

Foreign Kidnaping and Ransom Demands

- Notification
- Jurisdiction
- Investigation and Prosecution



Who Are We?



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“We are a full service risk management and private investigations firm advising on travel safety, business continuity and counterterrorism worldwide”

Foreign Kidnaping and Ransom Demands



2015 GLOBAL CONGRESS ON TRAVEL RISK MANAGEMENT

Kidnaping

- Can Occur in Any Country
- Politically Unstable Areas More Affected
- If Americans or Other Foreigners are Victims, Motivation is Often Financial
- Focused, Planned Kidnaping More Common than Random Event

Investigation and Prosecution

- Notification by Hostage Takers is often Made through Media or to Embassy
- Investigation is Conducted by Host Country
- Local Courts Have Jurisdiction
- US May be Asked to Provide Assistance
- Assistance Rendered Under Treaty or on *Ad Hoc* basis

Investigation and Prosecution

- “Extraterritorial Jurisdiction” is concept affording US Courts Venue when Crimes Are Committed against US Citizens Overseas
- Concept is Not Necessarily Recognized by Other Nations
- Evidence May be Shared But not Always

“Special Aircraft/Maritime Jurisdiction”

(49 U.S.C. § 46502(a); (18 U.S.C. 7, *et seq*)

- Statute Affords US Federal Courts Jurisdiction
- All Aircraft/Sea Vessels/Railroads
- US or Foreign Registry
- Essential Element-Vessel Must have originated at US port and or be destined for US port
- Statute Commonly Used Since late 1970's

US Assets Available to Assist in Overseas Kidnaping

- Embassies Have Law Enforcement Liaison Personnel
- US Military May Have a Nearby Presence
- FBI Can Deploy Hostage Negotiators (but language gap may be an issue)
- FBI's Hostage Rescue Team May Deploy
- Embassy Provides Logistical Assistance

Ransom Payments

- Demanded +90% of Time
- USG Will Not Provide
- A Ruse/Decoy May be Used
- Evidence of Payment Introduced at Trial

Negotiations, Payments Go On...

At times, the process is quite lengthy and there is no guarantee of a happy ending:



Concluding Remarks

- Ensure you get a solid briefing about the political, social and economic climate of your foreign destination
- Do not rely exclusively on government website info
- Make contact with embassy as soon as practicable
- Rigorously adhere to foreign law, customs