technique is the psychological bonding between the hostage-takers and the hostages. This bonding, in which the victim unconsciously incorporates the characteristics of the feared person, is a form of "reaction formation in which the victim identifies with the aggressor. By psychologically transforming oneself from a threatened

person to a person who makes the threat, the victim can reduce anxiety.<sup>28</sup> So the task of negotiator is to force the hostage-taker(s) and hostages to cooperate each other in resolving the problem. The famous example is the Stockholm hostage incident which known as " Stockholm Syndromme." Thomas Strentz, who has written about the stockhohm syndrme, described the psychological bonding of the hostages and the captors.<sup>29</sup> The Stockholm Syndrome derives its name from a 1973 bank robbery incident which occured in Stockholm, in which bank employees were held hostages for more than five days.

The captor and the hostages established a cooperative relationship in which hostages provided their captor with suggestions and acted as look out for him, even while he was sleep. When his surrender took place, the hostages formed a human wall around him out of fear that police might shoot him. One of the hostages even hugged and kissed him before he was taken away by police.

The Stockholm Syndrome has three components, not all of which are always present. First, there are positive feelings on the part of the hostage(s) toward their captor(s). Second there are negative feelings on the part of the hostage(s) toward the police and other authorities. Third, there are

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28. Jared Tinklenberg, "Coping with Terrorist victimization", in F.M. Ochberg and D.A. Soskis(eds.), Victims of Terrorism, Westview press Boulder, colo. 1982, p. 64.

29. For details see, Thomas Strentz, "The stockholm syndrome: Law Enforcement policy and Hostage behaviour" in F.M. Ochberg and D.A. Soskis(eds.), Victims of Terrorism, Westview press Boulder, colo. 1982, pp. 139-62.

positive feelings on the part of the hostage-taker toward the captive(s). Psychologist studied this case in considerable detail and ultimately determined that a type of transference, or bonding took place between the hostages and the hostage taker. Later cases have demonstrated that transference of this type can be encouraged by the negotiators and can constitute to a peaceful resolution of hostage situation.

#### **POLICY RESPONSES TO HOSTAGE-TAKING :-**

In order to deal with the crisis of hostage-taking, a coherent and clearcut policy response is needed. The international community in contrast with the national governments, has failed to find and establish a common approach to respond this terrorist strategy. Different countries have their own policy response to tackle the hostage-taking. However, there are two well known approaches to this problem - 'soft line' and 'tought line'. On the otherhand, many countries seem willing to consider a melding of the above two into a third alternative, i.e., 'flexible firmness' approach.<sup>30</sup>

#### **Soft-Line Approach:-**

It is a liberal approach which means the fulfilment of terrorist's demand in the hope of that they can reduce the level of hostage-taking. It could be argued that it is a pacific understanding between the terrorist groups and the government of the host country. Even though, this approach may pacify terrorist grievances against a particular state, it still does not mean that the same terrorist group will not

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30. Norman Antokol and Mayer Nudell, n.4, p. 166.



use this strategy in other countries. Hence, pacific understanding between the two parties only applies to nationals of the target state but does not apply to other nationalities on the soil of the same state or other states.

There are many examples of liberal democratic governments, conducting ill-judged negotiations with terrorists and conceding to all of the terrorist's demands. According to Rand Corporation study, as an average, world wide terrorists have a 79 per cent chance of evading death or imprisonment for their crimes.<sup>31</sup> Many governments opting the soft line approach to make a deal with terrorists to gain the release of hostages and rapid end to each terrorist attack.

Tough-line Approach :- It is a hardline policy of the government with the terrorist groups. It is also otherwise known as 'harsh policy' of 'No ransom and no concession' (whether it is a long-range policy or a case by case approach). Harsh policies are defined as refusal to negotiate, negotiation with no compromise, no compromise and counter-attack. A government adopting such an approach believes that strong security measures, a hard line policy, long term imprisonment, and harsh punishments will intimidate potential terrorist activities, reduce their motivations for violent operations, and reduce their potential for success.<sup>32</sup> Hence, this policy will deter and ultimately reduce the level of international terrorist attacks in that country.

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31. Paul Wilkinson, n. 16, p. 7.

32. Reuber Miller, "Acts of international terrorism : Government's Responses and policies, "Comparative political studies, Vol. 19, No. 3, Oct. 1986, p. 388.

To counter terrorism effectively, the tough line approach involves waging two kinds of war : a military-security war to contain and reduce terrorist violence; and a political and psychological war to secure the popular consent and support which must be basis of any effective modern democratic government.

Flexible Firmness Approach :-

It is another type of approach to tackle the hostage situation which lies between the above two approaches. Many experiences have shown that neither 'soft line' nor 'tough line' is the best option in all cases. Most of the democratic governments prefer to keep their policy options open during an incident and maintain a 'flexible response' and allow the immediate situation to dictate their response. It is said to be the most rational approach to terrorist situation in general and hostage-taking in particular. Flexible response generally addresses to six separate areas : negotiation with the terrorists in a particular hostage situation ; Use of force, i.e., deployment of army to combat terrorist and bring them to the negotiating table; proactivity i.e., plans and abilities by the armed forces and intelligence agencies to rescue the hostages and arrest the terrorists or hostage-takers; media coverage; continuity of government; and individual responsibility. Each of these areas interacts with and depends upon the others.<sup>33</sup>

**Governments' Policy Responses**

In mid-sixties, hostage-taking emerged as a militant

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33. Norman Antokol and Mayer Nudell, n. 4, p. 172.

strategy in Western-Europe, America, and Middle East. To tackle this holocaust, governments of the world took a little time in adjusting the state options to meet this vulnerable Challenge. Many comprehensive policies were made by different governments based upon the above approaches.

**Israeli Approach :-**

Israel regarded as the most rigid country in dealing with terrorism and always been unwlvering in its toughness. Israel, in 1968, was the first time to apply this policy of 'tough-line'. But sometimes, it has been forced to make compromises and kept its flexibility to bargain and negotiate with terrorists as in the case of the school children held hostages in Ma'alot in 1974. However, these negotiations have never produced any desirable autcomes, as in the Savoy Hotel incident of March 5, 1975.<sup>34</sup> The July 1989 abduction of Sheik Obeid from Lebanon was another example, as the Israelis announced their willingness to trade Obeid for captured Israeli soldiers and western hostages. It demonstrates that a pure hardline approach must often be moderated.

In some incidents, Israel has successfully used an apparent willingness to compromise its policy to gain time for rescue attempts (operation Janathan) as was in the case of Entebbe in 1976.<sup>35</sup> However, more than one occasion, Israel has released prisoners in the face of terrorist demands, as part of lopsided prisoner swaps to gain the

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34. E.F. Mickolous, Transnational Terrorism : A Chronology of events 1968-69, Westpart, C. T. Greenwood, 1980, p. 512.

35. Marian Mushkat, "Terrorism : Sovit Attitude," International Problem; Vol. 25, No. 3-6, Winter 1986., p. 20.

release of captured Israelis, or to assist other countries (for example, in the wake of the 1985 TWA 847 incident). Nonetheless, Israel's reputation for 'tough-line approach' and its unwillingness to make concessions have stood it in good stead.

**American Approach :-**

For many years, the United States maintained a Softline Policy towards terrorism and the states which assisted terrorist activities. But the massacre of Israeli athletes in 1972 Olympic in Munich and the killing of two American diplomat, on March 1, 1973 in Khartoum Convinced the U.S to adopt the policy of 'tough-line'. In 1985, in the wake of Achille Lauro hijacking and assassination of Leon Klinghoffer, a seventy years old Jew from New York on board, the U.S blocked the escape of the terrorists by intercepting the airplane on which they were fleeing and forcing it down in Italy - where the Italian government tried and convicted four of them. In April 1986, the U.S staged a bombing raid on Libya which so intimidated Moammar Gaddafi that his involvement in international terrorism decreased for several years.<sup>36</sup>

Several administrations have subscribed to the rhetoric, if not to the reality that the U.S Government has had, and continues to maintain a consistent policy towards hostage-taking. This 'no concession' policy dates back to the Nixon administration and is based on the assumption that once terrorist's demands have been granted, especially in

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36. Norman Antkol and Mayer Nudell, n. 4, P. 169.

incidents of prolonged duration (such as hijacking and hostage-holding), the U.S will be perceived as willing to submit to extortion.

Despite of official position of not yielding to terrorist demands, diplomatic channels are held upon for initiatives leading to negotiation. In situations where captives are being held, attempts have been made to initiate and maintain a dialogue with the terrorists so as to learn as much as possible about their origins, backgrounds and objectives in the interests of designing alternate strategies for securing the release of the hostages.

The U.S has also developed hostage negotiation techniques and local departments Like Special Weapons And Tactics units (SWAT) to handle the hostage situation. It was until 1977, however, that was developed for an operation such as GSG 9 performed at Mogadishu. In Nov 1977, colonel charles Beckwith was given command of SFOD-Delta for counter-terrorism operation.<sup>37</sup>

The federal law enforcement agencies also have counter-terrorist units. The FBI has a hostage-taking response team with an extensive training and utilizes tactics similar to those of the SAS (Special Air Service) of Great Britain.

#### **U.K. Approach :-**

The British Government's policy to fight terrorism was not confined to words alone, but was supported by deeds as well. Its readiness to exercise force in the international arena was expressed not only in the overt aid offered to the

37. Harold J. Vetter and Garry R. Perlstein, n.2, p. 233.

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American planes against Libya but also in more covert fashion as well. All intelligence agencies entrusted with combating the international terrorism including the police anti-terrorist squad, MI-5, the special branch MI-6. The best known counter-terrorist unit is most secretive; known as the special Air Service (SAS), it gained prominence on May 5, 1980, during "Operation Nimood", when a SAS team assaulted the Iranian Embassy in London, rescuing nineteen hostages unharmed and killing five terrorists. Unlike GSG-9, SAS is a military unit which first came out into being in World War II. It had also played a major role against IRA (Iranian Revolutionary Army) operating in Northern Ireland.<sup>38</sup>

All the terror stemming from the Middle East, including the assassination of Ambassador Argov, and especially the terror emanating from Ireland have made Britain the leading country in the EEC in its resolve to fight against terrorism. In Oct, 1985 the Home Secretary emphasised the British Government's Commitment to international cooperation to combat terrorism. The objectives of British and other governments were to -

(a) promote an acceptance among friendly countries of a common interest in fighting all kinds of terrorism. A terrorist success in one country makes it more likely that attempts to repeat the success will be made in other countries;

(b) create an international climate in which state sponsored terrorism is unacceptable and in which states

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38. Ibid., p. 234.

attempting to use terrorism realise that this will not further their interests, but will harm them;

(c) ensure that diplomatic immunities are not abused by states which support or condone terrorism;

(d) take fitting action against such states in conjunction with other friendly countries;

(e) ensure that consistent and effective measures are taken to prevent the hijacking and sabotaging of aircrafts;

(f) create an international environment in which it will be difficult for terrorists to operate, for example, by denying them arms and money;

(g) impede the movement of international terrorists from one country to another by the use of immigration measures;

(h) ensure that there is full cooperation among security services, police, and other organisations so that intelligence and informations about terrorists can be exchanged.<sup>39</sup>

An additional expression of British Policy to responde hostage-taking can be found in Marageret Thatcher's policy towards terrorism. According to her, "We, in Britain, will not accede to the terrorist's demands. Prisoners will not be released. If hijacked aircrafts land here, it will not be allowed to take off."<sup>40</sup> Hence, it is very clear that the U.K has been responding through 'tough line' policy towards terrorist in hostage-situation.

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39. M.C. Pande, "Mechanics of International Terrorism," Strategic Analysis Vol. 12, No. 10, January 1990, pp.1096-97.

40. Jagmohan, "Terrorism : Causes and cure," The Hindustan Times New Delhi, Nov. 25, 1992.

### French Approach :-

Generally France shows flexible attitude towards terrorists and provides political asylum to them. This has led to a curious mixture of tolerance and firmness in French policy towards terrorism. In hostage-taking situation, the French have been extremely pragmatic, often, they have chosen to make accomodation with groups such as Hezbollah or with countries like Iran by paying ransoms, providing military arms or releasing assets. Yet at the same time, the French responded to a bombing campaign by the LARF (Lebanese Armed Revolutionary Faction) to free its imprisoned leader, Ibrahim Abdullah by intensifying security precautions and bringing him to trail. Even when French hostages were taken in Lebanon, French law enforcement officials held firm in the face of considerable pressure to release Abdullah.<sup>41</sup>

The middle and late 1980s witnessed the breakdown of French efforts to maintain their accomodation with terrorist groups. A combination of terrorist violations of their understanding with France and pressure from foreign governments (mainly Spain and the U.S) induced the French to move away from such toleration, and France began to take more forceful action against terrorism.

### West German Approach :-

Germany did not have a policy until the Munich Killing of 1972. Later, West Germany developed a tough-line policy of "no ransom and no concession". The Munich tragedy also resulted in the decision that led to formation of -----

41. Norman Antokol and mayer Nudell, n. 4, p. 170.



Grenzschutzgruppe 9 (GSG 9) which was used in Mogadishu case in 1977. According to Ulrich Wegener, GSG 9's first commander, "the tactical concept of the group is based on tight control, flexible leadership, high mobility, surprise, the careful utilization of weapons of all kinds, self-discipline of each member of the unit, and are trained in the ideology and tactics of various terrorist groups and continually practice of freeing hostages from aircraft and other situations".<sup>42</sup> Besides the federal units, the Germans have also developed other counter-terrorist units. The units have had cooperation and success in Bulgaria, France and other countries.

#### **U.N. Response :-**

In response to present day terrorism manifested in a variety of forms, efforts have been made within the United Nations to conclude a comprehensive convention, as universal as possible. In fact, the subject of international terrorism has been a regular item on the agenda of the United Nations even since the Kidnapping and killing of 11 Israeli athletes at Munich in 1972. Another incident also occurred, when the two American diplomats were killed by the terrorists on March 1st, 1973 in Khartoum. In 1973, the Convention on Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents urged international cooperation to prevent attacks on diplomats and taking them as hostages. The Entebbe incident (1976) generated enough enthusiasm to revitalise the Terrorism

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42. Harold J. Vetter and Garry R. Perlstein. n. 2, p. 225.

committee of the U.N., the focus of the enthusiasm was centered over hostage - taking and so the General Assembly established the Hostage Committee to give more task to Terrorism Committee. The work of this committee culminated in the adoption of the International Convention against the Taking of Hostages on December 17, 1979 by the General Assembly. In December, 1985, Security Council of the U.N. also adopted a resolution to condemn the hostage-taking.<sup>43</sup>

The first two having the force of 'soft law' of a United Nations resolution, reflect the universal conviction of the international community that there are forms of international terrorism such as taking of hostages or murder or assault of diplomats which are patently unlawful punishable acts and therefore must be prosecuted worldwide.

But the effectiveness of the above conventions is far from even. Implementation of the conventions has been inconsistent. John F. Murphy expressing a general consensus among American international law specialists concludes, "the effectiveness of these global conventions as anti-terrorist measures is questionable. Even if fully implemented, the limited and piecemeal solutions of these conventions would be of little use in combatting the many manifestations of terrorism."<sup>44</sup> British scholar Paul Wilkinson is more pointed, "the United Nations prove a broken need on the whole subject of terrorism. It has proved as useless in countering

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43. Martha Crenshaw, n. 18, p. 26.

44. John F.M. Murphy, "The future of multilateralism and efforts to combat International terrorism", Colombia Journal of Transnational law, Vol. 25, No. 1, 1986, p.44.

terrorism as the League of Nations before it."<sup>45</sup>

Although agreements against various forms of terrorism exist in general terms, such agreements frequently exclude political offenders and the definition of a political offender is very liberally constructed.

#### **Role of Media in Hostage-Taking:-**

In the contemporary terrorist environment, media play a crucial role in manipulating the terrorist incidents in general and hostage-taking in particular. The press, such as, news paper coverage, radio broadcasts, T.V. are providing massive publicity for specific terrorist actions. As suggested earlier, generally countries with democratic governments are targeted by hostage takers. It therefore seems that the mouthpieces provided by a free press and public opinion with power to influence the government are necessary to guarantee the success of this type of strategy of terrorism.

From late 1960s and 1970s, the hostage-taking strategy by the terrorist groups has been developed in a massive way because of the of guerrilla revolutionary movements in Latin America by the writings of Carlos Marighella and the doctrine of world revolution of the radical palestinian groups by the teachings of George Habash.<sup>46</sup> Both of these movements had a common goal -the quest of publicity. Beyond the operational goals of prisoners releases or monetary ransoms, the aim of both was to capture and hold hostage for the public

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45. Paul Wilkinson, n. 16, p. 284.

46. Norman Antokol and Mayer Nudell, n. 4, p. 70.

attention. It is the media which condition much of government responses to political hostage taking and to the demands of the hostage takers. Media also manipulate the hostage takers ideas, tactics, and role. The organizations which heavily involved in skyjacking and hostage-taking are anxious to make their existence known to the public, and to fix their purposes and demands firmly in the public mind.

Modern technology has made the media an indispensable device by which terrorist groups can magnify their power and influence over the society within a short time and with little effort. the strategy of media manipulation has been expounded by Carlos Marighella thus.

"The war of nerves or psychological warfare is an aggressive technique based on the direct or indirect use of mass means of communication and transmitted orally in order to demoralize the government. In psychological warfare, the government is always at a disadvantage since it impose censorship on the mass media and winds up in a defensive position by not allowing anything against it to filter through. At this point it becomes desperate, involved in greater contradiction, loses time and energy in an exhausting effort to control which is subject to broken at any moment."<sup>47</sup>

From the above statement it would seem that the media are as much a victim terror-violence as society and its institutions. This was demonstrated during the Tehran hostage

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47. See R.G. Sawhney, "Democracy, Terrorism and the Media", Strategic Analysis, Vol. 10, No. 8, 1986, p. 886.

crisis when the perpetrators choose the media to achieve their strategic goals and manipulated the media coverage to publicise the legitimacy of the revolution and their grievances against the U.S.A. 48

The major issue is the relationship between media and the terrorist groups, that is, whether media need terrorism to the same degree or in the same way that terrorists need the media. Journalists and news paper reporters have an obligation to report on the world as it is, rather than on the way they wish it to be. The result is an inevitable tension between the demands of hostage situation and the needs of those reporting on it. The problem actually has two components. One is the larger question of the value of publicity to those who take hostages. The other component of the problem is the development of critical relationship between media and law enforcement and government officials handling the incidents.

Media sources do, however, play a major role in the shaping of terrorist strategy especially the idea of hostage taking. Many news reports have gone a long way towards popularising the tactics and techniques required for the taking of hostages. Not only can disaffected groups and individuals come to see terrorism as an option ; some people who ordinarily would have no idea how to carry out the kidnapping and holding hostages can learn about the tactics from the media coverage. Because in a situation about which little of the information previously existed, media coverage

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48. Ibid.

can have a very large to popularise the strategy. Indeed some reports have gone into such detail that they furnished a virtual blue print for anyone else who might be interested in hijacking a plane or negotiating a ransom.<sup>49</sup>

Sometimes media play a role by manipulating the news and spreading the government's policy response and tactical methods to handle the situation. Tactical matters are those things that obviously must be kept secret. Terrorists often have access to a radio or a television set, and they may almost instantly learn of anything that affects their situation. It can have harm to the process of hostage negotiation and disastrous consequences for the captive being held hostage. For example, during the hijacking of Lufthansa plane en-route from Majocra to Frankfurt on October 13, 1977 by four terrorists, the pilots was able to pass the information to the authorities and media got the news and broadcast it on radio. The terrorists heard the news on the radio and killed the pilot. So in this way media contributed directly to the murder of a hostage.

Media also create problems for the authorities by giving information about police or army movement. In a hostage incident, at the Washington, D.C. courthouse in 1974, the media managed to create problems for the authorities by broadcasting the fact that the police were able to watch the scene through a two-way mirror. Hearing the broadcast, the hostage-takers immediately taped newspaper over the glass and the police could not recognise that location.<sup>50</sup>

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49. Norman Antokol and Mayer Nudell, n. 4, p. 76.

50. Ibid, p. 79.

Media also affect the hostage negotiations and rescue operations. What to do about deadlines, how to respond to the specific demands, whether to use force, are all crucial decisions which have to be kept in secret. The media's presence, and all the public attention it brings, adds to the pressure and makes the job much harder. The danger exists that a decision will be taken prematurely, merely because patient waiting may look too much like doing nothing. The media, by its very nature, wants action, and decision makers can sometimes find it difficult to resist that pressure.

Therefore, media not only play a vital role for the terrorist, but also it hinder the activities of law enforcement officers, political decision makers. Many suggestions also have been suggested by different scholars to solve the media problem. The most important is the censorship of media, at least in terms of delaying the publication and broadcasts of certain information which can be favourable for the authorities to curb the situation. Another suggestion is of the media should be confined to the factual or contextual reporting. It can be an important defusing component in hostage situation.

## CHAPTER III

### HOSTAGE-TAKING IN INDIA

Terrorism is one of the major problems of India. In this respect, she may be compared with the terrorist affected countries like Israel, the United States and others. In recent years, the militant outfits of India have developed a new tactic of terrorism, i.e., politically motivated kidnapping or hostage-taking. Politically motivated kidnapping might be an old tactic of the terrorist groups in Latin America or Middle East, but in Indian context, it is a recent development. It showed an alarming increase during last four years by the militant organizations of the three most sensitive states - Punjab, Jammu and Kashmir, and Assam.

Among many terrorist tactics, such as, killing, bombing, arson, assassination, kidnapping, and hijacking which the terrorist groups of India employ, kidnapping for the purpose of keeping the nation to ransom for narrow political gains has become very significant. Because, like the terrorist organizations of other countries, the Indian terrorist groups believe that it is a suitable tool to intimidate the government more and more. They also believe that the success rate of hostage-taking may be higher than the other common tactics. Indeed, hostage-taking affects the government on a long-term basis. Any terrorist operation is going to gain a certain amount of publicity. Arson, bombing, assassination, and so forth will all make the news. But, as it has been suggested, there is something special dramatic



inherent in a hostage situation. Unlike the other tactics, hostage situation can drag on for many days, and the outcome remains in doubt. There is suspense and danger, and the whole episode is an almost sure-fire attention getter for as long as it lasts. In India, there are many hostage incidents, which have lasted for many days and months.

There are not less than 100 known politically motivated kidnapping cases which have taken place during the last four years (1989-1992). The victims were the people of various descriptions like government officials of India, e.g., K. Doraiswamy, Executive Director of Indian Oil Corporation; diplomat of a foreign country, e.g., Liviu Radu, Romanian Charge d' Affaires; relatives of prominent pro-Indian politicians, e.g., Rubiya Sayeed, daughter of the then Home Minister of India, Mufti Mohammad Sayeed; politicians of Indian states, e.g., Khemlata Wakloo, former Jammu and Kashmir Tourism Minister; civilians of the foreign countries, e.g., Sergei Gritchenko, the Soviet engineer and two Swedish engineers, John Jansson and Janole Loman; and visiting tourists, e.g. Yari Zoiow Itzhaki, an Israeli tourist.

Before 1989, kidnapping was taking place by the militant groups of Punjab and Jammu & Kashmir. But it was much less frequent and incidents were very limited in number. This was a practice only to gain monetary ransom from big landlords and businessmen. The politically motivated kidnapping was started in the late 1989. In December 1989, the incident of the kidnapping of Rubiya Sayeed and her release on the terms dictated by the terrorists raised the

terrorists' morale to a new light and legitimized the hostage-taking as a political weapon.

Not an uncommon way (though new to India) of demanding the release of dreaded offenders, they look for a greater publicity. In their own eyes these criminals are 'heroes' or Martyrs to a 'Cause'. Terror according to this view point tends to get diluted in the indiscriminate use of the terms like 'liberation', but what does not disappear so easily is the brutal fact of blackmail and intimidation. In many hostage situations, it has been seen that terrorists of India also demand in the nature of prisoners release, safe passage, and world wide publicity to their cause.

The transformation of the issue of hostage into method of satisfaction of political demands has removed any scope of treating the subject with equanimity in society or state. Abduction with political motives as psycho-pathological justification cuts across boundaries, continents, ideologies, and societies. The American hostages in Iran in the 1970s, the innumerable hijacking of airliners and of turning passengers into hostages, the hostages in Lebanon, in South Asia or in South East Asia tend to show that if a 'Pax - Universalism' is emerging, it is the problem of hostages.<sup>1</sup> It became the centre stage of high politics at the national and international level.

Political hostage-taking over the past several decades has moved from Latin America to Europe and the Middle East.

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1. R.G, "Hostage and government credibility", Link, Vol.34, No.11, Oct.27, 1991, p.7.

Along the way, it showed up in various other areas and in different ways. Now a days it has developed in South Asia region especially in India. "This appears to be the case for two reasons".<sup>2</sup> The first is commonly called the 'copycat' effect. Simply put, this is the result of demonstrative effect on Indian terrorist outfits. Like the Western terrorist groups in Latin America and Middle East terrorist groups in Lebanon, Indian terrorists believe that it is the best tactic to get a wider publicity of their cause. They also demand in the same nature like others. Hence, it is totally an imitative result of example.

The second reason is more complex, and it involves the organizational influence. In the past, at different periods, different terrorist groups were role models for other terrorist groups. This was true not so much because of ideological purity or superiority, but rather because of the centrality of their cause in terms of world affairs. As different causes captured centre stage, the groups pushing them were perceived by other terrorist as having identified successful tactics, which were then emulated. In some cases, the regional role models either were eliminated by successful countermeasures or they moved on to different tactics more suited to their new stage of development and goals.

In the 1960s, Latin America was centre in such terrorist tactic. Brazilian revolutionary, Corlos Marighella had developed his theory of Urban Terrorism and put hostage-

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2. Norman Antokol and Mayer Nudell, No one a Neutral : Political Hostage Taking In The Modern World, Alpha Publications, Ohio, 1990, p.164.

taking as a new tactic. It was used by the Tupamaros, Mantoneros, and other groups to destabilize Argentina, Uruguay and other South American countries. At the same time, George Habash, leader of the Popular Front of the Liberation of Palestine (P F L P) had adopted it in the Middle East. Then it was imitated by Japanese Red Army and Shiites group in Lebanon.<sup>3</sup>

Imitation being the sincerest form of flattery, once the viability of this tactic was demonstrated, other groups put to use it. In India, hostage-taking was started in Jammu and Kashmir by the Jammu and Kashmir Liberation Front (JKLF) when Rubiya Sayeed was kidnapped. Then it was spread over to Punjab and Assam. As a result of imitation, Khalistani terrorist groups of Punjab, Khalistan Commando Force (KCF) and Khalistan Liberation Force (KLF) kidnapped Liviu Radu, Romanian diplomat in the broad day light in Delhi. Suddenly it was spread over to North East region of India where United Liberation Front of Assam (ULFA) militants kidnapped 14 government officials including a Soviet engineer. Hence, due to the above reasons hostage-taking has become a political tool by the terrorist groups in India.

Another important element of hostage-taking is the nature of groups involved in such tactic. It differs from group to group. The terrorists of Punjab and Kashmir are mostly separatists, demand for a theocratic state of Sikh and Muslim respectively. In Assam, however, ULFA appears to be voicing the genuine demands of the Assamese as a whole. In

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3. Ibid., pp. 164-65.

Assam, perhaps the most important factor at the root of the problem is the injustice done to the state with regard to development.<sup>4</sup>

There are so many terrorist groups involved in hostage-taking in the three states of India. In Kashmir, the most active groups are Jammu and Kashmir Liberation Front (JKLF), Ikhwan-Ul-Muslimeen, Al-Omar Mujahideen, Mujahidin Kashmir, Hezbollah, Hizbul Mujahideen, pasdarana-i-Islam, Alfatah, and Muslim Janbaz Force. In Punjab, the groups are Khalistan Liberation Front (KLF) and its factions like KLF (Budhsinghwala), Khalistan Commando Force (Panjwār), the Bhindarwale Tiger Force of Khalistan (Racchpal Singh chindran), Sikh student federation (Daljit), and Sikh Student Federation (Bittoo). In Assam, the United Liberation Front of Assam (ULFA) is the undisputed terrorist group which adopts such tactic.<sup>5</sup> They have also developed inter-organizational linkages to achieve their respective political and tactical objectives.

#### **DIPLONAPPING IN INDIA (Case Study of Liviu Radu)**

Diplomats all over the world are increasingly becoming the targets of attack by terrorist groups. In India as many as eight cases of diplomats disappearing or having been kidnapped by terrorist groups were registered in the last 10 years. But what makes Liviu Radu, Romanian diplomat's kidnapping different is that he appears to be the first foreign diplomat to be made a target of our domestic strife.

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4. Satpal Dang, "Terrorism in Assam and Punjab", The Telegraph (Calcutta), 25 April, 1991.

5. The Times of India (New Delhi) March 21, 1993.

(Earlier in 1981, Rabindra Mhatre, had been kidnapped in London by the JKLF militants. They demanded the release of Maqbool Butt, but the condemned prisoner was not released and he was killed by the same group).

The kidnapping of Radu was occurred on October 9, 1991 in Delhi. On that day when he left home at 8.05 a.m., the abductors were waiting. As Radu turned on to the Jor Bagh market lane and headed towards Lodi Road, a Maruti Car parked along side moved, overtaking Radu's car from the left. All this, while a French Diplomat, who knew Radu, was just a few metres behind. As the barrier came down, the three cars-the Maruti, the Black Dacia and the French diplomat's car came to a halt. According to police report they were four in number. But Radu said they were six. Among them two advanced towards Radu's Black Dacia Car. One of them wore a turban and brandished an AK-47 rifle. The other carried a pistol. The two men forced their way into the Dacia with pointed the gun to Radu. After that the car was driven by Radu with militants. Later, the envoy was shifted from Delhi to Haryana from where he was moved to some unknown place near Ludhiana (Punjab) on Oct.27.<sup>6</sup>

The Indian police believed that the Romanian envoy was kidnapped by the London based International Sikh Youth Federation (ISUF) that attacked Julio Riberio, convoluted vendetta against the Romanians for killing one of their men on August 20, 1991 by the Romanian security forces. But a

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6. Rahul Pathak, "Romanian Diplomat, Vendetta Strike," India Today, Oct. 31, 1991. p.176.

letter delivered to a news agency office in Ludhiana on Oct. 11, in which the Khalistan Liberation Force (Budhsinghwala), the khalistan Commando Force (Panjwar), the Bhindrawale Tiger Force of Khalistan (Racchpal Sing Chindran), and the Sikh student Federation (Daljit) had claimed responsibility for the abduction of Liviu Radu.<sup>7</sup>

The above kidnapers demanded the release of Harjinder Singh 'Jinda', Sukhdev Singh 'Sukha', and Nirmal Singh 'Nimma', the accused in the assassination of the former Army Chief, Gen. A.S. Vaidya in Pune 1986. They were in central jail, facing death sentence. The militants also threatened to cut their hostage 'into pieces' if the Government did not release the accused.<sup>8</sup> Other militants too tried to use Radu as a bargaining chip. First, there was Shiromoni Akali Dal (Maan) president Simaranjit Singh Mann's appointment with the U.S ambassador. The purpose was to negotiate for the release of two militants-Sukhi and Kuki from custody. Then, another militant group demanded the release of two gunmen arrested in Romania for the attack on Indian envoy, Julio Riberio.<sup>9</sup>

The four militant organisations warned that if they were not released immediately, they would understand that "the Indian Government wanted Radu dead". A seven page hand written statement in Gurumukhi, Purportedly from the chiefs of the four militant organisations-KLF, KCF, SSF (Bittoo) and BTFK said "very humbly we want to make it clear to the world

7. Maitreyee Saha, "The Return of Radu", Frontline, Vol.8, No.25, Dec.20, 1991, p.16.

8. The Times of India (New Delhi), 12 Oct. 1991.

9. Rahul Pathak, "Diplomat's kidnapping: serious setback, India Today Nov. 15, 1991, p.84.

that either these custodians of human rights will come out of Jail or every one should get ready to receive his body either from a hilly town or the parliament house in New Delhi".<sup>10</sup>

The militants had set several deadlines for the exchange of hostage with above mentioned three prisoners. At first, the KLF had set Oct.19 as the deadline. But the Government decided to go on the offensive. Meanwhile, the Oct. 19 deadline elapsed and the clamour for Radu's release became lauder. Even as the deadline was later extended to Oct. 23, the Government continued to dither and dowlde, exposed its paucity of policy on the question of hostage-taking.<sup>11</sup>

A high level coordinating committee under the direct charge of the Cabinet Secretary, Naresh Chandra had been set up on Oct. 10 for the safe release of the Romanian diplomat. Then after a long tough response by the government of India, the first indication of his release by the Punjab militants came on November 22, 47 days after his abduction, in the form of a phone call to a news agency office in Amritsar that he will be released on 24th Nov., 1991. But he was released on 25 Nov. 1991.<sup>12</sup>

**International Aspect :-** Radu's release could not have been more unobtrusive. The result largely due to the international diplomatic pressure. The utter revulsion felt against the captors was evident from the outright condemnation by the U.N. Secretary General Javier Perez-de-Cueller, the 12-nation

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10. The Times of India (New Delhi) 17Oct., 1991

11. Rahul Pathak, n.9, p.84.

12. Ibid.



European Economic Community, International Sikh Organisation and other countries. The ambassador of Romania, Nelu Ionescu had also appealed to the abductors to release Radu on the humanitarian ground. It was clear that the kidnap drama had backfired on the abductors. Intended to draw world attention to their 'mission', the abductors finally gained little from the event. After his release Radu said, "The Romanian Government made it very clear that under no circumstances would any Punjab militant be released from Romania. They shall be tried in Romania only".<sup>13</sup>

The normalization took place only after the Romanian Government approached Islamabad in mid-October- when ISI of Pakistan came to light. Pressure was also mounted on Pakistan by the other western nations. And about a fortnight after the kidnapping, the abductors realised their gameplan had gone awry. The two Panthic Committees led by Wasan Singh Jaffarwal and Sohan Singh respectively, and several foreign based Sikh militant organisations had pressurised the abductors for Radu's immediate release.<sup>14</sup> Romania had also sought Pakistan's good offices in putting pressure as the four militant organisations which had claimed responsibility. The U.S. had also put pressure on militant groups through Pakistan. The visiting of Under Secretary of State for International Security, U.S.A. Reiginald Bartholmew also was an important factor for the release of Romanian diplomat.<sup>15</sup>

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13. Anirudha Mitra, "Liviu Radu: Free at Last", India Today Dec.15, 1991, p.64.

14. The Tribune (Chandigarh), 27Nov., 1991.

15. The Patriot, (New Delhi), Nov.28, 1991.

The kidnapping of Romanian charge d' affaires in Delhi was obviously linked to the earlier abortive attempt by some Sikh militant groups to murder J.F. Riderio, Indian Ambassador in Romania. After, the failure, the extremists apparently decided to make the Romanian Embassy as a target.<sup>16</sup>

What Radu's case emphasizes that the Khalistan groups have developed a long memory and are quite capable of working among themselves with a great deal of care to select and attack specific target to make hostage for political gains. Up till now, these included mainly those people who had personally directed police operations in Punjab, apart of course, from those who were killed in indiscriminate bomb blasts. Radu's case suggests, however that even secondary targets, or those who had nothing to do at all with the anti-terrorist operation, was incur the militants' wrath simply because they come from a region where a former police official of Punjab happens to live. The world, of course, has come to live with such abductions of defenceless civilians by shadowy groups seeking the release of their comrades or merely drawing attention to their cause.

#### **HOSTAGE-TAKING IN KASHMIR :-**

General lawlessness has become endemic in Kashmir with the arrival of hostage-taking strategy by the various militant outfits. Political motivated kidnapping by the militant groups in Kashmir valley showed an alarming increase during the years 1989 to 1992. There are not less than 50

16. The Statesman (New Delhi), Oct.11, 1991.

known hostage-taking cases which have taken place by the various militant groups during this period. The victims were different types like the relatives of renowned politicians, government officials, foreigners working in government projects and foreign tourists. It was an agonising experience for the captives and their relatives and a challenging task for the government authorities. However, most of the kidnapped persons were freed by the terrorists with the bargaining of government or by the security forces or managing their own escape.

However, as the end of the year 1991, there are still some kidnapped persons being held hostage by different terrorist outfits. They are Tassadaq Ahmed Deva, brother-in-law of Union Minister Ghulam Nabi Azad by Al-Omar Mujahideen, Nassar Ullah, son of former minister Mir Lasjan; Mohammad Shafi Khan, brother of adviser to state Governor, H.U. Khan; Ashok Kumar BSF intelligence officer and two guards by Hizbul-Mujahideeni; S.I. Khosa, Divisional Director, United India Assurance by Ikhwan-Ul-Muslimeen, and police officer Abdul Majid.<sup>17</sup>

Kidnapping in the valley are taking place on a much larger scale than reported to the authorities. During the past four years there have been nearly three hundred kidnapping cases which were not reported to police. In all these cases the relatives of the kidnapped persons obtained the release of the hostages by paying huge ransom directly

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17. Syam Kaul, "Cult of Militancy in Kashmir", The National Herald Tribune (New Delhi), Dec.28,1991.

negotiating with the militants instead of depending on the authorities. This happened even in the case of a VIP, whose family did not report his kidnapping for 48 hours in the hope that they would be able to secure his release on their own.<sup>18</sup>

#### **TYPES OF VICTIMS : Case Studies :-**

##### **1. Relatives of Political Leaders**

Kidnapping of the members of the family or the relatives of leading political personalities by the terrorists has been shaken the law and order of Kashmir. Many such cases have been occurred in Kashmir Valley during last four years. The prominent cases were : Rubiya Sayeed, daughter of the then Union Home Minister Mufti Mohammad Sayeed; Nahida Imtiaz, daughter of former National Conference M P Saifuddin Soz; Khemlata Wakhloo, former National Conference Minister and her husband; and Tasadaq Ahmed Deva, brother-in-law of Union Parliamentary Affairs Minister, Gulam Nabi Azad.<sup>19</sup>

**Rubiya Sayeed** : Rubiya Sayeed's kidnapping reminds one of the sensational kidnapping of Aldo Maro about a decade ago. Subsequent facts revealed this to be more than just the handiwork of a handful of terrorist working in isolation. Aldo Maro fell victim to an extensive political conspiracy stretching for beyond the borders of Italy.<sup>20</sup>

The abduction of Rubiya had shocked the whole country because it was a bigger affront to morality rather than

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18. The Hindustan Times (New Delhi), Oct.21, 1991.

19. Frontline, Vol.8, No.21, Oct.12-25, 1991, p.10

20. The Statesman (New Delhi), Dec.14, 1989.

murder. The sordid drama began on the afternoon of December 8, 1989 when three armed JKLF militants entered into the minibus containing Rubiya Sayeed from Lalded Hospital, where she was doing her intership to her home and ordered the driver to drive the vehicle to a unknown destination.<sup>21</sup> This incident marked a significant change in the tactics of the militants in Kashmir to keep the state in perpetual turmoil as part of their "armed liberation struggle". Until this incident, activities were confined to selective killings and now it converted into selective kidnapping and hostage-taking to achieve their political and strategic goal.

The militants apparently had three objectives when they decided to abduct Rubiya. First, to secure the freedom of their colleagues; second, to gain publicity for their cause; third, to let Mufti Mohammad Sayeed know that they will not be cowed down by his becoming Union Minister.<sup>22</sup> They demanded the release of five militants held by the government: Hamid Shaikh, Javed Ahmed Zorgan, Altaf Ahmed Bhatt, Noor Mohammad Kalwal, and sher Ahmed Khan in exchange of safe return of Rubiya Sayeed. They had made December 11 as deadline and declared that they would kill Rubiya if their fellow friends were not released.<sup>23</sup>

"The negotiation between government and the militants was reached through the good offices of intermediatories such as Justice M.L. Bhatt of Allahabad High Court; A. Guru, a cardiologist at the Medical Institute Srinagar; Mian Abdul

21. The Decan Herald, Dec.11, 1989.

22. Ibid.

23. The Statesman (New Delhi), Dec.14, 1989.

Qayoom, a leading lawyer in Srinagar; and Mir Mustafa, an independent legislator.

Bhatt entered the negotiations around 1 a.m. on December 9. There was some initial confusion on the names, which was a play used by the militants. The name of Ghulam Nabi Butt was substituted for that of Sher Ahmed Khan, who was believed to be most dangerous among them after Hamid Shaikh. Justice Bhatt told the militants, late on Dec. 9 "I want one list. There should be no changes". And the amended list soon reached him through his four stage personnel contacts. Once that list came, the negotiations started.

But the state government fared poorly in this respect. Dr. Farooq Abdullah, Chief Minister of Jammu & Kashmir by that time, in a seemingly inexplicable move, began insisting on a "one-to-one" exchange-Rubiya Sayeed for Hamid Shaikh.

Meanwhile the militants put forward another demand that Hamid Shaikh be flown out of the country. First they proposed that he be flown to Pakistan. When this demand was rejected they wanted that he be taken to Iran. It appears that if "one-to-one" demand had been agreed to by the militants, the state government was not averse to flying Hamid Shaikh to Iran. But the militants rejected the "one-to-one" suggestion in total.

The militants gradually came down on the question of the time-span between the release of Hamid Shaikh and co. from 48 hours to 24 hours; then to twelve and half hours, six hours and finally three hours. And finally talks had, infact, broken down on the evening of December 2.

Contact with the militants had been established through two channels. One was through messages delivered personally. The other method of communication was through telephone contact between captors and Justice Bhatt.

An agreement was reached by 9 a.m. on December 13. At 2.30 p.m. on Dec. 13 all the five demanded militants were released and Dr. Rubiya was set free by her abductors."<sup>24</sup>

**Nahida Imtiaz** :- Another case of kidnapping of the relatives of prominent politicians of the valley was Nahid Imtiaz, daughter of former National Conference M P. Saifuddin Soz. She was kidnapped and forcibly driven to an unknown place by the Jammu and Kashmir Liberation Front (JKLF) militants on February 27, 1991.<sup>25</sup> She was working as a lecturer at Institute of Management and Public Administration (IMPA) on the Maulana Azad Road of Srinagar. Nazir Ahmed Siddiqui had played an active role as mediator between government and militants for the release of Nahid Imtiaz. After a long negotiations she was released on March 8, 1991, after 10 days of captivity.<sup>26</sup>

**Khemlata Wakloo** :- The important case among the kidnapping of the relatives of the leading politicians was the kidnapping of Khemlata Wakloo, former Jammu and Kashmir Tourism Minister, and her husband. It is significant because they were rescued by the security forces and army not by negotiations. They were kidnapped by the Hezbollah militants

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24. For details see Pankaj Vohra, "A hostage drame", Frontline, Vol.6, No.26, Dec.23, 1989-Jan.5, 1990, pp.4-10.

25. The Telegraph (Calcutta), March9, 1991.

26. The Hindustan Times, (New Delhi), Oct.21, 1991.

on 10th September 1991. They were rescued through a dramatic rescue operation by the security forces and army on 20th Oct. 1991.<sup>27</sup> The rescue to Wakloo, after having been in captivity for over 40 days by the army in Kashmir without a shot being fired raises hopes that the authorities may be able to control the militants in the days to come.

## **2. Government Officials :-**

Another type of victim under the tactic of kidnapping and hostage-taking by the Kashmir terrorists was top government officials in the valley. There so many officials have been kidnapped by the various militant outfits: Among them most prominent cases were kidnapping of K. Doraiswamy, Executive Director Indian Oil Corporation; Mr. Basir Araf, Director of All India Radio, Leh; Mohammad Iman Khan, Jammu and Kashmir Government Director of Food and Civil Supplies; Prof. Mushir-Ul Haq vice-chancellor, Kashmir University; H.L. Khera, General Manager H.M.T,. Among the above victims Prof. Haq and Khera were killed by the militants.<sup>28</sup> Among the above, Mahamod Iman Khan who kidnapped by youth group "Nasir-ul-Klam" of "Hizbul Mujahideen" and others were by Ikhwan-ul-Muslimeem.

**K. Doraiswamy** :- Like the Rubiya Sayeed case, the kidnapping of K. Doraiswamy case was also very significant. Because, like the former government had faced the same problem in latter. Doraiswamy was kidnapped on 28th June 1991 from Zewan, near Pampora, while he was inspecting a site for a

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27. Ibid.

28. Frontline, vol.8.No.21, Oct.12-25, 1991.



petroleum by the Ikhwan-ul-Muslimeem militants.<sup>29</sup> They demanded the release of nine militants including Javed Ahmed Shalla who was involved in the kidnapping and subsequent execution of Kashmir University Vice-Chancellor Prof. Mushir-ul-Huq and H.M.T General Manager, H.L. Khera in April 1990 in exchange of K. Doraiswamy.<sup>30</sup>

Negotiations between the militant groups and the government authorities were made through the intermediations of Wajahat Habibullah, Joint Secretary in the Industry Ministry; Ashok Jaitly, Planning Commissioner in Srinagar, and Muhmudur Rehman, Additional Chief Secretary of the state. But the final go-between was Abdul Ahad Gurai, involved in the release of Rubiya Sayeed in 1989. After a strong bargaining between the two parties, Government decided to release five hardcore militants including Javed Ahmed Shalla.<sup>31</sup>

#### **Foreign Nationals :-**

Apart from the domestic people, foreign nationals such as those who working in the government projects or visiting tourists have become a political tool in the hands of the militants in the valley. The prime goal is to disseminate their 'cause' and world wide publicity. There are two prominent cases which have occurred-first was the kidnapping of Swedish Engineers, John Jansson and Janole Loman on March 31, 1991 by Muslim Janbaz Force; and second was the kidnapping of Israeli tourist Yari Zoiov Itzhaki on June 27,

29. The Times of India(New Delhi), June 29, 1991.

Jansson and Loman, engineers in the URI Hydel project

30. The Hindustan Times(New Delhi), July 17, 1991.

31. Amit Baruah, "Captive in Kashmir : Doraiswamy's release 1991 by Pasdaran-i-Inquilab-e-Islami of JKLF. and after", Frontline, Vol.8, No.8, August 31-Sept.13, 1991.

in Baramulla district were kidnapped by the Muslim Janbaz Force (MJF) on 31st march 1991 while they were travelling on the Gulmarg-tongmorg road. MJF demanded the visit of teams of Amnesty International and United Nations to Kashmir valley as a pre-condition for the release of the hostages. Initially, the militants, had set two 'deadlines', one on April 13 and later on Id-ul-fitr day on April 16, for meeting their demand. But government took a 'tougher-stand' with the militants and denied to fulfill their demands.<sup>32</sup>

On the otherhand, several national and international organisations and leaders had pressurised the MJF to safe release of hostages. Carl Akesson, Consul General of the Swedish Embassy in New Delhi flew to Srinagar to monitor the development on this hostage issue. Before that Annika Sahnstrom, secretary in the Embassy was monitoring the situation and asking the Indian Government to negotiate with militants for the safe release of their nationals. In the meantime the hydel project work which was going on, had been temporarily closed down by the Swedish company. More than 50 Swedish personnals were returned back to Stockholm under the five member Swedish Government team headed by Kur Woxly.<sup>33</sup>

The Amnesty International, Swedish Islamic Council, Secretary General of the U.N., Javier Perez-de Cueller have also made their appeal to MJF for the safe release of hostages. Some militant outfits, including the JKLF, Al-Barq

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32. The Indian Express (New Delhi), March 19, 1991.

33. The Hindustan Times (New Delhi), April 21, 1991.

had also appealed for the release. The secretary of the People's League, Farooq Ahmed said that while the UN and other international bodies are demanding the release of the two hostages, they had to turn down their eyes from the issue of the detention of thousands of Kashmiris and the human rights violations in the valley.<sup>34</sup> The Swedish Government, while expressing concern over the deteriorating human rights in Kashmir had also appealed to the MJF to release the hostages unconditionally and unharmed.<sup>35</sup> After a strong international pressure, the two Swedish engineers were released by the militant outfit on July 6, 1991. But according to the engineers themselves, they escaped to freedom from the militant hide-out by their own responsibility.<sup>36</sup>

But a strong controversy had emerged over the release of the two Swedish engineers from captivity. Certain things had happened which raise suspicion about the claim of the Swedish and the abductors as well. In fact, Loman had no injury on his leg as was claimed by the MJF earlier, but it was surprising for the two hostages to have managed their escape in an alien land and geographic land-scape and reach at the police station right on Srinagar-Jammu National Highway at the crack of the dawn. There was also controversy over the release of hostages all of a sudden. The MJF itself was slow in making its claim in the afternoon of July 5, 1991. The terrorist group spokesman told to a mediaman telegraphically

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34. The Indian Express (New Delhi), April 19, 1991.

35. The Hindustan Times (New Delhi), April 21, 1991.

36. The Telegraph (Calcutta), July 7, 1991.

that the two hostages have been 'released'. There was no mention as to why this development took place so suddenly. However, a handout of the outfit released in the evening claimed that it was done on the appeal of People's League leader Shabir Shah, who wanted the release of two hostages in defence to the appeal of the UN Secretary-General Javier Perez-de Cueller and others as that would further reinforce the support for "the Kashmir cause of liberation."<sup>37</sup>

Another hostage-taking situation against the foreign nationals was the attack on tourists in Kashmir. The attack on foreign tourists in Kashmir has become a total blow to the tourism in the valley. This incident was occurred about 11.20 p.m. on 27 June 1991, when a group of militants, Pasdaran-i-Inquilab-e-Islami under the JKLF outfit kidnapped eight tourists including two women, from a houseboat in the Dal Lake, Srinagar. The militants, along with the abducted foreigners - seven of them were Israelies while one woman was from the Netherlands, came ashore near Saide Kadal downtown near Srinagar around 2.30 a.m. The two women were then released. Later, as they wanted in an alley to across the highway, one of the six abducted men managed to free his hands. One of the abducted man snatched a rifle from a militant and killed one miliant. In retaliation, militants fired back and killed Kanahan (a tourist) and three others wounded. Then they left the wounded foreigners and taken Yari Zoiow Titzhaki as hostage.<sup>38</sup>

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37. The Hindustan Times (New Delhi), July 8, 1991.

38. The Times of India (New Delhi), June 28, 1991.

Following the attack, the government of India swiftly swung into action and began evacuating a large number of Israeli tourists from Kashmir. Even since the first word of attack reached the Israeli Consul Office at Bombay, Giora Becher, Consul General was maintained a round the clock contact with the External Affairs Ministry, the Home Ministry and other authorities in Srinagar for the safe release of the tourist. Government of India had also assured the Israeli authorities of all help in tracing the missing Israeli tourist and also allowed Israeli consul officials to go to Srinagar. After the strong pressure by the Government of India and appeal of Moshe Yegar, Deputy Director General in the Israeli Foreign Ministry, Itzhaki was released on 3rd July 1991 after a week long captivity.<sup>39</sup>

#### **HOSTAGE-TAKING IN ASSAM :-**

Assam has been plagued by terrorism for quite sometimes now. The group which has been most vocal about the terrorist strategy of hosage-taking is the United Liberation Front of Assam (ULFA). From the beginning of the organisation, i.e., during early 80's, they were taking Rabin Hood tactics punishing corruption, fighting against Rhina Poaching, conducting anti-liquor and anti-gambling campaigns through terrorist activities viz. bomb explosions, shoot outs, extortion, robbery etc.<sup>40</sup> The targets were non-Assamese in the States. But in late 1980s their strategies became changeed and both Assamese and non-Assamese became targets.

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39. Ibid. July 5, 1991.

40. Charvak, "Rise of ULFA in Assam", Mainstream, Vol.28, No.26, April 21, 1990, p.2.

With all these activities of ULFA, the situation in Assam by the early 1990s became volcanic. The terrorism of ULFA has been nothing but a step towards insurrection and the state of Assam was heading rapidly towards the portals of full-scale insurgency. When the strategy of hostage-taking took place in the western parts of India by the Sikh militants and Kashmir militants, it suddenly demonstrated in North East part of India and ULFA militants took this strategy to fulfil their tactical and strategic objectives.

The hostage crisis in Assam had begun on July 1, 1991, when the Congress (I) government headed by Hiteswar Saikia assumed his office. The United Liberation Front of Assam (ULFA) abducted 14 persons in a series of coordination actions from six localities in the state. The kidnapped persons were various descriptions like the state and Central and State Government officials (five of the Government of Assam, seven of the Oil and Natural Gas Commission (ONGC), one of Coal India Limited, and one of the Telecommunications Department, including one Soviet technician). The kidnapped officials were : S.K. Tiwari, Commissioner and Secretary, Government of Assam; Rajani Das, Deputy Director, Supplies, Govt. of Assam, and Lohit Das, S.K. Tiwari's driver, all from Guahati); Mrigantaka Mohan Das, Additional Deputy Commissioner, Darogn; and Hareswar Sarma, Confidential Assistant to D.C (both from Mangaldni)-; Bholanath Jaiswal, Chief Geophysicst. ONGC; Chittaranjan Mohanty, Deputy Superintending Engineer, ONGC; Narendra Sarma, Director ONGC; Shivasankar Gupta, Deputy Stores and

Purchase Officer, ONGC; and Dasarath Pandit, Senior Telecommunication Officer (all from Jorhat). Kishen Pal, Chemist, ONGC, B.P. Srivastav, superintending Engineer, Drilling, ONGC, (both from sibsagar); T.S. Raju, Assistant Executive Engineer, ONGC (from Nazira); and Sergi Gritchenko, a Soviet Technician, who was working in Coal India Limited (from Margherita).<sup>41</sup>

In the hostage situation in Assam, there was no formal negotiation between government authorities and ULFA militants. All negotiations were carried out by the press releases from the both parties. At the first phase on 3rd July the ULFA issued a press statement signed by the ULFA's Chief Publicity Secretary, Sidhartha Phukan offering to release the hostages in phases and in exchange of 'specified' militants. It proposed the release of Sergi Gritchenko, Soviet Engineer and Bholanath Jaiswal, an ONGC Officer, both described as "foreign technician"- in return of six militants. It had set July 9 as the deadline for the exchange. The state government promptly, and much before the deadline, released the six hardcore militants on July 8. A few hours later, after release of a press statement signed by Sidhartha Phukan reached the newspaper office that Sergi Gritchenko has been killed in an encounter with militants when he tried to escape from captivity. On July 10, Bholanath Jaiswal was released in Jorhat.<sup>42</sup>

In the second phase ULFA demanded the release of 24

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41. The Telegraph (Calcutta), July 3, 1991.

42. Ibid, August 25, 1991.

specified militants in exchange of 4 hostages and deadline was fixed to July 14. On July 12, State Government announced that 11 of the 24 militants have been released on a part of "General Amnesty" and that order for the release of the remaining 13 have been issued. Then, on July 14 ULFA released three hostages- Mrigantaka Mohan Das, Hereswar Sarma and Dasarath Pandit.<sup>43</sup>

In the third phase, on July 15, the ULFA demanded the release of all its members and Sympathisers by 6 p.m. on July 26 in return of T.S. Raju and Kishen Pal. On July 26 government announced that the army has been deployed to locate the body of Soviet Technician. The ULFA then extended its 'deadline' by 120 hours, to expire at 6 p.m. on July 31st. Saikia again went on AIR and TV and renewed his appeal to the ULFA to release all the hostages and agreed to hold talks. On July 30, the state government released 419 ULFA militants as demanded by them. But due to the change in the organisational structure, ULFA denied to release the hostages and fixed August 27 as another deadline for the release of ULFA members and supports in exchange of release of the remaining hostages.<sup>44</sup>

Another development occurred by that time when the convenor of the Assam branch of the Amnesty International. Bipual Mohanta offered to mediate between the ULFA and the state government on the hostage issue. Government responded to his offer to solve the deadlock as soon as possible. On

43. M.S. Pravakar, "Now, operation Rhino : A no-win situation in Assam", Frontline, Vol.8, No.20, Sept.28-Oct.11,1991,p.17.

44. Ibid, p.18.



August 29, ULFA extended the deadline to 6 p.m. of August 29 in response to appeal by Assam branch of Amnesty International. The Government also decided to release 10 more militants held under TADA in the hope that the ULFA will respond by releasing more than one hostage.

On August 30, a ULFA statement, under the signature of Naresh Deka, demanded the release of ten specified militants (whose names did not tally with those of the ten whose release has been ordered by the state Government) as well as 24 militants whose release had been demanded in the second phase of exchange on July 12. The ULFA modified its offer to release T.S Raju and Kishen Pal. Its latest statement offer to release Kishen Pal and Chittranjan Mohanty but there was no mention of T.S Raju. The deadline for the exchange was set at 6 p.m. on September 4, 1991.<sup>45</sup>

After a long 'yeilding response' government took a 'tougher stand' and decided to deploy army in Assam to hide-out ULFA militants and bring them to negotiating table. In retaliation to this decision ULFA militants killed two hostages-T.S Raju and B.P. Srivastava.<sup>46</sup> The killing of hostages forced the Government of India and Assam to accept the challenge of ULFA and army deployed in Assam on 15th of September 1991.

#### **Operation Rhino:-**

The army operation, i.e., "Operation Rhino" began on September 15th, 1991 in the wake of a rash of kidnapping,

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45. Ibid.

46. The Times of India (New Delhi), Sept.20, 1991.

extortions, killings, and other kinds of violent activities by the ULFA militants in Assam. It was the first army operation against the strategy of hostage-taking by the militant outfits in India.

The three months of Operation Rhino have apparently caused more damage to ULFA. Indeed, the government readily released most of those arrested during "Operation Bajrang" in 1990 as a part of a general amnesty in partial fulfilment of the ULFA's demand for releasing the hostages. Out of the 5,153 persons officially admitted to have been arrested during Operation Rhino (3,426 by the army and 1,727 by the police), 2,912 have been released (1,476 of the former and 1,436 of the latter) after interrogation. During the army operation, Golap Barua alias Anup Chatia, ULFA General Secretary, and Sidhartha Phukan, the outfit's Publicity Chief were arrested. The militant outfit also received a severe setback when its Deputy Commander in-Chief, Hirakjyoti Mohanta was shot dead and several leaders captured in Guahati during the operation.<sup>47</sup>

At last, the hostage crisis ended in Assam on 16th December, 1991 when ULFA announced the release of all remaining 6 hostages unilaterally. In a terse, three line statement, Aurobindo Rajkhowa announced, in his capacity as the Chairman of the central war council, a "unilateral and indefinite cessation of hostilities", effective from December 17th 1991.<sup>48</sup>

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47. M.S. Pravakar, "Entrenched in Assam: On the impact of operation Rhino", Frontline, Vol.8, No.26, Jan.3, 1992, pp.44-45.

48. -----, "Hostage no more : But is ULFA buying time?" Frontline, Vol.9, No.1, Jan.17, 1992, p.31.

## **STOCKHOLM SYNDROME IN INDIA:-**

Utterances by the hostages after release from the terrorist outfits in India have confirmed the incidents of Stockholm Syndrome- where a kidnapped victim speaks sympathetically and even in support of her captor release.

After the incident, the criminal and the hostages established a co-operative relationship which complicated every action of the police. Hostages provided their captor with suggestions and acted as look outs for him, even while he was asleep. When his surrender took place, the hostages formed a human wall around him out of fear that the police might shoot him. One of the hostages even hugged and kissed him before he was taken away by the police, professing her love for him. She married him while he was still in prison.<sup>49</sup>

In India there are as many as hostages, which have taken by the different terrorist outfits and subsequently released after negotiations or otherwise. Feelings and attitudes of hostages toward their captors were very sympathetic and even the hostages supported the terrorists for their good behaviour during the period of captivity. In this context, the feelings of the Liviu Radu , Romanion Charge,d' the Affairs who was kidnapped by the Khalistani terrorist outfits were quite interesting. After release from captivity, he said, " I now understand the problem of the militants...as a matter of fact they have been very nice to me."<sup>50</sup> Radu recounted that during his captivity, he spent

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49, Norman Antokol and Mayer Nuddell, n.2, pp.148-149.

50. The Times of India (New Delhi), Nov.27, 1991.

most of his time reading English newspapers and talking the militants around him. He was provided with several interesting books on the history of the terrorism infested states. Interestingly, the terrorists gave the Romanian envoy his regular quota of cigarettes and medicine. Radu has also denied that he was threatened to kill by the abductors. Even, when he was released three kidnappers accompanied him in disguise till New Delhi. He said, "The experience was quite interesting and novel."<sup>51</sup>

In the case of K. Doraiswamy, an ONGC official, who was kidnapped by Kashmiri Militants, the response was also the same as Radu. After release, he said, "the militants were extremely nice and courteous to me and tried to make me as comfortable as possible under the circumstances".<sup>52</sup> He has also shown his sympathetic attitude towards Kashmiri militants and said, " The Kashmir Problem can not be solved at gunpoint...they are not bad people...no one listens to them."<sup>53</sup>

Not only Radu and K. Doraiswamy, but also many hostages have expressed their sympathetic attitude toward their abductors. According to Khemlata Wakhloo, former Jammu and Kashmir Tourism Minister, a victim of Hezbollah militant group said, "we have to initiate a dialogue with the militants...they are all Kashmiris and like my children."<sup>54</sup> According to the statement of Jan Ole Loman, a Swedish

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51. The Tribune (Chandigarh), Nov.27, 1991.

52. The Telegraph (Calcutta), Aug.27, 1991.

53. The Times of India (New Delhi), Nov.27, 1991.

54. Ibid.

Engineer, "I feel sorry for the people of Kashmir...there should be peace in Kashmir, the people are so good."<sup>55</sup> According to an Israeli tourist, Yari Itzhaki, who was a victim of Kashmir militant, Pasdaran-i-Inquilab-i-Islami says, "All I can say is I was treated very well by the militants who saved my life."<sup>56</sup>

After summarising the above utterances, it is very clear that the Indian hostages have shown their positive attitude towards their captors. Like Stockholm Syndrome it a psychological coordination between the hostages and the captors. The important thing to be remembered that, while the development of the Stockholm Syndrome is a positive sign in term of the ultimate resolution of an incident the close identification between hostages and their captors must be kept in mind as the incidents unfold.

#### **INTERNATIONAL LINKAGES:-**

External supports and international linkages have frequently been demonstrated as a crucial factor for the development of terrorist activities in India. Series of kidnapping, hostage-taking and killings of innocent people in Kashmir, Punjab and Assam were to the tactical help by the different foreign countries. The outside countries provide financial help, weapons, trainings, safe sanctuaris and other facilities to creat subversive acttivities in India for political gain. On the otherhand, the terrorist organisations

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55. Ibid.

56. Ibid.

in India have a close relationship with foreign country's terrorist organizations, and their intelligence agencies. The Indian terrorist organisations have also many abroad organisational units through which they maintain their linkages.

In recent years evidence has been forthcoming of the wide ranging links that various terrorist bands as those in Punjab, ULFA, LTTE and the JKLF have forged among themselves. It is also no secret that these groups have spread their channels abroad, from wherever they receive regular sustenance in terms of men, money, and munitions.

Some governments not only lend the use of their territories as sanctuaries by these terrorists but often help them giving respectability by taking ambiguous stand in human rights fora. Training camps have been maintained in North America and Pakistan by Punjab and Kashmir terrorists. Certain political elements in the U.K. Patronise the JKLF. It is often the need to attract such recognition from foreign government that prompts terrorists to indulge in sensational kidnapping and hijacking in pursuit of their strategy of "propaganda by deed."

This is now a well established fact that foreign interference is the primary, source of development of new tactics by terrorist groups in J & K, Punjab and Assam. In the north, mostly Pakistan is fighting a proxy war taking advantage of internal discontent. In North East especially in Assam, the powerful underground terrorist organisation ULFA

is backing by Bangladesh, Myanmar, and China.

The problem in the state of Punjab has gone much beyond Pakistani involvement. Pakistan is waging war against India by aiding and abetting insurgency, inciting international terrorism.<sup>57</sup> Not only from Pakistan about also the terrorist groups of Punjab get substantial support from the U.K., the U.S.A., and Canada based organizations. The U.K. based Bhai Amrik Singh Shahidi Jatha, officiated with the Sikh militants, their family members and army deserters.<sup>58</sup>

American's CIA and Pakistan's ISI have close relations with Punjab separatists. The ISI of Pakistan plays an active role in distributing funds to the violent groups.<sup>59</sup> It also provides the tactical support and plans for abduction and taking hostages. The kidnapping of Romanian charge-d'affaires, Liviu Radu opens the face of Pakistan, where the plot to kill J. Riberio, Indian's ambassador to Roamnia was masterminded. The plot to gun down Riberio in Bucharest was engineered by Daljit Singh Bitoo of the All India Sikh Students Federation. He was assisted in the planning and execution of this operation by Gurmeet Singh Amalo of the International Sikh Youth Federation (ISYF), who has been living in Germany for last three years and coordinating activities of the Sikh extremists based in Germany, Switzerland and Holland which have emerged as the main centres of terrorist activities.

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57. R.P. Paliwal, "Combating the proxy war", Link, Vol.34. No.24, Jan.26,1992, p.23.

58. The Times of India (New Delhi), March15, 1992.

59. Ibid. Oct.16, 1991.

Before 1983, Britain was the main international operational ground of Punjab terrorists. It was as a result of the tough measures taken by the British Government against Sikh terrorists. A decision was taken out by a meeting of Sikh extremists held in Lahore in Nov. 1988, to spread their network to west European countries and particularly to Germany, Switzerland, Holland, Italy & Norway. The instructions of the ISI to the Sikh extremists organizations based in West Europe were being passed on by ISI through G.S. Amalo.<sup>60</sup> A number of Sikh extremists who were wanted in Punjab in connection with terrorist activities managed to reach Germany and Switzerland during this period with the ISI authorities and took over active roles in this hostage network. During the 48-days detention of Radu, the ISI maintained direct daily contact with the kidnapers - the head of the federation group, Bahadur Sing Heera (Heera faction of ISYF) who lives in Germany and other groups who were living in the U.K., the U.S.A., Canada and Switzerland. The telephonic contacts were intercepted by some foreign agencies and communicated to the Indian authorities.<sup>61</sup>

International pressure also can not be denied for the safe release of Mr. Radu. Pressure by western powers on Islamabad forced the Sikh extremist organisations to release Radu. Romania had sought Pakistan's good offices in putting pressure on the four militant organizations which had claimed responsibility for the kidnapping of its charge d'

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60. Ibid.

61. Ibid. Nov.29, 1991.



affaires.<sup>62</sup> America also had played the some role for the release of the Romanian diplomat. It can be linked between the visit of Reginald Bartholomew, the U.S. Under secretary of state for international security affairs, to Islamabad and the announcement of the second panthic committee headed by the Pakistani - based Sohan Singh to release the diplomat. The U.S. concern over sponsorship of terrorism in Punjab and Kashmir was communicated to Pakistan. The result is there the release of Radu after 49 days in captivity.<sup>63</sup>

But before Bartholomew's visit to Islamabad, a high-level meeting presided over by the President, Gulam Ishaq Khan, and attended by the Pakistan prime Minister, Nawaz Sharif, Gen. Asif Nawaz Janjua, and the director General of ISI approved strategy paper for ISI - sponsored operations in Kashmir. The meeting discussed plans to keep up the pressure on India through terrorists trained, Funded and armed by it. The stratgy was two pronged to build up internatioal pressure on Indian and to promote terrorism in the valley.<sup>64</sup>

The splendid valley of Kashmir has become a hotbed of conspiracies and intrigues now. The present form of Pakistani intervention in Kashmir has been unprecedented. The Islamic factor has been considerable in swaying the Kashmiri militants in thie quest for a separate identity. Over the years, the compaign of fanaticism, fundamentalism, religious bigotry has been spreading in the valley of Kashmir.

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62. Ibid. Oct.13, 1991.

63. Ibid. Nov.27, 1991.

64. Ibid.

"Operation Topac" maintained by the President Zia-ul-Haq was a well planned and sophisticated effort to infiltrate the Pakistan trained Saboteurs into all branches of the Kashmir Government and to expose the entire population to sustain anti-Indian propaganda for a length of time. It was calculated to lead on to high class organised sabotage, terror and public demonstration, to bringdown the entire functioning of the state apparatus to a grinding halt timed with "kabayali" type invasion across the border.<sup>65</sup>

This has spread slowly and steadily. Aided and abetted by Pakistan, the hatred against this situation arose, Jamat-e-Islami succeeded in spreading its network throughout the valley even with the overt and covert support of the administration.<sup>66</sup>] [Inter services Intelligence (ISI) of Pakistan also fanned the fire of fanaticism and violence. Selective killings, mass killings, kidnappings, have been taking place due to the involvement of Pakistan in Kashmir. The selective assassination of left-leaning politician, Abdul Sattar, a CPI leader and kidnapping and killing of Md. Mustafa, an independent member of dissolved J & K legislature mark no doubt a significant turn in the current drive by the terrorists in Kashmir. This tactics was mainly used by Mujahideen operating directly under the guidance of ISI and FIU (Field Intelligence Unit) of Pakistan army.<sup>67</sup>

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65. Sarat Kumar, "Challenge and opportunity for Indian Polity", Mainstream, Vol.28, No.32, June 2, 1990, pp.9-10.

66. R.P. Paliwal, n.57, p.22.

67. P.N. Jalali, "Behind Selective killings", Mainstream, vol.28, No.24, April 7, 1990, p.4.

So far as kidnapping and hostage taking is concerned, Pakistan's help is very significant. In Rubiya Sayeed case, ISI had directed the JKLF to take her as a hostage. It has also trained and motivated quite a few other terrorist groups. Its modus operandi has been to induct a number of small squads (four to five member each) into the valley to organise sabotage and terrorists activities. This phase of hostage taking had been prepared for some years past. But the final operation has been entrusted to the JKLF. It is very interesting to maintain that the task assigned to the Kashmiri terrorists was to kill or kidnap Mufti Mohammad Sayeed himself. This revelation has been made by Mr. Farooq Haider who heads the Pakistani ISI-backed faction of JKLF.<sup>68</sup> The ISI was also supporting the Por-Pakistan fundamentalist group like the Hizabul Mujahideen, Al-Omar and Ikhwan-ul-Muslimeen.

The Pakistani media also asked to determinedly support Kashmir liberation struggle which has come into focus with the kidnapping of the daughter of Mufti Mohammad Sayeed. The Pakistani Times editorial says: " The kidnapping of the Home Minister's daughter, worrying as it was, has introduced a new tactic into the simmering conflict and it will be idle not to allow for the possibility of its becoming a stock instrument as the pressure mounts whenever it mounts.... The speciousness of it fools no one; least of all the Kashmiris themselves who now look likely to opt for desperate ways to give expressions to the way they feel."<sup>69</sup>

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68. Hindustan Times (New Delhi), Dec.25, 1991.

69. The Tribune (Chandigarh), Dec.25, 1989.

Holding innocent people as a new weapon that Pakistan ISI has approved of to be employed against India. The reported creation of a Kashmir cell in the Pakistan Government which includes persons drawn from the political, military and intelligence establishments of Pakistan, is a move in the well-knit conspiracy to step up the indirect war Pakistan is waging in Punjab and Kashmir.<sup>70</sup> It is well established that Nahida Imtiaz, the adopted daughter of national conference leader, Saifuddin Soz, was released by the terrorists only after the Pakistan Prime Minister, Nawaj Sharif's appeal to them to set her free.<sup>71</sup>

In North East region, more especially ULFA problem of Assam is very significant. The strategies and tactics also more or less similar in the militants of the Punjab and Kashmir. Hence, a foreign hand in ULFA activities is also evident. ULFA cadres cross into China via Myanmar for training and equipments. China have been supplying funds and selling arms like M-16 and AK-47 assault rifles to them at rock-bottom prices. Pakistan's embassy in Dhaka has apparently been providing arms and funds to the Front. Also, the improvised explosive devices captured by the army during Operation Bajrang and Operation Rhino from ULFA camps are mostly those made by LTTE. Besides, ULFA cadres, have close nexus with Myanmar, Bangladesh, Bhutan, Britain, and the U.S.A.

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70. The Patriot (New Delhi), May 3, 1991.

71. Ibid.

Discovery of foreign links should be no surprise for an organisation like ULFA which was born in Myanmar's Kachin valley under NSCN's watchful eye. Documents seized by the army during the raids in many districts of Assam. Paresh Barua, a self-styled commander-in-chief of ULFA reported to be in constant touch with the Kachin Independent Army (KIA) of Myanmar. A letter, written by him shows that as the army moved in, ULFA should only pick on "soft targets" as congress workers and retain publicity through the holding of the hostage.<sup>72</sup>

ULFA has also made links with the neighbouring militant organisations. The army has uncovered ULFA's link with the KIA, National Socialists Council of Nagaland (NSCN), the inchoate UPNA and ULVA of Arunachal Pradesh and Bodos. Further, exploratory ULFA links with the LTTE in Srilanka and the AISSF of Punjab have been established. On September 9, 1991, Hiteswar Saikia, chief minister of Assam said in the state Assembly that ULFA had established links with China, Bangladesh, and Pakistan. And that ULFA commander in chief Pareash Barua had set up training camps in China. While in April 1991, its chairman Aurobindo Rajkhowa, had visited Bangladesh with other leaders, to lay the groundwork for camps there.<sup>73</sup>

It is evident from the above analysis that international linkages play an important role in terrorism and hostage taking as a in India . The militant groups in India basking

72. The Times of India (New Delhi), Nov.25, 1991.

73. Farzard Ahmed, "Aid Abroad", India Today, Oct.15, 1991. p.57.

under the patronage of foreign countries, have converted the state into their fiefdom showing scant regard for the local populace or the law and thereby create a terrorist environment in India as a whole.

In sum, it has been observed from all account discussed in this chapter that, hostage taking is not an indangerous tctic by the Indian terrorist outfits. It is totally a demonstrative effect of other groups of the world on them. International sponsorship and inter-terrorist organizational likages also play a vital role for this purpose. By deliberately chosing the innocent national and foreign targets, they use them as pledge to bargain with the government for the fulfilment of their tactical and political abjectives.

## CHAPTER IV

### NATIONAL AND INTERNATIONAL POLICY RESPONSES TO HOSTAGE-TAKING IN INDIA : A CRITICAL ASSESSMENT

The inhuman phenomenon of hostage-taking has posed a serious challenge to the greater power of the government. While domestic political and administrative measures are necessary to ward off the challenge what is also required is a serious international effort to tackle this issue. Because it poses a serious threat to both national and international politics.

It is essentially a form of blackmail and intended to neutralize the administrative power of the government. Since 1989, the Government of India has been facing the scourge of hostage-taking as a terrorist strategy in different parts of the country. The legitimacy of the government comes under a shadow with such tactic in the three most sensitive states- Punjab, Jammu & Kashmir, and Assam. Many Hostages have been taken, killed, and released by the different terrorist outfits of the three above mentioned states. Government also has applied different types of policy responses to tackle the situation, but does not stick to a clear cut policy. Because India has no real policy till date. It only vacillates between softness and toughness having in the process the worst of both. It results in nothing but frequently fall between the two.

Today's emboldened attitude of terrorists in different

parts of the country - particularly their emphasis on kidnapping and hostage-taking of innocent people to secure their objectives was direct legacy of the national front government. The kidnapping of Rubiya Sayeed was a turning point in the history of Indian Terrorism. The immediate release of five hardcore militants in exchange of Rubiya Sayeed had three long-term consequences - it graves heart to terrorist organizations that they were dealing with a soft state. Vulnerable to easy blackmail; it crippled the Governments ability to enforce a uniformity firm policy in dealing with future cases; it sent signals that the Government had double standards, one for VIPs and another for ordinary people.<sup>1</sup>

Whenever a VIP or a relative of a VIP has been taken as hostage, the government has given into the demands of the kidnapers, while those without connections in high places left to their fate. In the Kashmir valley their have been some 40 kidnapping cases with members of terrorist organizations seeking to freeing of members who have been clearly involved even in murder. In fact, the kidnapping of Indian Oil Corporation Executive Director, K.Doraiswamy by the Ikhwan-ul-Muslimeen appears to steam from the confidence the group gained from an earlier experience with the Government. This same organization had kidnapped Nihida . Imtiaz, daughter of National Conference MP, Saifudden Soz and the Government succumbed to their demand for the release of

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1. Ajit Ninan, "Held to Ransom", India Today, August 15, 1991, p. 11.



top militants. But when it came to an ordinary engineer of ONGC, T.S Raju, and B.P. Srivastava who had been taken by ULFA, the Government suddenly decided to stand its ground and they were killed by the militants.

All this ignore the world's experience in dealing with terrorism. Today, nations which have borne the brunt of it - the U.K., the USA, Israel, Turkey - simply do not negotiate with the terrorist in hostage situations. They are taking the tough-line policy against terrorist. They mount rescue operations or attempt to wear down the adversary with protracted negotiations while stepping up pressure on them. In the late 1970s and early 1980s, the Irish Republican Army (IRA) frequently used political kidnapping as a means of raising funds and forcing their demands. The British government negotiated with kidnapers in almost each cases but refused to be blackmailed by them. It believed that acceptance of their demands would mean helping a terrorist organization, that meant committing crime against the state.<sup>2</sup> India also trying to follow the same path. Indian statesman now arguing not to negotiate with the terrorist groups because it can induce them to take more and more innocent people as hostage. On a hostage crisis in Kashmir, Union Minister Gulam Nabi Azad said, "I do not think getting hostage released in any solution to the Kashmir problem. - If one continue negotiating with terrorists and giving into their demands , then a time will come they will abduct not a few , but hundreds of important people and not just in -----  
2. The Times of India (New Delhi), Oct. 15, 1991.

Kashmir, but even outside it. Abduction has become a convenient tool in the hands of terrorist groups and we have to snatch it away."<sup>3</sup>

Terrorism whether in Punjab, Assam or Kashmir has come to stay and there is no wishing away that reality. Just as there is no wishing away the fact that kidnapping has become an easy tool in the hands of terrorist group kidnapping of Liviu Radu, the Romanian diplomat in New Delhi has jolted the Government into a least talking in terms of policy response, and legislated the law to make kidnapping a capital offence.<sup>4</sup>

So far the government agencies have dealt with kidnapping in their own uncoordinated ways. Kashmir has seen the emergence of the freelance negotiator which has invariably led to the acceptance of the kidnapers condition. Punjab has been the other extreme, with the police and intelligence agencies running their own private war on the principle of an eye for an eye. In Assam, the government agencies involved hold differing views.

Terrorist use of kidnapping as a political weapon is not a new tactic and the Government of India has to learn from the vast resource of international experiences. The tough stance taken by western governments over the kidnapping of their citizens in Lebanon shows that firmness ultimately pays. It also discourages further kidnappings. When the former Italian President, Aldo Maro was kidnapped by the Red

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3. Gulam Nabi Azad, "Why we shouldnot negotiate", The Times of India (New Delhi), Oct. 6, 1991.

4. The Indian Express (New Delhi), Oct. 14, 1991.

Brigade, the Italian Government refused to compromise. Though the terrorists left the leader's blood splattered body behind, they realised that the kidnapping had failed to further their political objectives. Intransigence may have killed Aldo Maro, but it probably saved the lives of many others who would have fallen victim to the Red Brigade's strategy. Governments around the world have also perfected the technique of using negotiation as a delaying tactic, while all kinds of Pressures - Psychological, military, and political are employed to break the will of the captors.

It must also be understood that hostage-takers do not seek to concessions they demand. In quite few cases, the kidnapers may be well aware that the Government is not going to or is unable to concede their demands. As in the case of Radu, they could have been under no illusion that the Government was going to agree to release the accused in Gen. Vaidya's murder case. It is, of course, another matter that the Government may concede to them what they demanded as in the case of Rubiya Sayeed, and more than what they demanded as in K. Daraiswamy's case. It is an open secret that the militant group (JKLF) which organised Rubiya Sayeed's kidnapping were themselves surprised when the Government agreed to release Hameed Sheikh and four other hardcore militants.

It is also correct to say that in all cases of hostage-taking, the terrorist groups prefer Government's Compliance to resistance. Provoking a violent counter-terrorism action could be one of the objective of the kidnapping. Overreaction

could be one counter productive. Moreover, the nature and intensity of preferences of terrorist demands could under go change. Some or all immediate demands could lose relevance for the terrorist groups as well as for the Government during the hostage-situation.

Kidnapping can also be an end in itself. The tremendous publicity kidnapping generates is a big gain for the group. It focuses attention both inside the country and outside. It could act as a catalyst to build up public opinion and organised over-ground resistance against the Government. It demonstrates that it possible successfully to resist an government. It reveals chinks in the huge security apparatus by the media build-up shows the Government in very poor light. It infuses a new sense of optimism among its followers who start believing that it is possible to defeat the Government. The euphoria which the release of Rubiya Sayeed generated in Kashmir for indipendence was to be seen to be believed.<sup>5</sup>

It is easier for the hostage-taker to be flexible than for the government. Government loses face if it keeps on changing its stand, and to force the government change its stand could be one of the tactics of terrorist groups. The government has more problem than the hostage takers. Policy like 'no surrender and no concession' as followed by the western nations and threats to terrorists followed by object surrender as in the cases of Rubiya syeed and Daraiswamy can

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5. Ved Marwah, "Hostage of Terrorism". The Hindustan Times (New Delhi), Dec. 12, 1991.

create wonders to their morale and more to sustain them. The successfully manage to put the focus on Government's response and demands made by the terrorists, rather than an the inhuman acts. Government more often than not fall into the trap and start high profile negotiations with the hostage takers. Government has also to answer for the consequences of non-compliance of the demands of the terrorists groups. The liberal demoratic society like India finds it difficult to respond to terrorism, and the hostage takers are fully aware of this weakness.

A 'no surrender policy' is not easy to enforce and in any case it will not stop all further kidnapping, because ransom could be only one of the objectives. Kidnapping by political terrorists have other more serious goals and objectives like freedom of prisoners, publicity, safe passage etc., which far outweigh the importance of the immediate demands made. As suggested earlier, no foreign government has been able to enforce such a policy including Israel and the U.S.A. It is only a declared policy not even practised. Because no government wants his national to be dead in the hands of terrorist groups.

There can be no uniform policy in dealing with the kidnapping. As every case is different and has to be treated as its own merits. The Naxalite kidnapping in Andhra Pradesh and PWG (people's War Group) in Bihar are so different from the case in J & K, Punjab, and Assam. In Rohatas district of Bihar, Four People were kidnapped in 1987 and it increased upto 45 till 1991. The ransom demands range from Rs. 35,000

to 14.2 Lakhs depending on financial status of the victims.<sup>6</sup> They are criminals and dealing with them can be easier for the government. Their demand is in the nature of ransom only. But in Punjab, J & K, and Assam, the kidnappers generally demand in the nature of Prisoners release, safe passage, and publicity. Because they are politically and ideologically motivated terrorist groups. To tackle them, a systematic policy of 'hard line', or 'soft line', or, flexible response is required.

When Rubiya sayeed was kidnapped, there was no systematic policy with the Government of India to tackle the situation and after that government had faced the episodes of Prof. Mushirul Haq, H.L. Khera, K. Doraiswamy, Sergie Greitchenko, T.S. Raju, Liviu Radu and many more. Nothing exposed the governments utter lack of direction and policy on the issue of hostages as Chief Minister of Assam, Hiteswar Saikia's ill-advised release of 450 ULFA militants for two hostages with no tangible gains in return.<sup>7</sup>

In Kashmir, Punjab, and Assam, the Prime reason for the spurt in hostage-taking is two-fold. The first, of course, is the high visibility of the instant and extensive media coverage of the incident. In fact, the more extended the incidents like the Doraiswamy's case or many ONGC hostages in Assam or kidnapping of Liviu Radu by Punjab militants, the main motive was the greater publicity. Thus terror generates

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6. Farzad Ahmed, "A kidnapper's Bazaar", India Today, Jan. 15, 1991, p. 136.

7. Arjun Katoch, "Tackling Terrorism", The Hindustan Times (New Delhi), Nov. 7, 1991.

worldwide publicity for the terrorist and its cause. The second reason is the perception of the Indian Government as a 'soft state'. Thus is because its policy, if there is one, appears to be one of constant capitulation to the demands of the terrorists.<sup>8</sup>

Since every one's life is precious and since the Governments in India have responded selectively as the case of Maqubool Bhatt and Rubiya show, the demand of the administrators and the police is understandable. Any step that does not meet their preception is bound to excite intem anger and cause a feuse of desperation. The statement-of M.M. Jacob, Union Minister, "the government is evolving a policy frame that will be firm in dealing with the issues of hostages will set at rest the fears of those who regard the problem as a law and order one."<sup>9</sup> The current problem does not get dissolved or showed by such an announcement. The govenment needs to have an elbow room.

In the case of Liviu Radu the government had not been sensitive to the commitments to friendly states abroad and to the security arrangements of diplomatic corps in India. Terrorism has generally affected India's image in the world. This has affected tourism. The fall in the number of tourists is substantial to be concerned about. This happened particularly after the case of Israeli tourist Yuri Zoiow Itzhaki's kidnapping in Kashmir. A government has the responsibilty not only to see that its writ runs on its

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8. Ibid.

9. The Times of India (New Delhi), Dec. 16, 1991.

territory but also this must appear to be so. Abduction of government or those of their relatives is bad enough. It detracts from the credibility of the government.

There is a need for the government to articulate clearly its policy response to the crisis of political hostages. This should be based on a set of principles which take into account the sort of action a democratic state like India is capable of observing. It is not as if there is a dearth of experiences in dealing with political hostage takers. A very large international effort has gone into the study of hostage situations and an analysis of the options of dealing with them. As suggested earlier, there are many models have been worked out and tried world over. There are essentially two choices - the toughline 'no concession and no negotiation' (Israel and the U.S.A.), and the flexible response (France). Over the years the U.S.A and Israel have faced a large number of kidnapping of diplomats, businessmen, tourists, media persons, and military officials. Whenever the U.S. Government has been directly responsible for negotiations, they have refused to do so or give concessions. The individual price for this has been quite high as the US has lost a lot of citizens killed by terrorists. However, the US Government though publicly maintaining the tough posture has not been averse to occasional negotiations behind the scenes as in the Iran Contra case.

It appears the extreme hardline policy is flawed because it leaves the Government with just two options :



either to let the terrorists carry out their threats or to try and mount an armed rescue mission. World wide experiences have shown that skillful firm negotiations handled by professional negotiators can lead to the safe release of hostages without conceding major demands. Negotiator should be chosen and trained in this field, not by any unskilled judge or politician.

From 1989 to 1992 there were so many cases of hostage taking and in no cases there was a high profile negotiation. In the case of Rubiya Sayeed Government had given the negotiation charge in the hands of A. Guru, a cardiologist Justice M.L. Bhatt, Mir Mustafa, a legislator, and Mian Abdul Qayoom, a lawyer. They were not professional skilled negotiator in this field. So terrorists had succeed in their main demands and Government released five hardcore militants. In K. Daraiswamy case Government did the something and released the terrorists who were involved in previous hostage incidents. In Assam hostage crisis, there was neither a coordinated negotiation nor a proper rescue operation. That is why three hostages were killed and many spent a long period in captivity.

A distinction can and should be made between 'no negotiation and' no concession'. It is possible to negotiate without conceding political demands of the terrorists, including the arbitrary release of terrorists. It can be carried out through the skilled professional negotiators. Most modern governments the world over appoint two to three

negotiators, trains them and practise them in simulated situations. This is the policy of flexible response. There is no need to discuss the compromise or soft option - it only begets more hostages as India has found to its cost. The Indian Government should, therefore clearly and publicly state its policy with regard to hostages.

Apart from the domestic inconsistent policy responses to diffuse the hostage situations during last four years, international response was also very significant. Because all the victims were not belong to the India but some of the were foreign nationals, tourists and diplomats. So far as the short-term response (incident basis approach) is concerned many countries have shown their responses to hostage situation in different ways. They put pressure on the militant outfits or other secret organizations for the safe release of the hostages. Seen in that light the Romanian President's request to the government to get Radu free is understandable. Romania had also promised to help India to curb this vulnerable terrorist tactic. As suggested earlier, Pakistan and the U.S.A. had also played vital role for the safe release of the diplomat.

Despite from the short-term response, a long-term international cooperation is needed to curb hostage-taking in India. There is always an international dimension to it and no state will stop this holocaust without international cooperation. India needs to take an initiative on the hostage issues. It wants to call a consultative conference of six i.e., the U.S.A, Russia, Britain, Pakistan, China, and itself

in order to discuss the issue of hostages. The U.S.A. and Britain have faced this problem in the sixties and seventies. Both have shown a new flexibility in their dealings with India. India presently is considering to establish a closer cooperation with the U.S. on security issues. Britain has already taken some steps against terrorists involved in terrorism in India. Both India and Britain have signed an extradition treaty in 1992 for this purpose. France and Germany have also shown their positive response to curb the terrorist activities in India. If the big powers really mean in restructuring a post-cold war world, a regional solution of the hostage issue may itself be a confidence building measure.

## CHAPTER V

### CONCLUSION

Terrorism is one of the most heinous crimes ever witnessed by mankind during the course of its long history. As a strategy, it always seeks to undermine the society and destabilise the government by disseminating a fear psychosis among the people of the society to whom government is responsible. In the broad sense, it is a systematic use of violence by the specific group against the target state for the political and strategic gains.

Though the concept of 'terrorism' is an old phenomenon, an internationally accepted definition has not yet been discovered. Many internationally reputed authorities on terrorism have analysed this concept in different ways. Because it is an abstract concept with no essence at all. A single definition can not account for all possible use of this term. In fact, terrorism is the direct glorification of violence. It is also intertwined with many violence related concepts like - insurgency, guerrilla warfare, Naxalite movement etc. The difference can be identified between these concepts with terrorism on the ideological and motivational point of view. Though violence is the means of all types of warfare, the goals and purposes are not same. On the whole, terrorism represents a kind of political violence which is directed against the basic values and fundamental national interests of the citizens in a modern democratic state.

Another significant aspect has been seen that the

difference between the state sponsored terrorism and state terrorism. State sponsored terrorism in which terrorist groups used by small states against other big states for their political gains. It can also be identified with the proxy war through abetting insurgency activities in other states; for example Pakistan instigating terrorist groups in Kashmir and Punjab against India. The main protagonist of this type of terrorism was Libya. Iran, Syria and several Middle Eastern countries also doing the same thing. But state-terrorism is something different from state sponsored one.

The state terrorism, in a broad sense, is the power of the government used to terrorise its own people into submission. Many people argue that the totalitarian states employ similar type of violence to induce submission from the citizens and should therefore also be called terroristic. Stalin in Soviet Russia, Pol Pot in Cambodia, Hitler in Germany have used the same strategy against their own population.

In essence; terrorism generally always goal directed and employed in pursuit of political and strategic objectives. Essentially, it is low-tech, low-cost and high result route to worldwide audience. To achieve the objectives they have many operational tactics include almost any violent act that intimidates noncombatants. The most common tactics of international terrorism are armed attack including bombing, arson, assassination and physical injury; hijacking; kidnapping; and hostage-taking. The victims are generally defenceless persons and property or both.

The taking of hostages for the strategic and political gains has become a terrorist strategy in contemporary terrorism. Though hostage-taking (kidnapping for ransom) was an ancient practice by the Roman Empire, the modern version of hostage-taking (politically motivated) can be traced back to the terrorist tactic of Latin America, Europe, and Middle East. The theory of hostage-taking has been given by the leader of the Popular Front of the Liberation of Palestine (PFLP), George Habash and Brazilian revolutionary Carlos Marighella. The purposes were to publicise their cause and exchange of prisoners.

Sometimes controversy arises for the difference between kidnapping and hostage-taking. Although the techniques may appear identical, there are significant differences between kidnapping for ransom money and politically motivated kidnapping. The motivation of the political kidnappers is likely to be less simple and obvious than is that of a kidnapper seeking exchange of victims for money. Some political kidnapping carried out for the purpose of seizing hostages for possible exchange to secure the release of prisoners held by domestic or foreign governments. Other political kidnappings are perpetrated for their symbolic value, as a means of demonstrating the strength of the terrorist organization and the impotence of official authorities. Many of these politically motivated kidnappings may be perpetrated with the objective of securing maximum coverage by the media.

So far as the nature the hostage-takers is concerned, it depends on the ideology and motivation of the terrorist groups. All the terrorist groups dont have the same goals and motivations. Terrorists hold or seize hostages because they want to draw attention to themselves. They believe that in holding human life, their power will be increased. Their extortion, whether political or financial more likely to be sucessful. Individual targets are normally selected for their symbolic value.

Terrorist groups who are involved in such practice can be classified in to psychological, criminal and political according to their primary motivations like instrumental behaviour and expressive behaviour. International acts involve some recognizable gains not so much for material gain as the psychological gain of significance and contorl. The expressive hostage-taker believes that he or she was little control over what happens and wants this to change. Media coverage of the event will achive the change.

Generally hostage-taking takes place in different places through different ways. The nature of hostage-taking may be planned or spontaneously unplanned of action. The place of incidents generally within the jurisdiction as of the domestic country or any foreign land. It also takes place in diplomatic Embassy or cosulate office. The experiences show, the victims are all defenceless personalities of the host country, foreign citizens, diplomats, foreign dignitaries, and tourists travelling in different countries.

In a hostage-taking situation, the hostage-taker(s)

demand varies from group to group. Generally demands are in the nature of release of prisoners held in the host or foreign countries, safe passage, publicity, and huge ransom. Media play a vital role in publicizing the terrorist incident through which the demand for publicity generally fulfills. So far as the other demands are concerned they play a bargain with the government holding hostage as pledge. In this critical juncture, government goes for negotiation with the terrorists for the sake of release of the hostages. Some terrorist incidents also have been successfully terminated by hostage rescue operations.

Hostage negotiation is a communicative phenomenon between the government authorities and the terrorists for the safe release of the hostages. This is the main objective of the negotiation. In the hostage-takers point of view, the objectives are the fulfilment of the all demands in a particular situation. To control over the situation, hostage negotiators play a vital role through their intellectual capability. Sometimes environment and even hostages play their role for the successful negotiation.

So far as policy response is concerned, there is no universally accepted clear policy to tackle the hostage situation. Different governments have their separate approach to tackle the hostage situation. Experience in talking hostage-taking suggests that flexibility may not be feasible or practical under all circumstances but clear policy line certainly helps. Mainly there are two approaches to tackle



the hostage-taking - 'tough line' and 'soft line'. The tough line policy explains the 'no ransom and no concession' to a hostage demand. It is a harsh policy of not to negotiate, negotiation with no compromise; and no compromise and counter attack by the deployment of army and security forces. The 'soft line' policy on the otherhand explains the yeilding approach to the hostage-taking situation. It means the fulfilment of the terrorist demand. It is a tacit understanding between hostage-takers and government in the hope of that they reduce the level of hostage-taking.

Hostage-taking has been a part of the modus operandi of terrorist outfits elsewhere-be it the Halian Red Brigades or Lebanon-based terrorist splinter groups. This tactic has also been adopted by the different terrorist groups in India. In recent years it has shown an alarming increase by the terrorist outfits of Punjab, Jammu & Kashmir, and Assam.

There are two factors responsible for the development of hostage-taking in India. Firstly, it is not an indegenous tactic developed by the terrorist groups of India. It is totally a demonstrative effect of other terrorists outfits of the world upon them. They are imitating this tactic of other groups and believe that it can provide a greater publicity to their cause in international sphere. On the otherhand, they alos believe that it is a suitable tool to intimidate the government for the fulfilment of their tactical and political objectives. Secondly, the organizational and ideological influences also play a pivotal role for the development of hostage-taking in India.

International linkages in hostage-taking can not be ruled out. Indian terrorist groups have their secret links with many international terrorist organizations and secret agencies of various countries. Many hostage cases have also been masterminded by the assistance of the Pakistan's ISI and CIA of the United States. The cases of Rubiya Sayeed and Liviu Radu were masterminded by the ISI of Pakistan.

Many countries also now sponsoring terrorism in India. India terrorists have their links with Pakistan, Myanmar, China, Germany, France, the United States etc. In the north part of India Pakistan instigating terrorism by providing financial and tactical assistance to the terrorist outfits of Punjab and Jammu & Kashmir. In the north east, especially in Assam, China, Myanmar are doing the something. They provide financial assistance and safe passage to the ULFA militants in Assam. Evidences show that there are so many terrorist camps of ULFA in China and Myanmar.

There are so many terrorist groups involved in hostage-taking in India. In Punjab most active groups taking such tactic are Khalistan Liberation Force and Khalistan commando force. In Kashmir, JKLF and its factions, Muslim Janbaz Force, Ikhwan-ul-Muslimeen, and others are taking such tactic. In Assam, only ULFA monopolises it.

There are not less than 100 known hostage taking cases which have taken place during last four years. The victims of this tractice were the innocent domestic and foreign civilian in the nature of the relatives of the pro-

India politicians, ministers, government officials, foreign citizens working in government projects, foreign tourists, and diplomat of the foreign country.

The nature of demands by the terrorist groups in India are same as in case of hostage situation in Lebanon or else where. Experiences have shown that they generally demand in the nature of prisoners release, safe passage, and world wide publicity. It differs form case to case. In Rubiya sayeed, K.Doraiswamy, and Liviu Radu cases they had demanded the prisoners release. In hostage crisis in Assam, the demand was also in he same nature. But in cases of Swedish engineers and Israeli tourist the terrorists had demanded for the world wide publicity to their cause.

It became a difficult task for India to tackle the hostage situation. Till today, India has no clear policy to respond the terrorist in a hostage situation. Experiences have shown in many hostage incidents that India only vacillates between the 'toughness' and 'softness' approaches. In Rubiya Sayeed and K.Doriaswamy cases terrorists of Kashmir had demanded the release of prisoners and India yeilded to their demands. In Assam, when ULFA militants kidnapped 14 government officials, government released 450 handcare militants in exchanges of four hostages. When situations was in peak, government took a tough stance and deployed army to diffuse the hostage crisis. Therefore, India government has shown an inconsistant policy towards hostage crisis. But time has come for India to formulate clear policy response to tackle this menace.

Another aspect of hostage taking is the reaction of hostages towards the terrorists. It has been seen that hostages have shown sympathetic attitude towards the terrorists after release from the captivity. But it is the total violation of human rights of the innocent people. Terrorists obviously abuse the fundamental human rights of its victims by taking them as hostages. The victims of terrorism are arbitrarily deprived of the fundamental human rights of life and liberty which required very strong action even to the extent of negating the human rights of terrorists. Because in the name of self determination they are creating violence and disseminating fear among the people. They use terrorism as a means to fulfill their narrow interests at the cost of the basic rights of the common mass. Some people and organisations like Amnesty International argue that the acts of the state violate the human rights. Because when state takes some countermeasures against the terrorist by deploying army or otherwise to protect the basic rights of the common people, these harbingers of the protection of human rights come out and accuse the state as a violator of the human rights of the terrorists. On behalf of the government it can be argued that the action of the government is not to violate the human rights but to protect the life and liberty of the people.

## APPENDIX - A

### INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES

**The States Parties to this Convention,**

**Having in mind** the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of friendly relations and co-operation among States,

**Recognizing**, in particular, that everyone has the right to life, liberty and security of person, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Right,

**Reaffirming** the principle of equal rights and self-determination of peoples as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, as well as in other relevant resolutions of the General Assembly,

**Considering** that the taking of hostages is an offence of grave concern to the international community and that, in accordance with the provisions of this Convention, any person committing an act of taking of hostages shall be either prosecuted or extradited,

**Being convinced** that it is urgently necessary to develop international co-operation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of taking of hostages as manifestations of international terrorism.

**Have agreed** as follows :

#### Article 1

1. 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 the Convention.

2. Any person who:

- (a) Attempts to commit an act of hostage-taking, or
- (b) Participates as an accomplice of anyone who commits or attempts to commit an act of hostage-taking likewise commits an offence for the purposes of this Convention.

## Article 2

Each State Party shall make the offences set forth in article 1 punishable by appropriate penalties which take into account the grave nature of those offences.

## Article 3

1. The state party in the territory of which the hostage is held by the offender shall take all measures it considers appropriate to ease the situation of the hostage, in particular, to secure his release and, after his release, to facilitate, when relevant, his departure.

2. If any object which the offender has obtained as a result of the taking of hostages comes into the custody of a State Party, that State Party shall return it as soon as possible to the hostage or the third party referred to in article 1, as the case may be, or to the appropriate authorities thereof.

## Article 4

States Parties shall co-operate in the prevention of the offences set forth in article 1, particularly by:

(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts of taking of hostages;

(b) Exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences.

## Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over any of the offences set forth in article 1 which are committed:

(a) In its territory or on board a ship or aircraft registered in that State;

(b) By any of its nationals, if that State considers it appropriate, by those stateless persons who have their habitual residence in its territory;

(c) In order to compel that State to do or abstain from doing any act; or

(d) With respect to a hostage who is national of that State, if that State considers it appropriate.

2. Each State party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 in cases where the alleged offender is present in its territory and it does not extradite him to any

of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

#### Article 6

1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the alleged offender is present shall, in accordance with its laws, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted. That State Party shall immediately make a preliminary inquiry into the facts.

2. The custody or other measures referred to in paragraph 1 of this article shall be notified without delay directly or through the Secretary-General of the United Nations to:

(a) The State where the offence was committed;

(b) The State against which compulsion has been directed or attempted;

(c) The State of which the natural or juridical person against whom compulsion has been directed or attempted is a national;

(d) The State of which the hostage is a national or in the territory of which he has his habitual residence;

(e) The State of which the alleged offender is a national or, if he is a stateless person, in the territory of which he has his habitual residence;

(f) The international intergovernmental organization against which compulsion has been directed or attempted;

(g) All other States concerned.

3. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:

(a) To communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;

(b) To be visited by a representative of that State.

4. The rights referred to in paragraph 3 of this article shall be exercised in conformity with the laws and regulations of the State in the territory of which the alleged offender is present, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 of this article are intended.

5. The provisions of paragraphs 3 and 4 of this article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with paragraph 1 (b) of article 5 to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. The State which makes the preliminary inquiry contemplated in paragraph 1 of this article shall promptly report its

findings to the States or organization referred to in paragraph 2 of this article and indicate whether it intends to exercise jurisdiction.

#### Article 7

The State Party where the alleged offender is prosecuted shall, in accordance with its laws, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States concerned and the international intergovernmental organizations concerned.

#### Article 8

1. The State party in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a grave nature under the law of that state.

2. Any person regarding whom proceedings are being carried out in connexion with any of the offences set forth in article I shall be guaranteed fair treatment at all stages of the proceedings, including the enjoyment of all the rights and guarantees provided by the law of the State in the territory of which he is present.

#### Article 9

1. A request for the extradition of an alleged offender, pursuant to this Convention, shall not be granted if the requested State Party has substantial grounds for believing:

(a) That the request for extradition for an offence set forth in article I has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality, ethnic origin or political opinion; or

(b) That the person's position may be prejudiced:

(i) For any of the reasons mentioned in subparagraph (a) of this paragraph, or

(ii) For the reason that communication with him by the appropriate authorities of the State entitled to exercise rights of protection cannot be effected.

2. With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent that they are incompatible with this Convention.



## Article 10

1. The offences set forth in article I shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State may at its option consider this Convention as the legal basis for extradition in respect of the offences set forth in article 1. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. State Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 1 as a extraditable offences between themselves, subject to the conditions provided by the law of the requested State.
4. The offences set forth in article I shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1 or article 5.

## Article 11

1. States Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the offences set forth in article 1, including the supply of all evidence at their disposal necessary for the proceedings.
2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty.

## Article 12

In so far as the Geneva Conventions of 1949 for the protection of war victims or the Protocols Additional to those Conventions are applicable to a particular act of hostage-taking, and in so far as States Parties to this Convention are bound under those Conventions to prosecute or hand over the hostage-taker, the present Convention shall not apply to an act of hostage-taking committed in the course of armed conflicts as defined in the Geneva Conventions of 1949 and the Protocols thereto, including armed conflicts, mentioned in article 1, paragraph 4, of protocol I of 1977, in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise

of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

#### Article 13

This Convention shall not apply where the offence is committed within a single State, the hostage and the alleged offender are nationals of that State and the alleged offender is found in the territory of that State.

#### Article 14

Nothing in this Convention shall be construed as justifying the violation of the territorial integrity or political independence of a State in contravention of the Charter of the United Nations.

#### Article 15

The provisions of this Convention shall not affect the application of the Treaties on Asylum, in force at the date of the adoption of this convention, as between the States which are parties to those treaties; but a State Party to this Convention may not invoke those treaties with respect to another State Party to this Convention which is not a party to those treaties.

#### Article 16

1. Any dispute between two or more States Parties concerning the interpretation or application of this convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of Court.
2. Each State may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Party which has made such a reservation.
3. Any State party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

### Article 17

1. This Convention is open for signature by all States until 31 December 1980 at United Nations Headquarters in New York.
2. This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. This Convention is open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

### Article 18

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.
2. For Each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

### Article 19

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

### Article 20

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on...

**Source :** International Legal Materials, Vol. 18, No.1, 1979.

**APPENDIX - B**

**Major Hostage-Taking Cases in India**

| Name/Social Status                               | Abductors           | Date/Place Abducted          | End Result                    |
|--|---------------------|------------------------------|-------------------------------|
| Dr. Rubiya Sayeed<br>Doctor                      | JKLF                | Srinagar<br>8 Dec. 1989      | Released on<br>13 Dec. 1989   |
| Liviu Radu<br>Diplomat                           | KCF & KLF           | Delhi<br>9 Oct. 1991.        | Released on<br>24 Nov. 1991   |
| Nahida Imtiaz<br>Lecturer                        | JKLF                | Srinagar<br>27 Feb. 1991.    | Released on<br>8 March, 1991. |
| Jan Ole Loman<br>Swedish Engineer                | MJF                 | Srinagar<br>31 March 1991    | Released on<br>31 July 1991   |
| John Jansson<br>Swedish Engineer                 | MJF                 | Srinagar<br>31 March 1991    | Released on<br>31 July 1991   |
| Yari Zoiow Itzhaki<br>Israeli Tourist            | Pasadaran-i-Inqulab | Srinagar<br>27 June 1991     | Released on<br>3 July 1991    |
| K.Doraiswamy<br>Ex.Director,IOC                  | Ikhwan-ul-Muslimeen | Pampora(J&K)<br>28 June 1991 | Released on<br>20 Aug 1991    |
| Gulam Mustafa Mir<br>Govt.Official               | Hizbul Mujahiddin   | Srinagar<br>23 March 1990    | Killed on<br>25 March 1990    |
| Mushir-ul-Haq<br>V.C,Kashmir Univ-<br>-ersity    | JKLF                | Srinagar<br>6 April 1990     | Killed on<br>10 April 1990    |
| Abdul Ghani<br>Govt.Official                     | JKLF                | Srinagar<br>6 April 1990     | Killed on<br>10 April 1990    |
| H.L. Khera<br>Gen.Manager,H.M.T                  | JkLF                | Srinagar<br>6 April 1990     | Killed on<br>10 April 1990    |
| Khmlata Wakloo<br>Ex-Minister,J&K<br>legislature | Hezbollah           | Srinagar<br>10 Sept 1991     | Rescued on<br>20 Oct. 1991    |
| Tasadaq-Ahmed-Deva                               | Al-Omar-Mujahideen  | Srinagar<br>22 Sept 1991     | In captivity                  |
| S.K. Tiwari<br>Govt. Official                    | ULFA                | Guahati<br>1 July 1991       | Released on<br>16 Dec 1991    |
| Rajani Das<br>Govt.Official                      | ULFA                | Guahati<br>1 July 1991       | Released on<br>16 Dec 1991    |

|  |      |                                   |                             |
|--|------|-----------------------------------|-----------------------------|
| Rajani Das<br>Govt. Official           | ULFA | Guahati<br>1 July 1991            | Released on<br>16 Dec 1991] |
| Lohit Das<br>Govt. Official            | ULFA | Guahati<br>1 July 1991            | Released on<br>14 July 1991 |
| Mrigantaka Mohan<br>Das Govt. Official | ULFA | Mangaldai<br>1 July 1991          | Released on<br>14 July 1991 |
| Hsreswar Sarma<br>Govt. Official       | ULFA | Mangalandi<br>1 July 1991         | Released on<br>14 JULY 1991 |
| Bholanath Jaiswal<br>ONGC Official     | ULFA | Jorhat(Assam)<br>1 July 1991      | Released on<br>10 July 1991 |
| Chitaranjan Mohanty<br>ONGC Official   | ULFA | Jorhat<br>1 July 1991             | Released on<br>16 Dec. 1991 |
| Narendra Sarma<br>ONGC Official        | ULFA | Jorhat<br>1 July 1991             | Released on<br>1 July 1991  |
| Sivsankar Gupta<br>ONGC Official       | ULFA | Jorhat<br>1 July 1991             | Released on<br>16 Dec. 1991 |
| Dasarath Pandit<br>ONGC Official       | ULFA | Jorhat<br>1 July 1991             | Released on<br>14 Dec. 1991 |
| Kishen Pal<br>ONGC Official            | ULFA | Sivsagar(Assam)<br>1 July 1991    | Released on<br>16 Dec. 1991 |
| B. P.Srivastav<br>ONGC Official        | ULFA | Sivsagar<br>1 July 1991           | Killed on<br>18 Sept.1991   |
| T.S.Raju<br>ONGC Official              | ULFA | Nazira(Assam)<br>1 July 1991      | Killed on<br>8 Sept.1991    |
| Sergei Gretchenko<br>Soviet Technician | ULFA | Marghaerita(Assam)<br>1 July 1991 | Killed on<br>7 July 1991    |

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Source : National News Papers

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3007