CRS Insights

U.S. Citizens Kidnapped by the Islamic State

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Overview

On October 3, 2014, the terrorist group known as the Islamic State (IS, or alternatively, Islamic State in Iraq and the Levant, ISIL, or Islamic State in Iraq and Syria, ISIS) threatened to kill a third U.S. citizen whom it had kidnapped, Abdul-Rahman Kassig (previously Peter Kassig). While releasing some Western hostages for ransom, the Islamic State has beheaded others, including two U.S. citizens, James Foley and Steven Sotloff, and two British citizens, David Haines and Alan Henning. The group posted videos of the murders online, generating debate about the U.S. government's role and capabilities for freeing hostages.

In light of these beheadings, some policy makers have called for a reevaluation of U.S. policy on international kidnapping responses. Questions include whether it is effective and properly coordinated and implemented, should be abandoned or modified to allow for exceptions and flexibility, or could benefit from enhancements to improve global adherence.

Scope

The beheadings appear to be driven by a variety of underlying motives. Reports describe the group as inclined toward graphic and public forms of violence for purposes of intimidation, recruiting, and fundraising. Reports also suggest that the Islamic State may kill some hostages when it fails to obtain ransom payments. Foley's family, for example, disclosed that the Islamic State demanded a ransom of 100 million euros ($132 million). For its part, the Islamic State claims to have carried out the beheadings in retaliation against U.S. military intervention in the region.

The Islamic State may be inspiring others to conduct kidnappings and beheadings. In September, a French citizen, Herve Gourdel, was kidnapped and murdered by a group in Algeria that has claimed IS allegiance. Two Germans are being held for ransom in the Philippines by another group that supports the Islamic State. Some policy makers are concerned that individuals in the United States may also be inspired by the Islamic State's tactics. Meanwhile, Nusra Front, Al Qaeda's Syria-based affiliate, released U.S. citizen Peter Curtis (reportedly without payment of a ransom).

It is likely that more U.S. citizens are being held hostage by terrorist groups in the region, including Austin Tice, who has been missing in Syria since 2012. The State Department has identified at least 72 U.S. citizens kidnapped by international terrorists between 2005 and 2013; actual numbers may be higher.

In congressional testimony in September, Federal Bureau of Investigation Director James Comey stated that:

> We are deeply concerned about the safety and security of American citizens worldwide, and ISIL and other foreign terrorist organizations may continue to try to capture American hostages in an attempt to force the U.S. government and people into making concessions that would only strengthen ISIL and further its terrorist operations.

U.S. Policy and Questions for Congress

A central issue to U.S. responses to the recent IS kidnappings involving U.S. citizens is the "no concessions" policy. According to this policy, the U.S. government will seek the safe return of its citizens, but rules out any "acts of concession" to kidnappers, including the "benefits of ransom, prisoner releases, [or] policy changes." Moreover, ransom payments to terrorists could be a violation of U.S. criminal law, and, in some cases, a violation of U.S. and U.N. counterterrorism sanctions.

In March 2014, Under Secretary of the Treasury David Cohen reiterated the U.S. government's justification for its "no concessions" policy:

> Refusing to pay ransoms or to accede to other terrorist demands is the surest way to convince potential hostage-takers that they will not be rewarded for their crime.... Although this may appear to be cold-hearted and is often agonizingly difficult to sustain in practice, plain logic and long experience demonstrate that this policy has led to fewer Americans being taken hostage....

Earlier, in a 2012 discussion of international kidnapping for ransom, Cohen described several alternative responses to terrorist hostage situations, including conducting rescue operations and applying targeted financial sanctions against kidnappers. The Obama Administration acknowledged that the U.S. military attempted in July to rescue Foley and others held captive by the Islamic State. In September, the Treasury Department designated for financial sanction two IS members, one of whom reportedly oversaw an IS prison facility where foreign hostages may have been held.

At the international level, some observers describe a lack of coherence and consistency in handling hostage cases. Although the United Kingdom adheres to a "no concessions" policy, reports suggest that several other European governments have paid large ransoms to terrorist groups, including IS and Al Qaeda affiliates. While defending the "no concessions" policy, Secretary of Defense Chuck Hagel also acknowledged in congressional testimony that there remains room for improvement in U.S. responses to kidnappings: "I think we could and should maybe revisit … some of these practices," he said.

In Congress, questions about U.S. policy on kidnapping have arisen during recent hearings focused on the Islamic State. Moreover, there is a long history of legislative debate on kidnapping policy and existing statutes on kidnapping and terrorist financing (e.g., 18 U.S.C. Ch. 55, 18 U.S.C. 2339A-C, and 22 U.S.C. 2656f). As policy makers continue to consider these issues, key questions include:

- To what extent is the U.S. government responsible for the safe return of U.S. citizens held hostage by the Islamic State? Are U.S. government agencies sufficiently coordinated to address international kidnapping events?

- Has the "no concessions" policy been successful in deterring the Islamic State from targeting and seizing U.S. citizens as hostages? Are there circumstances in which exceptions to the "no concessions" policy may be warranted?

- To what extent are ransom payments a primary source of IS financing? What are the challenges associated with U.S. government efforts to track, block, and ultimately confiscate or retrieve ransom payments?

- To what extent are other nations' practices consistent with the U.S. "no concessions" policy? What options do U.S. policy makers have to deter foreign governments from financing terrorist groups, including the Islamic State, through the payment of ransom demands?