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International cooperation in combating transnational crime

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

Report of the Secretary-General

Addendum

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* E/CN.15/2003/1.



I. Introduction

1. Additional responses to the questionnaire on the practice of kidnapping were received from Guinea,¹ India, Qatar, Thailand and Togo after the deadline for submission of the report of the Secretary-General to conference services, bringing the total number of replies to 67.

II. Results of the survey

A. Relevant legal provisions

2. Each of the five countries indicated that their legislation made provision for the specific offence of kidnapping, with the legal provisions generally covering the common elements of the crime outlined in the report of the Secretary-General (E/CN.15/2003/7). Guinea, India, Qatar and Togo reported that the crime of kidnapping was regarded as a serious offence. In the case of Thailand, it was indicated that, while domestic legislation did not specifically identify kidnapping as a serious crime, it could be considered as such since the offence was in some cases punishable by life imprisonment or the death penalty. Togo noted that in 1990 it had amended the provisions regarding the definition and punishment of kidnapping contained in its Penal Code to bring them in line with international standards.

3. India reported that it had comprehensive legislation to counter kidnapping, with the Indian Penal Code outlining 10 specific offences related to the purpose of the kidnapping. These were kidnapping a minor for purposes of begging; kidnapping in order to murder; kidnapping for ransom; kidnapping with the intent to secretly and wrongfully confine a person; kidnapping a woman to compel her into marriage; procurement of a minor girl; the importation of a girl from a foreign country; kidnapping in order to subject a person to grievous harm, including slavery; kidnapping a child under 10 years old; and stealing or buying a minor for the purpose of prostitution. In Qatar, apart from the actual offence of kidnapping, a specific article of the Penal Code covered kidnapping where the victims had been forced illegally to work against their will.

4. While cases of kidnapping were always regarded in a serious light, in a number of cases it was indicated that more severe punishments were applicable. In India, this included kidnapping for ransom and kidnapping to commit murder, where the punishment was life imprisonment and the death penalty respectively. The offence of kidnapping in India was also non-bailable. The response of Thailand indicated that, if the kidnapping caused grievous bodily harm or death to the victim, or the victim was tortured or treated cruelly causing either physical or mental harm, the death penalty would apply. Guinea indicated that, in cases where the detention of the victim lasted for more than one month, the punishment would be more severe.

5. As in the case of a number of countries considered in the report of the Secretary-General, responses covered in the present addendum indicated that provision was made for a reduction in the severity of punishment in certain specific cases. Legislation in Guinea contained a provision to the effect that the sentence of the perpetrator could be reduced if the victim is released before the tenth day. Thailand indicated that, if the offender arranged for the release of the victim with no grievous bodily harm having been inflicted or the victim having been in no imminent danger, a lesser sentence would be handed down than that provided by the law, although not less than one half of the stipulated sentence.

B. The extent and types of kidnapping and links to organized crime and terrorist groups

6. India and Guinea indicated that they kept statistics on the number of cases of kidnapping. In India, the statistics were regarded to be an accurate reflection of the problem, with statistics on the number of cases being provided by police authorities across the country. In Guinea, given the small number of reported cases, the statistics were also assumed to be accurate. Togo indicated that no statistics were kept on the number of kidnappings.

7. With regard to the extent of kidnapping, India reported an increase in the number of incidents over the last 10 years. This increase was in the order of 23 per cent, with 18,424 cases being reported in 1990 as opposed to 22,871 in 2000. The largest number of kidnappings reported over the 10-year period was in 1998, with 23,520 recorded cases. None of the other countries reported an increase in kidnapping, with, for example, Guinea having only one recorded case in 1991 and Qatar indicating that cases of kidnapping were rare.

8. India provided detailed data on the number of kidnapping cases in which a charge had been made against a suspect and a conviction then secured. In 2000, the latest year for which statistics were available, of the 22,871 recorded cases of kidnappings, 13,302 charges were laid, with 3,177 individuals being convicted.

9. India reported that the nature of organized criminal groups involved in kidnapping in the country was closely related to the purpose of the crime. Five broad categories of kidnapping were identified: kidnapping for prostitution; kidnapping for extortion; kidnapping by terrorists; kidnapping for other purposes such as camel racing or begging; and kidnapping where a person (generally a female) was kidnapped with consent for marriage but the consent was invalid because the person was legally a minor. Organized criminal groups were involved in the first four categories. In the case of kidnapping for prostitution, women or girls, generally from rural areas, were kidnapped either with force or using deceit and then sold on to prostitution rings in the cities. The organized criminal groups involved in kidnapping for extortion were generally associated with major criminal syndicates which often had cross-border connections. The ring leader was more often than not located outside of India, carrying out the kidnapping through associates within the country. The money extorted was generally sent outside of India. Terrorist groups invariably had connections and support from outside of India and while their purpose was often political, kidnappings were also carried out to obtain funds and demand the release of associates from prison. The Indian

authorities were currently conducting a research study on gangs specializing in the kidnapping of girls and women for prostitution, the kidnapping of minors for begging and kidnapping for ransom.

10. Guinea and Qatar reported there to be no evidence of criminal or terrorist organizations involved in kidnapping. Incidents of kidnapping in Togo were reported to have no link either to internal or to external criminal groups. However, several categories of kidnapping were identified, including kidnapping for sexual exploitation; kidnappings connected to initiation and other rituals; kidnapping for purposes of forced marriage; and kidnapping of minor children in the case of domestic disputes, generally involving divorced parents. It was noted that in both rural and urban areas, the victims of kidnapping were from vulnerable social groups, such as women, children and the poor.

C. Measures adopted and lessons learned

11. India reported that police officers had received specialized training in respect of kidnapping cases. There was a specific Criminal Intelligence Cell at national police headquarters, which was tasked with countering kidnapping, and a computerized databank on kidnapping was being established. State police forces had specialized units devoted to countering kidnapping and combating crimes against women. Furthermore, India reported that liaison services between the law enforcement authorities and the victim's family were maintained during kidnapping cases and counselling services to both the victim and the family were provided to the extent possible. The police made every effort to return the victim to their family, although the Government ran various homes for women and juveniles who required shelter once they had been released. Additional support was provided through an active non-governmental organizations sector.

12. In Qatar, while cases of kidnapping were rare, when they occurred, protection and care was provided to the victim and their families both during and after the kidnapping. No financial support had, however, been provided to kidnapping victims. Guinea indicated that specialized police units dealt with a series of serious crimes, including cases of kidnapping. As a preventive measure, the importance of ongoing communication with citizens was emphasized. The response of Guinea also outlined the various measures that the country had taken to combat money-laundering.

13. India reported that it had taken a series of initiatives to improve international cooperation in respect of countering kidnapping, including bilateral agreements with other countries as well as the signing of international legal instruments, the most prominent being the United Nations Convention against Transnational Organized Crime and its protocols. Guinea underlined the importance of international cooperation, including the signing of bilateral agreements between countries, emphasizing in particular the importance of extraditing the perpetrators to their countries of origin.

14. In respect of lessons learned, the response of India highlighted the importance of comprehensive legislation covering all aspects of kidnapping. Cases of kidnapping should also be treated seriously, with stringent punishments being handed down by the courts. Togo reported that both clear legislative provisions and

effective follow-up by law enforcement agencies were essential to countering kidnapping effectively.

Notes

- ¹ An earlier reply from Guinea was received from the African Institute for the Prevention of Crime and the Treatment of Offenders. The subsequent reply, which is covered in the present addendum, was more detailed and responds specifically to the questionnaire sent to Member States by the Secretariat.
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