

Kidnap for Ransom in South East Asia The Case for a Regional Recording Standard

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Abstract Kidnapping for ransom is not a new phenomenon. According to the Control Risk Group, an international risk consultancy, kidnappings of foreign nationals globally have increased by 275% over the past 10 years. High profile incidents such as the tourist kidnappings in 2000 by the Abu Sayyaf group, operating out of the troubled southern region of the Philippines, show that South East Asia has its own regionalised kidnapping hotspots. It is suspected that a high proportion of kidnappings are perpetrated by economically motivated crime groups but it is not possible to estimate with any degree of accuracy what percentage can be attributed to organised crime. This article will provide an overview of the problem, drawing upon existing literature available in the public domain. A typological discussion will show the critical differences between the various categories of kidnapping. The reliability of existing statistics, categorisation and recording of kidnapping for ransom will also be scrutinised, in particular for their variability across the region, to see whether this presents a barrier to a better understanding of the size and seriousness of the problem. As kidnapping for ransom incidents are becoming increasingly transnational in character, the final section will highlight the desirability of formulating and agreeing upon regional standardised definitions and counting rules for kidnap.

Keywords Kidnap · Ransom · Southeast Asia · Recording standard · Statistics

Introduction and Theoretical Background

Kidnapping for ransom has a venerable past, with such famous historical victims as the biblical Joseph, Julius Caesar, the wife of Genghis Khan, and Richard the Lionheart. In the present day, however, a lay person could be forgiven for thinking it a traumatic but infrequent crime, of concern only to a few famous or rich people—at least, if its relatively

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low profile in national and international crime statistics is anything to go by. In fact, kidnap for whatever reason is a crime that is committed against both the highest in a society and the lowest, and can be motivated by a multitude of emotions including greed, political or religious principle, revenge, lust and even love. According to American International Underwriters (AIU), kidnap is "...a growth industry throughout the world, and not just in 'high risk' countries" (Borden, cited in Boyle 2000, p 1). The Control Risk Group (CRG), an international security consultancy, reports that kidnapping incidents worldwide have been on the rise over the last 10 years, with a 275% increase in kidnapping of foreign nationals alone (Schinnerer 2006, p 1). At the same time, high profile incidents such as the Abu Sayyaf kidnappings of tourists in Malaysia and the Philippines in 2000 reveal that South East Asia has its own kidnapping hotspots to contend with.

Despite the statistics produced by organisations like AIU and CRG, it is suspected that a high proportion of kidnappings are perpetrated by organised economic crime groups rather than politically motivated groups, and that local residents rather than overseas nationals are the most frequent victims. This represents the *economic extortive kidnapping* (EEK) described by Navia and Ossa (2003, p 7). Unfortunately, it is not possible to estimate with any degree of accuracy what percentage of kidnaps fall into the EEK category and, hence, it is also impossible to quantify the role played by organised crime (Williams 2006). This difficulty stems from jurisdictional differences in definitions and categorisation of kidnap and from the lack of a general, agreed recording standard. As will be seen, AIU and CRG are very keen to categorise and count kidnap, and states like the United Kingdom and the United States are very happy to let them carry on under the mantra of public–private partnership. This paper will argue that there are few more politically charged activities than the defining of crime and, while governments can and do make mistakes, it is even more dangerous to delegate this role to commercial enterprises.

Criminologists are only too aware of the weaknesses in official crime statistics, either from methodological problems in counting and collection by enforcement agencies and courts, or from issues related to the social structuring of crime definitions and categories. However, they remain the researcher's first port of call when embarking upon a new project. Correctional devices, such as household and self-report surveys, may improve the overall picture but, even where these are available, the 'dark figure' of unreported and unacknowledged crime continues to lurk in the background. While many developing countries simply lack the research base that would encourage the implementation of victimisation or attitudinal studies, they all count crime in one form or another. At the root of every crime recording system there is a system of categorisation, a typology if you will. There can be no doubt that these crime recording systems are political; for instance, whether a person's unnatural death is an accident, a casualty of war or a murder is very much in the eye of the beholder. However, despite the political minefields, it is legitimate to (1) want to know about the size and scale of a social problem (especially if a large enough consensus has labelled it a crime), (2) call for a crime recording system that is as objective and empirically reliable as possible, and (3) base policy decisions about resource allocation and crime control activity on evidence garnered from such a data-source. Arguably, it also follows that it is entirely legitimate for criminology academics to engage with crime recording systems and to lobby for their improvement. The counting of kidnap is the particular concern of this paper, and in these days of extraordinary rendition and people trafficking, is as good an example of the need for counting reform as any.

Harrison (2006, p 68) might be correct when he argues that the world has become a very dangerous place for more people, because of the speed of globalisation and the increased corporate penetration into risky or poorly understood locations. On the other hand, he might

be accused of panic-mongering and drumming up business for the growing corporate security sector. What is certain is that he has a specific viewpoint, as one of the penetrators rather than the penetrated. He wishes to discuss kidnap for ransom primarily in terms of international travellers and shows little interest in local victims, who cannot afford the services of a security consultancy but to whom the physical, emotional and financial costs are just as high. Newman (2002, p 214) states that kidnapping has long been used as a valuable tool in the organised crime armoury, either to generate financial profits or as a weapon in battles against rival groups. This paper was born out of the frustrations attendant upon the author's own research into fairly low-level extortive kidnappings of the type described by Newman, carried out between organised crime groups within a localised setting. Kidnap figures were, with one or two notable exceptions, presented all together as a single number, regardless of whether that number included plane hijacks, tug-of-love child abductions or multi-million dollar ransom cases (Home Office 2007; PCIJ 2003) and it was simply not possible to extract data that could reflect the true scale and seriousness of the kidnap conducted by crime syndicates. Although there have, of course, been kidnap incidents involving lone individuals or opportunistic criminal gangs, the suspicion is that the majority of kidnappings are commissioned by organised crime groups or networks. Serving enforcement officers may know about this aspect of kidnapping, but cannot record what they see happening around them simply because they do not have the correct box to tick.

The problem is compounded exponentially when comparative data is sought from more than one jurisdiction. As kidnapping for ransom incidents become increasingly transnational in character, a regional harmonised recording standard begins to make great sense. Clearly, a more accurate picture is needed. Unnecessary fear of crime can harm a fragile economy, whereas complacency can allow evolving crime problems to spiral out of control. The challenge, and the opportunity, for a region like Southeast Asia is how to co-operate and harmonise data collection in order to produce truly comparable and meaningful statistics upon which effective decisions and policies can be based. This plea for a single, regional, typology and counting standard for Southeast Asia is especially timely, in the wake of the 7th Association of Southeast Asian Nations (ASEAN) Heads of Statistical Offices Meeting, which was held in Brunei during November 2006. At this meeting, a declaration was made of the intention to discuss and review developments and harmonisation of statistics of member countries (ASEAN Secretariat 2006). This is an ideal point to ask that the treatment of crime categories, especially of kidnap, be reviewed and improved with criminological research and consequent policy development in mind. It must be appreciated that, in the past, ASEAN has been bound by a policy of non-intervention. This might cause scepticism about their commitment to regional co-operation on crime initiatives; however, there does appear to be a genuine change gathering pace. ASEAN now sees its future as a 'rules-based organisation', which is committed to 'deepening and widening regional integration' based on 'predictable rules and work method' (Ong Keng Yong 2007). The cause of a common crime recording standard could be an ideal chance to test the rhetoric, as it ought to be simpler to reach an agreement on counting crime than upon driving initiatives for transnationally tackling crime itself.

Not that the definition of kidnap is in any way a simple matter—as the following review of the literature will hopefully illustrate. Because of the frequently sensational nature of the crime, journalistic books and articles on kidnapping for ransom are broadly and readily available. Famous cases in the United States, such as the Lindbergh Baby kidnapping and the Patty Hearst saga, have spawned a host of documentary films and books written in journalistic style. Asia has its own legendary kidnapping stories, including two highly romanticised motion picture accounts of Hong Kong gangster and kidnapper, Cheung Tze-keung, who

successfully kidnapped a business tycoon's son for a record ransom of US\$134 million (Asiaweek 2001a, p2, 2001b). There are rumours that the Abu Sayyaf story is soon to be made into a Hollywood movie by Jerry Bruckheimer, highlighting the supposed connection between the Philippines separatist group with the Al Qaida network (Gulf Times 2007). Among the more insightful "true crime" books was *News of a Kidnapping* by Garcia Márquez (1997), describing the spate of Medellín drug cartel kidnappings in Columbia, which were part of the gang's campaign to prevent the extradition of Pablo Escobar to the United States in the early 1990s. Although not strictly about kidnap for ransom, but still about kidnap of an extortive type, this account situates the kidnappings within a distinct political and cultural setting, but also focuses upon the harrowing victim experience of kidnap. Auerbach's (1998) book, *Ransom*, is another example of fairly well respected investigative reportage on post-cold war kidnapping, which combines accounts of actual kidnaps with discussions of the growing role of risk and security consultants. The downside of high-octane media representations is that they only serve to make it more difficult to convince policy-makers of the need to address the more mundane reality of kidnap as a common, everyday threat of greater significance to the poor and vulnerable than to the rich and powerful.

Strangely, considering the gravity and impact of kidnapping upon victims, victims' families, communities, governments and economies, primary academic research on the subject is remarkably sparse. There could be several reasons for this, including possible or perceived dangers to researchers, ethical issues involving access to and interaction with victims and offenders, and the sensitive nature of law enforcement operations. Although most countries keep police and court records that include counts of kidnaps, this data is seldom subjected to fruitful secondary analysis and made available in the public domain. The academic accounts that do exist can be divided into several distinct perspectives, including socio-legal analysis, victimological research, enforcement, risk management, offender profiling and comparative studies. Alix (1978) takes a historical, socio-legal stance by examining the evolution of kidnapping law in the United States. He chronicles kidnapping for ransom in America from 1874 to 1974 and notes, in particular, three periods of intensive anti-kidnapping legislation. Ibrahim (2005) seeks to explain the concept of kidnapping and hostage-taking in Malaysian civil and Islamic law and compares how both legal systems address the phenomenon. Both of these studies provide useful insights into the evolution of legal codes related to kidnap within their respective jurisdictions, but neither pays much attention to the central role of crime recording in this development.

Prominent studies of victimisation include Favaro assessment of post-traumatic stress disorder in kidnap victims (Favaro et al. 2000), and Navia and Ossa's (2003) work on the after-effects of extortive kidnapping on families and victims. One of the few existing studies from the perpetrator's perspective is Baker's review of FBI interviews with non-family infant abductors in custody (Baker et al. 2002), which raises questions about offender motivation, character structure and thinking patterns that all require further research. Another approach takes a more practical look at risk management, prevention and enforcement strategies for handling kidnappings once they have taken place. Biddulph and Cook (1999) study the problems faced by enforcement agencies in China, especially with regard to the kidnapping and selling of women and children. Clutterbuck (1987) discusses the growth of kidnapping worldwide and suggests how businesses and individuals can guard against or prevent kidnappings and avoid becoming victims. His earlier book describes techniques used by political kidnappers and talks about the complexity and sophistication of their modus operandi, their aims and organisational networks (Clutterbuck 1978). Of course, the main criticism of all the work cited above is that until there is some

certainty about the prevalence of each of the quite different and highly specific types of kidnap they discuss, none of the findings can be assumed to be generalisable.

One of the most notable studies in recent years was conducted by Briggs (2001) for the United Kingdom think-tank, the Foreign Policy Centre, with major input from the CRG. This study is of great interest, not just because of the information and analysis that it covers, but also because of the interests that it represents. What we have here is the marriage between the old governmental style of policy-based research, which seeks ways and means of protecting fairly narrow national interests, and a newer mode of foreign policy formation that aims, largely, to serve global corporate and business needs. The majority of Briggs' data was provided by the CRG, and consisted of worldwide kidnap cases that they could confirm. In their own words, this data contained 'no absolute figures' but was, rather, a compilation of information that highlighted 'important trends and evidence about dynamics of kidnapping' (Briggs 2001: viii). This was supplemented by interviews with representatives from policy groups, government, law enforcement, private security, the insurance industry, the wider business community and non-governmental organisations (NGOs). Local community groups are notable by their absence from any discussion and consideration, and it seems clear that the policies that this research seeks to inform are those which insulate and protect business people against the hostile environments to which they might be posted or through which they might travel. Briggs' work does have many features to recommend it. She draws a sharp distinction between kidnapping for profit and kidnapping for principle and draws attention to the links between political instability and the opportunities this presents for entrepreneurial kidnapers. She estimates the economic cost of kidnap for ransom—at approximately '[US]\$500 million each year and rising' (Briggs 2001, p 1)—and maps the imperfect comparative data at her disposal to show regional hot-spots where prevention and risk management policies are most necessary, at least for business people. For Asia, Briggs discusses only the Philippines as having a kidnapping problem, and lists the sources of the threat as criminal groups and politically motivated organisations such as the New People's Army, the Moro Islamic Liberation Front, and Abu Sayyaf. She ignores cases in India that, even in the year 2000, might easily have approached the 2005 figure of 22,832 (NCRB 2007), presumably because these kidnappings involved local citizens and not members of the international business community.

The main problem with this type of interest-group-led research is that it skews the picture by emphasising kidnap of the type that is likely to come to the attention of, and be confirmed by, such entities as CRG. In this case, kidnap is exoticised and portrayed as a problem that business people risk when travelling rather than as a mundane crime that locals may fall victim to more frequently. According to Briggs (2001: pp 1–2): 'The business is centred largely around Latin America—most notably Colombia, Mexico and Brazil—but there are also pockets of activity in the Philippines, parts of the former Soviet Union and Africa'. However, news reports in the United Kingdom claim that a 'total of 358 kidnaps were reported in London last year, according to figures released by the Metropolitan police' (Cowan 2005). Few of these cases would be high profile with multi-million pound ransom demands. There is a tendency to blame the alien for a surge in cases: 'Half of all kidnapers and victims in the capital are foreign nationals, usually from the same ethnic group' (Cowan 2005). But, as the other half must, logically, have involved local citizens, it is apparent that London has a sizeable domestic kidnapping problem. The reality of kidnap is also distorted in Foreign Policy Centre research with regard to the people most at risk of kidnap. Business travellers and tourists are probably far less vulnerable than the family members of people who owe money to their drug dealers or money lenders.

Legal Codes and Definitions

It has been ruefully pointed out that:

...comparing crime statistics from different jurisdictions is a hazardous undertaking. For a start, the crime category for which any incidents are recorded relies on the legal definition of that type of crime in a particular country. Should the definition differ across countries, and indeed this is often the case, comparisons will not, in fact, be made of the same type of crime. (Shaw et al. 2003, p 37)

As many jurisdictions in South and Southeast Asia have legal codes based on, or influenced by, English law, and as this article is written in English, the following discussion of definitions will be based primarily on English legal terms and concepts. However, it should be remembered that the region contains many different legal, linguistic, cultural and religious traditions. If a comprehensive crime-recording standard could be devised in the English language, it might not be translatable throughout the region and another conceptual system might provide a better starting point. However, a brief overview of the ways in which kidnapping and other related terms have been defined in the English language will be of value, to illustrate some of the problems that must be overcome before a generally acceptable typology can be drafted.

The word kidnap was first recorded in the cant or thieves dictionaries that became popular in the seventeenth and eighteenth centuries. A kidnapper, according to Captain Grose's *Dictionary of the Vulgar Tongue*, was '[o]riginally one who stole or decoyed children or apprentices from their parents or masters, to send them to the colonies; called also spiriting: but now used for all recruiting crimps for the king's troops, or those of the East India Company, and agents for indenting servants for the plantations' (Grose 1811). This proto-slave trade, in poor children from the slums of British cities, has been eclipsed in many people's minds by the mass kidnappings of the Atlantic slave trade. The early links between kidnap and slavery are echoed today in the kidnaps now being documented as part of international sex and child slavery trades (OHCHR 1991). Traces of kidnapping's etymological origin can be discerned wherever a jurisdiction incorporates into their definition an element of movement, either within a country or across national borders. However, it is more usual, nowadays, for the core offence to be defined as 'unlawfully detaining a person or persons against their will ... using force, threat, fraud or enticement' (UNODC 2004, p 6). Intent is also an important criterion in definitions that include some purposive explanation, for example, 'demanding for their liberation an illicit gain or any other economic gain or material benefit, or in order to oblige someone to do or not to do something' (UNODC 2004, p 6).

A crime recording standard needs to consider the overlap between the offence of kidnapping and many other related crimes, such as abduction, hijack, hostage-taking, piracy, or people-trafficking, and make it clear when an offence should be counted one way or another. For instance, the word abduction is often reserved in the United Kingdom for the unlawful taking away of women and children. The Scottish Executive (2007) state on their website that: 'when a child is taken away without consent or lawful authority from a person who has the right in law to care for him or her, then that child has been abducted'. When a female is taken against her will and sexually assaulted, or forced into marriage, she is usually described as having been abducted rather than kidnapped. On the general principle that offences should only be counted once, a choice needs to be made as to whether there are enough distinguishing and coherent features for abduction to deserve its own crime category, or whether it should be codified as a kidnapping sub-type.

When comparing definitions under British law with Malaysian law, the problematic nature of the issue becomes clearer. The Malay language has only one root-word, *culik*, which covers all forms of ‘person-stealing’. However, under the English language version of the Malaysian Penal Code (FMS Cap 45, Act 574), kidnapping is divided into two: kidnap from Malaysia (illegal transportation outside of Malaysian territory) and kidnapping from lawful guardianship. The kidnapping of adults within the borders of Malaysia, in contrast to the UK meaning, comes under the heading of abduction. The Malaysian Kidnapping Act 1961, even though it also refers to the taking of adults for ransom within Malaysian borders, carefully avoids contradicting the penal code definitions. In other words, although the word kidnapping has been used in the title of the Malaysian act, its content does not clear up the confusion about what constitutes kidnap or abduction when comparing UK and Malaysian definitions.

Clutterbuck (1987, p 4) differentiates between kidnapping, hostage-taking and hijacking. He contends that where hostage-taking and hijacking are concerned, victims are held in a known location, such as a plane, ship or building. He argues that hijacking may be thought of as a refinement of hostage-taking, when a vehicle of some kind is seized along with its passengers. In common parlance, the theft of container lorries (with their cargo but without their driver) has been referred to as hijacking; however, most jurisdictions would classify and count this as theft and reserve the term hijack for the illegal seizure of vehicle and people together. Advisors from the private intelligence organisation, Global Security (2005, p 1), suggest that there is a negligible distinction between hostage-taking and kidnapping. They argue that hostage-taking generally involves confrontation with authorities and that the open holding of hostages for ransom or political exchange is usually intended to draw media attention. As with abduction, a decision must be taken about the relative usefulness of counting victims as political hostages or as kidnap cases.

Dillon (2000, p 1) states that “almost all reported acts of piracy involve armed intruders who threaten and often injure, kidnap, or kill members of the crew”. According to the 1982 United Nations Convention on the Law of the Sea (UNCLOS 2006), piracy is defined as: ‘any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State’. Although the French term for hijacker is *pirate de l’air*, piracy is more commonly thought of as a crime against ships and boats outside of territorial waters.

Counting and Categorisation

A major problem arises over what is actually being counted in hostage-taking, hijacking or piracy cases, which are more likely to involve greater numbers of victims. For example, when an aeroplane is hijacked with all crew and passengers aboard by a gang of armed terrorists, it could be recorded variously as: (1) one offence of hijacking; (2) one offence of hijacking and one offence of hostage-taking; (3) multiple offences of hostage-taking, with one per victim; (4) one offence of hijacking committed against the aeroplane and multiple offences of hostage-taking, with one per victim; (5) multiple counts of any of the above, according to the number of gang members. The UK Home Office Counting Rules instruct that, where specific victims are targeted, the count should be one offence of kidnapping per person but where there is no intended victim, one crime should be counted for each offender or group of offenders. This produces the somewhat anomalous result that, when an offender ‘locks 5 people in a room against their will’, five crimes are recorded, but when a

person ‘hijacks a plane containing 150 passengers’, only one crime is counted (Home Office 2007). When only one category of kidnap is included in a set of crime statistics, this risks skewing the picture presented both quantitatively and qualitatively, that is, giving no sense of the numbers of victims involved or of the seriousness in terms of value or violence. Kidnap for ransom and abduction cases are much easier propositions as they are usually counted per victim. Mo (2002), in his article on maritime piracy in Southeast Asia, raises the issue of international crime syndicate involvement. This adds a further level of complication, by begging the question of who should count the offence: (1) the state where the boat is registered; (2) the country of origin of the majority of victims or perpetrators; (3) a supranational agency, as the crime is committed in international waters, or (4) some other formula.

Academics, governments, supranational organisations, corporate and private interests have all formulated their own systems of categorisation. It is worthwhile to contrast these examples of publicly available statistics to see which typologies might be of most practical use for crime recording and internal and external comparisons. But first, it must be noted that a major source of statistical information on crime—self-report victimisation or offending surveys—must be excluded from this discussion as they tend to concentrate upon a short list of index crimes, which do not include kidnap. A victim of kidnap would have to classify the crime as assault or robbery if he or she did self-report it on, for example, the International Crime Victim Survey questionnaire (UNICRI 2003). The main source for kidnap researchers must be international and national official crime statistics as gathered and compiled by police, prisons, courts, statistics directorates and so on. The problem of under-reporting to the authorities is beyond the scope of this paper and is an issue for another essay.

The United Nations Office of Drugs and Crime (UNODC 2003, p 7–8) has drawn up a typology for the different sub-categories of kidnapping, as follows: kidnapping for extortion (for ransom, to influence business decisions or to obtain commercial advantage); kidnapping between or within criminal groups (for debt recovery or to secure advantage in a criminal market); kidnapping for sexual exploitation; kidnapping linked to domestic or family disputes (spouse or child abduction); revenge kidnapping; and kidnapping for political or ideological purposes. Pharoah (2005, p 23) divides the offence into three: firstly, criminal kidnapping, which includes hostage-taking for safe passage, ransom or access; secondly, political kidnapping, where the main intention is the furtherance of political objectives; thirdly, what he calls pathological kidnapping, which refers to parental kidnapping and kidnapping for sexual purposes. Briggs (2001, p 3) also broadly splits kidnapping into ‘economic’ and ‘political’. She argues that even if there is an overlap between the two, the motivations and dynamics are different. She also believes that, while there is rationality in political kidnappings, the perpetrators may be more inclined to take extreme and unpredictable risks than economic kidnappers. These would certainly seem to be categories that could help a researcher, especially one who wishes to concentrate upon economic as opposed to political, familial or psychotic kidnapping, but a question remains as to their practicality for a crime recorder.

These typologies appear to differentiate according to offender motivation. The problem with this type of categorisation for crime-recording is that motivation is not always easy to discern. When the Abu Sayyaf Group boarded vessels in the waters around the Philippines and Malaysia, they kidnapped crew members and demanded a ransom for their release, probably as a way of funding their political activities (Raymond 2005). It is difficult to decide whether this should be defined as political or extortionate. Turner’s (1998, p 147) categorisation might provide a partial answer, with his four rationales: (1) money but no

politics; (2) no money no politics; (3) money and politics; and (4) politics but no money. The ‘money but no politics’ category includes kidnapping for ransom, labour and sex exploitation. The ‘money and politics’ heading would contain Abu Sayyaf-type situations. Parental abduction comes under ‘no money no politics’. The final category of ‘politics but no money’ covers situations where the demands are purely political in nature. However, this classification would need further sub-typing as, in its basic form, there is no factual information about the commission of the crime or its seriousness. For example, the money but no politics category could contain both express kidnappings for a few hundred dollars and well-planned, high-stakes, multi-million dollar ransom cases.

Although kidnapping of any type will be traumatic to victims, the question of how to reflect levels of seriousness in crime records will always be important. The most serious cases, of course, will be those that result in victims’ deaths. If UK Home Office practice is followed, if a kidnapped person is subsequently killed, the crime is reclassified as homicide (Home Office 2007). This, however, removes any kidnaps resulting in death from the figures on kidnap. This problem would be partially solved by allocating two counts to the incident, one for the original kidnap and one for the eventual murder. However, it would be useful for a researcher to be able to reclassify a kidnap with a fatal outcome as a kidnap with murder, to reflect the increased seriousness of the offence. Below this level, the best approach would probably be to add ‘aggravating’ features to a basic offence of kidnapping, perhaps citing the length of illegal detention, the level of violence used, the age or vulnerability of the victim, the amount of ransom demanded, and so on. It would be very useful to a researcher to gauge the numbers of ‘most serious’ offences committed by area in comparison with volumes of ‘less serious’ crime.

It might seem callous to differentiate between kidnapping of local citizens and of foreigners, but crime analysts know that the kidnap of tourists and travelling businessmen might have a significant and adverse effect on the local economy. The harm to tourism in a region caused by warnings like the one issued by the UK Foreign and Commonwealth Office regarding travel to Malaysia will never be known, but it is likely that many holidaymakers would be deterred by the following statement: ‘We believe that terrorists and criminal elements are continuing with plans to kidnap foreign tourists from the islands and coastal areas of Eastern Sabah’, which is still current 7 years after the original Abu Sayyaf incidents (FCO 2007). If a risk is accurately described as high for citizens but low for foreigners, crime reduction budgets can be targeted locally where they are most needed. If the reverse is true, then travellers can be warned to take the most suitable precautions and avoid certain risky areas and behaviours.

There are many other types of kidnapping that seem to be unique to certain areas or countries. In Kyrgyzstan, for instance, *ala kachuu* is the practice of bridal kidnapping, which apparently accounts for more than half of all marriages in that country (Smith 2005). However, practices that start out in one country can rapidly spread to others. *Express kidnapping*, where the victims are temporarily seized, taken to cash machines and forced to withdraw large sums of money, originally started in Columbia but is now most common in countries like Brazil and Mexico (UNODC 2005; Harrigan 2005). The UK Home Office (2007) instructs that this form of kidnapping should be counted as a robbery, thus depriving criminologists of the chance to track a growing trend. The phenomenon of *double kidnapping*, which again originated in Columbia but also appears to be spreading, is where the kidnappers make a second demand after the first ransom has been paid, claiming that the original demand was a ‘goodwill payment’ or ‘down-payment’ for accommodation (Briggs 2001, p 11). The way that new crimes, or new versions of old crimes, emerge and spread is another feature that would be of great interest to criminological research. This raises the question of how crime recording can be made flexible enough, across an international region, to adapt to evolving crime patterns.

A final type of kidnapping that no-one appears willing to discuss, and which certain states do not want to count themselves, or have counted by others, is 'state sponsored' kidnapping. Examples might include the Mossad kidnapping of whistleblower Mordechai Vanunu in 1986 (BBC 2004) or the kidnapping of Nazi war criminal Adolf Eichmann from Argentina in 1960 (CNN 2006). The practice of *extraordinary rendition* by US agencies calls for the kidnapping of foreign nationals who may then be transported to other countries to be tortured or imprisoned (Weaver and Pallitto 2006). The likelihood is that this kind of crime recording will be left to non-governmental organisations such as Amnesty International.

For researchers interested in national kidnapping classification systems, India has a fascinating example, which is easily available online from their National Crime Records Bureau. The statistics cited below are all taken from their website (NCRB 2007). Cases are broken down by sex and age-group and they are also recorded according to motive. The 13 kidnapping categories are as follows: for adoption, for begging, for camel racing, for illicit intercourse, for marriage, for prostitution, for ransom, for revenge, for sale, for selling body parts, for slavery, for unlawful activity and, finally, for other purposes. From the annual total for 2005 of 22,832 cases, the most prolific motive for kidnap is marriage, with a peak age of 18–30 years. Predictably the highest numbers of victims were female, at 7,017 cases, but there were also 108 male kidnappings, which came as something of a surprise. Kidnapping for camel racing appears to have died down, as bans on the use of child jockeys take effect and, thankfully, only three cases of kidnap for body parts were reported. This open reporting is refreshing, gives a highly detailed picture of kidnapping trends in India and shows what is possible when the gathering of statistical data is prioritised. There are, however, a few areas of criticism. The ransom category gives no idea of value and it would be good to have this category expanded to include ransom demand thresholds. There is no indication of the number of cases that ended with fatalities, which is another key indicator of seriousness. There is no clarification of the last category, 'others', which might include the missing category of political or terrorist kidnappings.

The Philippine National Police might not break-down their kidnapping statistics to the same degree, but they do provide some useful regional statistics about the number of incidents, number of victims, status of victims (escaped, released, rescued, still captive), status of suspects (arrested, at large, killed) the amounts of ransom paid and solve rate, proving that this additional level of detail is fully possible (Philippine National Police 2007).

Although no perfect data-set is currently available, states that build upon India's and the Philippines' examples would be making a good start towards providing researchers with the meaningful and comprehensive data that they need. They show that it is entirely possible to record and publicly report crime statistics from a number of useful perspectives—firstly by sharply delineated kidnap category, which is then cross-tabulated by (1) victim profile, (2) offender profile, (3) enforcement profile, and (4) cost or harm.

Opportunities for Harmonisation

As already mentioned, there is now an opportunity to request the inclusion of the standardisation of crime counting mechanisms, including kidnap for ransom, in the ASEAN Heads of Statistical Offices agenda for harmonisation of statistics, in time for the next meeting to take place at the end of 2007. The idea of standardisation was originally mooted in the 6th Law Ministers' Meeting (ALAWMM) in September 2005. The Vietnamese Law Minister Mr Vu Khoan spoke about:

...the necessity and importance of integration and gradual harmonisation of national laws to catch up with the level of cooperation and integration amongst ASEAN

Member Countries ... Only by doing so will ASEAN Member Countries' law and judicial framework become the engine and foundation to support and create favourable conditions for the sustainable cooperation and development in ASEAN in the future (ASEAN Secretariat 2005a).

ASEAN is the ideal platform for region-wide change, to benefit all participating nations. There are other forums within ASEAN where these issues can be highlighted: the Law Ministers Meeting, which is conducted once every 3 years; the Chiefs of Police Conference (ASEANAPOL) and the Ministerial Meeting on Transnational Crime (AMMTC).

Kidnap is in danger of being overlooked. In a joint communiqué issued by the Chiefs of Police at the 24th ASEANAPOL Conference held in 2004, a wide range of issues were discussed, including illicit drug trafficking, terrorism, arms smuggling, commercial crimes, fraud and human trafficking (ASEAN Secretariat 2005b). Yet kidnap for ransom was completely missing from the discussion schedule. These macro level initiatives all represent a move in the right direction. However, at a micro level, the standardisation of the counting procedures and unified classification of the various types of kidnap offences need to be rigorously formulated and require the positive involvement and contribution of all interested parties, from law enforcement and criminal justice system to government and academia. A discussion on harmonisation of kidnapping offences and the establishment of an ad hoc expert group to research these issues could be one positive step, and would follow the precedent set by the initiative on terrorism proposed at the 2nd ASEAN Government Legal Officers Programme (ASEAN Secretariat 2003).

Summary

Academic research on kidnap for ransom should be capable of informing crime reduction and risk management policy. However, robust and reliable research backed up by statistical data is rare, largely because of the difficulty of extracting information about kidnapping sub-types and levels of seriousness. It is true that valuable, qualitative criminological research has already been conducted, but there is no substitute for hard numbers when assessing the scale and extent of crime problems, and when prioritising, devising action plans and allocating appropriate budgets. Neglecting the numbers could also mean that important policy and funding arguments are won not by those with the most accurate and important message but by those with the requisite political and economic clout.

The incompatibility between kidnapping statistics produced by the criminal justice agencies and state departments of ASEAN member countries currently renders any meaningful comparison at the state and regional level impossible to deliver and makes international co-operation problematic. These comments do not apply to Southeast Asia alone—comparative criminologists from all regions regularly complain about the problem of reconciling disparate legal definitions, categorisation systems, counting rules and stages of national development in statistical record keeping; and these concerns apply not only to the crime type of kidnapping, but also to the definition, categorisation and counting of other serious crimes committed by organised crime groups and individual offenders.

To encourage action and involvement in developing a regionally harmonised crime recording standard, the case needs to be adequately made that accurate statistics on kidnap (and other serious crimes) are tied to regional security and to economic and political confidence in an area. Good leadership is required, from crime and justice professionals, academics and political leaders, to promote the benefits of an ASEAN-wide co-operation,

upon which targeted and effective policy formation and decision making can be based. In the absence of a harmonised system, any research that is conducted (including research by the corporate insurance, risk management and security sector) must depend upon incomplete or non-comparable data. Not only does this call into question the accuracy of any research undertaken, and the appropriateness of policies based upon such research, it also encourages accusations of misrepresentation and bias in the service of special interest groups. For better or worse, the defining, categorisation and counting of crime has a strong political dimension, which, hopefully, in the case of kidnap, has now been made plain.

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