

“Overall, (the negotiation for the release of missionary hostage Phyllis Sortor) along with (another case resolved in 2014) reflect a very positive model of how, in a hostage case involving private US citizens; the family, employer, TPI¹ and FBI can work together. There are certainly some areas in which improvements can be made, but these two cases represent a quantum leap of progress in partnership and breaking down artificial barriers that affected past cases. I will speak positively of this model to my audiences (faith-based sending agencies – “employers”) and I believe this model can be replicated in other sectors.”

I’m posting this blog as a supplement to a webinar for missions executives and leaders that I’m presenting today. Although it is lengthier than a typical blog, the issue is sufficiently important and time-critical that I hope you’ll read and consider the entire document. At the conclusion are several options for action that I also hope you’ll give very careful attention to.

On April 2, 2015 I sent the statement above, as part of a broader After Action Review, to the FBI following the kidnapping, negotiations for, and safe release of missionary Phyllis Sortor, kidnapped February 23, 2015 in central Nigeria by a group of criminals seeking a large ransom. Two days after her abduction I was asked to take over the negotiations for Phyllis’ release; and on March 6 a negotiated release ended Phyllis’ ordeal.

This case was fairly typical compared with over 100 other hostage negotiations I have conducted for missionaries over the past 29 years, with one big exception: Every negotiation session (which averaged over 7 per day for 10 days) was conducted with an FBI hostage negotiator alongside, monitoring in real time and representing the assets of the US government. Except for a few days when I was away from home and negotiated from hotels and conference rooms, most of the negotiation sessions were conducted inside FBI offices. Surprising? Yes. A new paradigm? Hopefully... Worthwhile? Absolutely!

This new scenario was a follow-up to an unusual set of hostage negotiation circumstances. In June of 2014 I concluded a 13-month hostage negotiation for three Kenyan members of a Swedish missionary group who had been held by Somali pirates for a year before my negotiations began. Following the successful conclusion of that case, I was contacted by the FBI concerning the case of an American free-lance journalist who had also been held by Somali pirates, in this case since January of 2012. As a free-lancer, there was no organization or company working on behalf of his release. In fact, the task of speaking with the kidnappers fell to his elderly mother. Initially the FBI asked for an assessment and recommendations concerning the journalist’s case. However, within a short time the FBI relayed a request from the hostage’s mother that I come to her aid and take over the negotiations on her behalf. Even though this case was outside the mandate of my organization and

¹ FBI-speak for “third-party intermediary”, or, a non-FBI hostage negotiator

didn't involve a missionary, CCI's Board of Directors immediately authorized a "yes" answer to this mother's request. Because the FBI had been assisting the mother – but had been precluded by the current interpretations of US policy and law from actually helping her negotiate – it was decided that we would continue working together as a team: The hostage's mother, the FBI, and a private negotiator. Over several months, a pattern and rhythm was developed that allowed us to work as a team, without dealing with many of the challenges that created situations ranging from the uncomfortable to the untenable when negotiating the release of US missionaries held overseas in past years.

So in these two cases, negotiations were conducted by a private (non-government) negotiator, representing the hostage's family or employer (sending agency to us in the missions world); working literally alongside an FBI hostage negotiator and frequently within an FBI office. The results were so positive that I included these comments in the After Action Report I submitted to the FBI. As these two cases unfolded, and as the working relationship between CCI and the FBI evolved into a true partnership, I was optimistic about the direction that the relationship between the US government and missions agencies managing hostage cases was heading. There were certainly rough spots and challenges, but these seemed to be more growing pains than institutional roadblocks.

Unfortunately, the situation today is potentially vastly different. High-profile events, intensive media coverage, and politics have combined to create a situation in which this positive emerging paradigm is in very real danger of being replaced by some new system of bureaucracy that may or may not have any inclination to work in partnership with mission agencies and may or may not have any concept of what we do and why we do it.

The changing environment in the US government's position on non-government hostages held overseas has been driven in large part by three recent hostage cases:

On August 19, 2014 ISIS beheaded American aid worker James Foley in the first of a series of incredibly evil executions that have been recorded and posted on various Internet websites. On December 6, 2014 US Special Forces attempted to rescue American hostage Luke Somers, held by AQAP in Yemen. Somers had been chained to another hostage, South African missionary Pierre Korkie, for some time even though negotiations had reached a resolution of Pierre's case. The US rescue attempt bogged down when surprise was lost, and al Qaeda guards shot and killed both Somers and Korkie. Then, on April 24 of this year the President announced that a CIA drone strike against terrorist targets in Pakistan had inadvertently killed US hostage Warren Weinstein, a kidnapped aid worker.

As these cases unfolded, what were virtually explosive reports came out. Diane Foley, the mother of the hostage beheaded by ISIS, disclosed that she had attempted to negotiate with ISIS over the \$200 million ransom demand ISIS had made; but, she had been threatened with prosecution by the US government if she paid any ransom

for her son's release. Various US officials and agencies initially denied knowledge of such a threat (or warning). But over time it became apparent that Mrs. Foley was indeed the victim of what was perhaps a technically legally true statement but a mis-application of a misguided policy. The confusion and anger over US policy grew when the FBI disclosed that it had assisted the family of hostage Warren Weinstein attempt to pay a ransom to his Taliban kidnappers. The inexplicable juxtaposition of these two actions of the US government resulted in an extraordinary statement by Press Secretary Josh Earnest on April 30: "Helping with a ransom payment, to use your word, is not tantamount to paying a ransom."

And although it did not receive as much publicity in the US because he was not an American citizen, the death of missionary Pierre Korkie during a US hostage rescue attempt in Yemen generated intense controversy in South Africa. The controversy centered on whether or not the US government knew that Korkie was being held with Luke Somers (the object of the rescue attempt) and whether or not the US government knew that Korkie's release had been negotiated. I have personal knowledge, being involved in that case, that the US government was informed that Korkie was being held with Somers. I know of attempts to notify the US government of the negotiated release that was pending for Korkie. I am also aware that the British government was aware of all of these facts and it seems quite unlikely that the British would have failed to brief their close allies in this case.

But the White House statement at the end of April – "Helping with a ransom payment ... is not tantamount to paying a ransom" – demonstrates the utter confusion, chaos and unpredictability of US policy towards private hostage cases; even as the FBI (at least at the working level) was carving out this partnership arrangement with CCI in our two most recent hostage negotiations.

Today there is no clear expectation at all as to how the US government may react to a new international hostage case involving a missionary who happens to be a US citizen. In recent cases (all within the past 5 years), I have personally experienced cases in which the US government has denied any meaningful real-time support; where the US government has offered exceptional support (such as in the two cases I described early in this webinar); where the US government put extraordinary pressure on the wife of a hostage to "authorize" a military rescue attempt; and where the US government acted unilaterally to mount a rescue attempt in a situation where one was not only not indicated but conflicted with the state of ongoing negotiations. In each case, political considerations were either articulated as being at least part of the reason for the US action or inaction; or, it was clearly apparent that politics was influencing decision-making.

Even though this is a far from ideal situation, it was being made workable because individuals on both sides strove to find pathways to cooperation. But now, more political considerations threaten even this very difficult environment.

Today, May 12, finds at least three different strategies in different stages of action existing across the federal government:

1. At the direction of the President, the National Counterterrorism Center is conducting a wide-ranging review of US policies regarding private (non-government) citizens taken hostage overseas. Although the work of this group has not been disclosed to the public, media leaks and impressions of individuals who have been interviewed by this group suggest that consideration, at least, is being given to creating a new government entity to oversee and coordinate all of the government's response to these cases, to giving higher priority to military rescue attempts than has been done in the past, and clarifying (if not relaxing) current US law that appears to criminalize ransom payments by families to certain terrorist hostage-takers.
2. Apparently unwilling to await the findings of the NCTC review group, the Congressman who made the initial request in August 2014 to the President for changes in US policy submitted a bill on March 12, 2015 (HR 1498, the "Hostage Recovery Improvement Act").
3. Also apparently unwilling to wait for the NCTC findings and recommendations, and also apparently in an effort to oppose HR 1498 (submitted by a member of the opposite party) another Congressman submitted a bill on May 1 (HR 2201, the "Warren Weinstein Hostage Rescue Act").

Whatever the reason, it makes little sense to introduce competing pieces of legislation in the weeks before the findings and recommendations of the NCTC working group are released. The NCTC is not presently involved in the resolution of individual hostage cases. It has no axe to grind and no stake in the outcome of its work. The officer-in-charge of this review, Army Lieutenant General Bennet S. Sacolick, has an excellent reputation and an apparent disinclination to grant media interviews. In my interactions with his staff, I have encountered professional and very competent people who were focused on producing the best produce possible and yet who were more than willing to listen and learn.

The two bills offer very competing visions of new US policy:

HR 2201 will apply to all overseas hostages cases involving US citizens. HR 1498 limits itself to cases in which the hostage takers are members of pre-identified groups. HR 2201 requires the creation of two new high-level committees and requires the appointment of an "outside" officer-in-charge. HR 1498 mandates that an existing "Federal Officer" "direct the activities" of the US government in specified hostage cases (but does not convey authority to do so over existing agencies and the military). HR 2201 uses the terms "rescue", "hostage rescue", "retrieval" and "recovery" interchangeably and without an appreciation of the connotation of the term "hostage rescue" in the professional community. HR 1498 states, "It is the

sense of Congress that the Coordinator should develop and pursue an entire range of options with respect to each hostage situation ... including “kinetic and non-kinetic options (sic)”. This language seems media-driven and is confusing to the professional world. Both pieces of legislation fail to address existing conflicts between the FBI and Department of State. These conflicts, unseemly at best, are a major contributor to the dissatisfaction of many hostage families with the US government. Both pieces of legislation fails to address current statutory deficiencies regarding payment of ransoms in hostage cases. And, both pieces of legislation require quarterly reporting to Congress on every open case the respective entities are working on. There seems to be no way to insure confidentiality, even of very sensitive information (both bills authorize reporting in classified session, however, the history of confidentiality in such classified sessions is bleak).

In the missions community, we face an increasing threat of kidnapping of our staff, their families, and our national partners and colleagues. Some of this increased risk stems from other potential targets leaving high-risk and vulnerable locations. But most of this risk is a result of the shifts in motivation of kidnappers: Most are now motivated by terrorism that is based on Islamist radicalism. We are the religious enemy and an entire generation is being taught, inspired and equipped to wage holy war against us – and kidnapping is one of the most desired weapons of this war.

In such an environment, and in the present context of fragmented and contradictory US policy on hostage cases, our greatest risks in dealing with the US government may result from:

1. A continuing pattern of mixed messages and inconsistent actions and responses by the US government that make it virtually impossible to predict in advance of a case how the government will or will not respond.
2. If the government moves to take a more “active” role in these cases, doing so by creating additional levels of bureaucracy, especially with poorly-defined roles is a near-certain formula for politicizing cases and delaying actions and decisions.
3. If current legislation becomes law, not only will these incredibly complex cases be “dumbed down” to “kinetic” and “non-kinetic” responses; but THERE IS NO PROVISION ANYWHERE for consideration of the legitimate interests of faith-based sending organizations; a stakeholder that none of the government officials I spoke with had even thought of trying to include in the conversation.
4. Lastly, in all of the government efforts presently underway, there is a strong undercurrent that military rescues are “the answer” and should become a much higher priority option (rather than the option of last resort). This is an incredibly simplistic and ill-informed response to a very small subset of these cases. It also fails to recognize the great difficulties in executing a successful hostage rescue and the fact that even US Special Forces – the top tier among these types of teams worldwide – have a mixed success rate conducting hostage

rescues. Brian Jenkins, an extremely respected researcher with the RAND Corporation, writes that since 2001, “Where rescues are attempted (by top-tier forces), hostages have approximately a 25 percent chance of being killed.”² In just cases involving missionaries kidnapped since 1986, there was a 100% death rate when the Colombian government attempted to rescue missionary hostages. In the Philippines the comparable hostage death rate is 50%. Perhaps most indicative of how hard and risky these are, the death rate when US forces attempt a rescue of missionary hostages is 50% since 2005.³

Finally, I have spoken almost exclusively about the US government in this webinar. I certainly realize that many sending agencies are not US entities and that many missionaries are not US citizens. However, what is happening in the US regarding hostage policy will have an impact well beyond the boundaries of US incorporation and US citizenship. One reason is that many of the adversaries we presently face believe, because they have been taught to believe, that “Christians” and “Americans” are the same thing. In many recent cases where non-US citizen missionaries have been kidnapped, the hostage-takers initially believed that they had Americans in their captivity. And I have been involved in at least four negotiations in the past 5 years where there were no US hostages, but the US government either unilaterally involved itself to the detriment of the case or refused to provide assistance well within its capability and purview when asked by the sending organization or even another state. And in one case of a dual-national hostage, policy and political disagreements between the US and the second government created such a scene of discord and confusion that a negotiated release came within a very few hours of being aborted. Fair or not, US policy on hostage cases will impact almost all missionary hostage cases to at least some degree.

The evangelical community has a proud history of engaging both religious and social issues, so tackling this situation should not represent an uncharted course. The initial steps are clear:

1. We should become as informed as possible about this issue, and about the actions and responses the government is considering
2. We, as a community of sending agencies, should prioritize our values and objectives in the range of foreseeable hostage cases
3. After becoming informed and clarifying our values and objectives, we should engage the dialogue and debate; claiming our legitimate position as a key stakeholder in this environment and problem
4. We should advocate for best practices and not political statements

² <http://www.rand.org/blog/2014/12/a-grim-choice-the-attempted-rescue-of-hostages.html>

³ Missionary death rates in hostage rescues reported herein reflect primary research by CCI.

What are these best practices and related recommendations? In the context of the current discussions and the evolving US policy discussions, I believe that they are:

1. **The FBI should continue to be the lead US government agency supporting hostage families, sending agencies (employers) and TPIs.** This would have been a difficult recommendation for us to make as little as 5 to 7 years ago. But recent experience showcases an agency that is willing to change, willing to try new ideas and is willingness to partner in a meaningful way with other critical stakeholders in these cases.
2. **The NCTC study, findings and recommendations should be completed and disseminated before any legislative action on US hostage policy is undertaken.** The NCTC is an appropriate home for this study, and in my interviews and interactions with them I have experienced professional, competent and informed staff with no political agenda to advance.
3. **The evangelical community should advocate fiercely for a voice into any final policy change discussions, whether those will occur within the White House, Congress or both.** This advocacy should begin now. I believe that when the NCTC study is complete, the Administration will move rapidly to implement changes; and, Congress will see competing attempts to pass legislation that may preempt or nullify some or all of the NCTC recommendations. At this point we don't know what those recommendations may be, but we can anticipate a loud debate and as I have mentioned, we are stakeholders who need to be heard.
4. **A clear line of authority in hostage cases needs to be established between the lead US agency that is working with and supporting the families, sending agency and TPI, and with US Embassies.** In both of the recent "best case" examples I've cited (about a negotiation partnership between the FBI and CCI), after plans had been thoroughly reviewed and vetted by the TPI and by the FBI hostage negotiators, in-country US staff (US Embassy personnel) intervened through on-scene contacts and attempted to change these plans for reasons that were clearly related to Embassy-host government relationships and not predicated on the best interests of the hostage(s).
5. **Current US law concerning ransom payments made by families, employers, supporters, etc. must be amended to eliminate the potential for prosecution of such persons who offer a ransom payment with a good faith expectation of release of the hostage(s).** Present law is confusing, subject to a myriad of interpretations, requires substantial subject matter expertise to

interpret, and tends to be ignored by the leading federal law enforcement agency. It is also a law that has virtually no prevention power, as family members will always prioritize a loved one's life over an abstract policy that the policy-maker (the US government) has followed sporadically at best.

6. **Any call to increase the use of military rescues from an option of last resort to a primary strategy should be opposed.** Hostage rescues are extraordinarily dangerous to the hostages and to the rescue team. These should remain a "reserve" strategy unless there is a compelling reason to move to this highest-risk option early.