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Office of High Commissioner for Human Rights (OHCHR)

Research Report

Topic 2: Implementing measures against the use of hostages as a tactic of warfare.



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Introduction:

This report will look at the topic of hostages and warfare. Taking hostages is a common tactic during warfare, often used as leverage. Hostages can be people involved in the specific conflict, but they can also be an innocent civilian who has absolutely nothing to do with said war. This report will look closer into the hostages who are being held here as leverage in the Israeli-Palestinian conflict and why it is so important to implement measures that can help prevent the usage of hostages as a tactic in warfare.

Definition of Key Terms:

Measures: In this context the word “measures” refers to the actions and/or rules that will be put in place to combat the issue at hand. This is a key term as it is the goal of the report. We are not looking at who to condemn, or what is wrong or right, but what rules and/or actions can be implemented to stop the use of hostages as a tactic of warfare.

Hostages: This is defined as “someone who is taken as a prisoner by an enemy in order to force the other people involved to do what the enemy wants”¹. The word “prisoner” is important to understand that hostages are taken against their own will and can often get abused or even killed as a result.

Tactic: Refers to the strategy or action that is carefully taken to achieve a specific end goal. In this case, the tactic is taking in hostages to use them to get what they want from the opposition. This is a key term to understand what hostages are in this context.

Warfare: Is the activity of engaging in war. It generally includes all of the weapons and methods used during the war. It is important to understand this definition to get when hostages are being used.

Background Information:

Taking in hostages is an enduring tactic in warfare. There are many reasons that hostages would be taken, these reasons can be financial, political and more, and they can be in times of conflict, peace or internal tension. Financial reasons involve kidnapping in exchange for payment; usually quite a lot of money. When political, this can be a wide range of demands such as recognition of an armed opposition group, recognition of borders etc.² It has been used for thousands of years to obtain the end goal of said war. In the 400's BC, future King Philip II of Macedon was held hostage for three years in Thebes, Greece. In 75BC Julius Caesar was held hostage for 38 days by Sicilian pirates on his way to study in Rhodes and was only released after money was given. This is a great example of someone of high status being taken hostage to achieve an end goal, in this case money. Other recorded examples include Saint Patrick in the fifth century, King Henry II of France in 1526 was swapped with his brother for their dad's freedom from Spain. Both were hostages in Spain for four years.

¹ Cambridge Dictionary. “Hostage.” @CambridgeWords, 14 Nov. 2023

² “Doctors without Borders | The Practical Guide to Humanitarian Law.” *Guide-Humanitarian-Law.org*

We can see from this that hostages have been a tactic for centuries for different reasons and often being people with high importance that are captured.³

Current Issues:

The most common current issue regarding hostage-taking is the Israeli-Palestinian war. This conflict has been going on for decades, after the UN adopted a resolution that split the British Mandate of Palestine into Arab and Jewish states. The first war sparked soon after where Israel won and the territory was split into 3 parts; Israel, West Bank and Gaza Strip. The most recent outburst occurred on the 7th of October, 2023. On this day, the terrorist group, Hamas, launched its attack on Israel^[4]. In this conflict, Hamas has taken Israelis as hostages for a specifically unknown reason. Here are some ideas though; they are used as a human shield as protection against Israel, they are a type of insurance to use to bargain as the conflict develops, Hamas can control the narrative as hostages create media opportunities, it draws attention to the conflict potentially helping Hamas, or it is a fear tactic to scare their opposition, Israel.⁴

According to Israel, on October 7 2023, 251 Israelis and foreigners were taken hostage by Hamas. Their official figure states that 101 are held in Gaza, four of which were taken previously in 2014 and 2015 of which two are believed to be dead. The ages of the hostages range from 19 to 80, some are soldiers and officials and others are civilians.⁵

There are multiple hostage situations that have recently been resolved. A recent release of hostages occurred in the Nduga Hostage crisis where a New Zealander pilot was taken from a plane crash by the OPM (free Papua movement) in February of 2023. They used this pilot to blackmail the Indonesian government for independence of West Papua. 1 year and 7 months later, the pilot was released following negotiations with the West Papua army. There are other smaller hostage situations that can include only 1 hostage that doesn't last for very long.⁶ The Russians also held 16 US hostages in the summer of 2024, however they were soon released and are no longer ongoing.⁷

Currently there are hostages being held in the Syrian civil war. This war started in March 2011 and is still ongoing. Austin Tice is a journalist who is currently one of the longest-held American hostages known to date who was captivated on the 14th August, 2012 and is currently still missing. President Biden states that the US believes Tice is still alive and that

³ "Why Taking Hostages Is Such a Potent Tool in Warfare | Wilson Center." *Www.wilsoncenter.org*

⁴ <https://www.linkedin.com/in/rachel-briggs-obe-479694a>, and <https://twitter.com/rachelbriggsuk>. "Why Has Hamas Taken Hostages?" *Chatham House – International Affairs Think Tank*, 11 Oct. 2023

⁵ Ryan, Jamie, and Emma Pengelly. "Hamas Hostages: 'My Wife and Children Have Been Taken to Gaza.'" *BBC News*, 9 Oct. 2023

⁶ Wikipedia Contributors. "List of Hostage Crises." *Wikipedia*, Wikimedia Foundation, 3 Oct. 2024.

⁷ Jcookson. "As Sixteen of Putin's Prisoners Come Home, Don't Forget the Millions of Hostages Who Remain." *Atlantic Council*, 2 Aug. 2024,

the US will try to finally bring him home along with multiple others. The Syrian president recently fled the country in the beginning of December 2024 that can potentially make the Middle East unstable. Tice was last seen in a video where he was blindfolded and in distress; this was posted a few weeks after his capture. Since then he has not been heard from, and the US is working to pinpoint his exact location in hopes of rescuing him.⁸

Major Countries and Organisations Involved:

The OHCHR does not primarily hold specific countries responsible for dealing with hostage-taking situations. Reports and solutions often call upon all countries and organisations to deal with the problem at hand and perform international cooperation. It doesn't work as a body composed of different countries, but is a single organisation. That being said, there are certain countries who financially contribute more and are more active participants than others.

Key financial contributors include the following:

- USA
- Germany
- Sweden
- Norway
- Switzerland
- UK
- Netherlands
- Canada

Countries who are recognisably active are:

- EU members
- China
- Russia
- Brazil
- South Africa
- India

There are also countries who are commonly addressed by the OHCHR due to human rights violations. These countries include:

- Syria
- Yemen
- Myanmar
- Sudan
- Israel
- Palestine

⁸ Sheerin, Jude. *Austin Tice: Biden Says US Will Try to Bring Home Hostage from Syria*. 8 Dec. 2024

- North Korea
- Belarus
- Venezuela

SO although the OHCHR is a communal body that works collectively with all countries, certain countries are noticed to be higher contributors or violators.^[10]

Relevant UN Resolutions:

Resolution 2716 (2023)

The UN made a resolution on the conflict about the three UN workers who were kidnapped and held hostage in Afghanistan. The resolution stated: *“To cooperate closely with the ISIL/Da’esh and Al-Qaida Sanctions Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) and other relevant United Nations counter-terrorism bodies in providing information on the measures taken by Member States on kidnapping and hostage-taking for ransom and on relevant trends and developments in this area;”*. The hostages were released after a month of being held after Afghan officials and international mediators resolved the topic.⁹

Previous Attempts to Solve the Issue:

The Iran Hostage Crisis is an example of an issue that was resolved through negotiation some-what successfully. The crisis took place from late 1979 to early 1981, where 53 US diplomats and citizens were taken hostage by some Iranian college students who supported the Iranian revolution. The US started immediately in trying to recover their people but were unsuccessful in searching for anyone to negotiate with and therefore started considering Military action. There was a planned attempt to rescue the hostages physically by raiding the embassy complex where the hostages were being held. However the rescue mission was unsuccessful due to three of eight helicopters crashing where eight U.S service members were killed and left behind. By May of 1980, the US managed to get its closest allies to institute an economic embargo (international law) against Iran. This alone was not enough, however, later in August Iran installed a new government that sought more diplomatic overtures, and in September Iraq invaded Iran. These two subsequent events along with the embargo were damaging the Iranian economy and ability to win against Iraq. Iran was also made aware at a UN conference that they could not expect support in the Iraq-Iran war as long as they are holding the U.S hostages. Iran therefore made negotiations with Algerian middle parties. Iran demanded that the embargo was uplifted and frozen Iranian assets were released in exchange. The hostages were released on January 20, 1981.¹⁰

⁹ Security Council Resolution 2716 (2023) Adopted by the Security Council at Its 9506th Meeting, on 14 December 2023

¹⁰ “Iran Hostage Crisis - Conflict and Resolution.” *Encyclopedia Britannica*

Possible Solutions:

Taking hostages is already a war crime and therefore strongly prohibited in any scenario¹¹. This however is clearly only effective to a certain extent. Although it is “illegal” to take hostages in, there are no defined consequences if these rules are broken. Since the consequences are decided depending on the situation, it takes time to formulate these resolutions and creates a lot of “grey area” making it difficult to always find an effective solution. These are some possible solutions:

- to set up a list of actions and consequences that occur when said situation occurs. This can include;
 - sanctions
 - condemnation
 - hostage negotiation with third-party mediation
 - rescue operations

Many of these pose risks to the war and hostages being held so there should be flexibility depending on the situation at hand.

¹¹ “Doctors without Borders | the Practical Guide to Humanitarian Law.” *Guide-Humanitarian-Law.org*

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