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## Commission on Crime Prevention and Criminal Justice

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### International cooperation in combating transnational organized crime

## International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

### Report of the Secretary-General

#### Addendum

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction . . . . .	1	2
II. Results of the survey . . . . .	2-12	2
A. Relevant legal provisions . . . . .	2-5	2
B. Types and extent of kidnapping . . . . .	6-8	3
C. Measures adopted . . . . .	9-12	3

\* E/CN.15/2004/1.



## **I. Introduction**

1. Additional responses to the questionnaire on the practice of kidnapping have been received from Bahrain, Ecuador and Myanmar, bringing the total number of replies to 74. Colombia and the Republic of Korea also provided additional information, supplementing their original replies to the questionnaire (see E/CN.15/2004/7).

## **II. Results of the survey**

### **A. Relevant legal provisions**

2. Bahrain, Ecuador and Myanmar indicated that their domestic legal systems made provision for the specific criminal offence of kidnapping. The Penal Code of Ecuador defined kidnapping as the abduction of a person, by violence, threat, enticement or deceit, in order to achieve one of the purposes specified by the law, which included, among other things, the sale of the victim; forcing the person to pay a ransom; or requiring the person to hand over removable property. Ecuador indicated that the legislation also covered terrorist organizations committing kidnapping.

3. Myanmar reported that legislation provided for different categories of the crime of kidnapping. These included carrying a person beyond the territorial limits of Myanmar without the consent of that person; kidnapping in order to secretly and wrongfully confine the victim; and taking a minor or any person of unsound mind unlawfully out of the custody of their guardian.

4. All three countries indicated that provision was made for severe punishment for the crime of kidnapping. In Ecuador, the lowest punishment would be applicable if the victim was not harmed and was voluntarily released by the kidnapper prior to the initiation of legal proceedings. The punishment would increase in cases where the release took place after the initiation of legal proceedings or the arrest of the kidnapper, or where the victim was maltreated. Special long-term imprisonment would be handed down if the victim had not been freed by the date of the judgement, with the maximum sentence being imposed if the victim had been raped or murdered or had died as a result of the kidnapping. Ecuador indicated that kidnapping was not subject to pardon or amnesty. Legislation in Myanmar provided for imprisonment for up to seven years, leading to life imprisonment in cases where the victim was murdered.

5. In a supplement to its original submission, Colombia outlined a series of legal provisions specifically related to punishment in case of aggravating circumstances in kidnapping cases, leading to imprisonment of 28 to 40 years and a fine of 5,000 to 50,000 times the minimum legal monthly salary. These included kidnapping of particularly vulnerable persons; deprivation of liberty for more than 15 days; cases of physical or mental torture of the victim or of sexual violence; kidnapping by a public official or a member of the state security forces; the use of threats of death or injury or of an act that caused serious danger to the public; kidnapping for terrorist purposes; and cases of kidnapping where the benefit or aim pursued was attained. Colombia indicated that more severe punishments were also applicable in cases

where the victim's property, professional or economic activity was seriously affected; where the victim was a journalist, an ethnic or religious leader, a public figure or official and was kidnapped for that reason; where the offence was committed using a counterfeit arrest warrant; where the offence was committed partly in another country; where the victim was trafficked during the period of detention; and where the victim enjoyed diplomatic status or was an internationally protected person under international humanitarian law. Colombian legislation provided for a reduction of punishment up to half if the perpetrator released the victim within 15 days.

## **B. Types and extent of kidnapping**

6. Ecuador identified specific types of kidnapping as being more prevalent, such as kidnapping for extortion, economic kidnapping, "express" kidnapping and kidnapping for political or ideological purposes. Ecuador and Myanmar indicated that statistics were kept on the number of cases of kidnapping. Ecuador regarded its statistics as an inaccurate reflection of the problem.

7. With regard to the extent of kidnapping, Ecuador reported an increase in the number of kidnappings, based mainly on the influence of crime spreading to Ecuador from neighbouring States, but also as a result of huge economic disparities in the country and the inadequacy of the law and justice authorities. The statistics provided by Ecuador showed an increase from 63 cases reported in 1997 to 297 cases in 2003. Myanmar reported that the number of incidents of kidnappings was very low. Only two cases had been reported in 2001 and no cases in 1999, 2000 or 2002. Colombia provided an update on recent kidnapping trends: the number of reported cases had fallen by 32 per cent from January to August 2003, compared with the same period in the previous year. The most recent statistics provided by Colombia indicated that 1,966 cases of kidnapping had been reported between January and November 2003 and 2,986 cases during 2002.

8. Ecuador reported that an increased number of organized criminal groups had committed kidnapping for purposes of extortion, in particular in connection with drug trafficking, money-laundering, trafficking in persons and illegal trading in arms. Both ordinary criminal groups and former guerrillas were involved in kidnapping. Colombia pointed out that, while criminal organizations in Colombia could be divided into common criminal groups, guerrilla organizations, self-defence or paramilitary groups as well as other criminal groups, the guerrilla groups the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) were the main perpetrators of kidnapping. The Republic of Korea suggested that the increase in kidnappings in which children or women were held for ransom perhaps resulted from the desire to liquidate debts.

## **C. Measures adopted**

9. Ecuador indicated that a National Anti-Kidnapping and Extortion Unit, responsible for preventing and investigating cases of kidnapping and psychological counselling for victims and families, had been established in the National Police Force. In addition, prevention and awareness-raising campaigns and seminars aimed

at officials, employees and the general public had been conducted. In the case of Myanmar, the anti-terrorist task force was responsible for carrying out operations to rescue hostages in kidnapping cases, while special law enforcement training for rescuing hostages had been conducted. The Republic of Korea reported the establishment of a Task Force for the Elimination of Gangs aimed at combating organized crime, including kidnapping.

10. In Colombia, the 2003 Presidential Programme to Combat Extortion and Kidnapping had focused on establishing policies and strategies to combat kidnapping; assisting the various state agencies in the design of strategies; conducting analyses of the legal instruments in force; promoting prevention and victim counselling programmes; and strengthening international cooperation. As a measure to collect and share information, the Integrated Information System against Kidnapping and Extortion (SIIES) had been developed, consolidating data from the various state agencies involved in combating those crimes.

11. In the field of victim support, Ecuador reported that liaison services for families and counselling services for victims could be provided only in a few cases because of the lack of financial and human resources. Ecuador indicated that a programme for the protection of witnesses, victims and other persons participating in court proceedings had been established, including the setting up of a Higher Council to formulate protection and assistance policies. Myanmar provided liaison services to victims and their families, although no financial assistance was made available to victims. In Colombia, a draft law regarding measures to protect kidnapped victims and their families had recently been submitted to Congress.

12. Regarding international cooperation in kidnapping cases, Bahrain outlined steps being taken to implement the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I). Bahrain also indicated that attempts were being made to organize an awareness-raising campaign on transnational organized crime. Ecuador reported that it had taken several initiatives to improve international cooperation, including the signing of several bilateral agreements.

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