

HOSTAGE SITUATION AND NEGOTIATION – *The Malaysian Experience*

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INTRODUCTION

The word 'CRISIS' came from a Greek word 'KRISIS' meaning 'DECISION'. Hardly a day goes without some crises making new headlines, whatever forms of crises to name a few, financial, health, rioting, crises of violence, natural disasters, and terrorism and hostage takings.

Crises can come almost at anytime, usually out of nowhere. They come at different speed and from different delivery modes or systems and in many cases they do not follow the normal working hours. The common feature in a crisis, is that people sometimes many people are adversely affected. Crisis news travel fast in this age of technology, the bigger the crisis, the faster and the more global the impact is. The only protection against crisis is a well rehearsed Crisis Management Plan (CMP).

Crisis management is not a new phenomenon in the management world. It is indeed as old as management itself. However, only lately crisis management has been given an important emphasis particularly after the 911 incident, because it enables countries and organizations to reduce the threats and vulnerabilities related to crisis. Crisis preparedness is a critical function of any government. People turn to the government institutions for prompt, effective leadership in restoring normal conditions. The NSC Directive No. 18, No. 20 and No. 21 provide the mechanism for mitigation efforts in our Malaysian environment

The management of any crisis situation, at the scene of the incident, ultimately rests in the hands of the Police. The Police responsibility in the mitigation, of a crisis incident, is the measure of its efficiency. Normally, a crisis situation is headline stuff with the media and will be followed to its end. The knowledge of crisis communication and the handling of the media are absolutely important. The manner in which the Police deals with a crisis incident will be much commented upon by the public.

The JRA hostage taking incident at AIA Building, The Memali incident, the Collapse of Highland Towers incident and the Al Maunah incident at Sauk just to name a few, are examples where public opinions are expressed from time to time. The Manila Hostage incident, can yet serve as a reminder and lesson learnt.

NSC DIRECTIVE No 18.

In the early 1990's after realizing the increasing terrorists incidents, in particular the aircraft hijackings at the global, regional and domestic arenas, the Government has issued NSC Directive No. 18 dated 26th Aug 1991 "PENGURUSAN DAN PENGENDALIAN KRISIS KEGANASAN" which provided the guidelines on the mechanism to manage and mitigate terrorist crisis incidents or acts of violence on land, air and sea.

After the 911 incident, Malaysia like other countries throughout the world, realizes that there are new dimensions, new trends and scenarios employed by terrorist groups, reviewed the old Directive and issued a new Directive No 18 dated 10 July 2002. The basic policy enshrined in MKN Directive No 18:

- The Government condemns all forms of terrorism and violence.
- To ensure the safety of all hostages and property
- Seeking peaceful resolutions through negotiations
- Will not participate in the exchange of hostages
- Action to assault is the last option.

In the overall management of terrorist crisis, MKN Directive NO.18 18 outlined:

- The Executive Terrorist Control Committee- The Chairman is the KSN. The IGP is a member along with PAT and KSUs of appointed ministries. The secretariat is the National Security Division (BKN).

- The Crisis Management Team (CMT) is headed by the Director of Internal Security and Public Order. The members are the Director of Special Branch, the Army Chief of Staff and Director Generals of selected agencies. The secretariat is Jabatan KDN/KA

Support teams will assist the CMT in the operational; mitigation of ant crisis hostage situation and they are divided into three (3) main groups

- The Negotiation Team
- The Crisis Support Team
- The Tactical Support Team

The main aim of the Negotiation Team is to ensure continuous contacts and communication with the hostage takers and to negotiate for peaceful resolution without the use of force.

From the period of early 1900s and mid 2000s a number of national level hostage taking exercises were conducted by PDRM with the support of BKN and PETRONAS:

- OP Rampas series on aircraft hijacks conducted at Subang International Airport and Langkawi Airport
- Op Pelantar at PETRONAS oil flat forms
- Series of minor exercises in between for the preparation of the major exercise
- Ops Blue Flax an international 4- day joint exercise between the Malaysian Government and the British government involving 2000 exercises participants from both countries conducted at the Field Force Camp in Kulim. The exercise was financed by the British Government. The hostage takers were role played by the British exercise participants, the hostages played by the Malaysian exercise participants. The negotiators were role played by trained negotiators from Bukit Aman. The joint assault teams were from the British SAS and the Malaysian UTKs. The On Scene Commanders were Crisis Management Teams from Bukit Aman on rotational basis.

HOSTAGE SITUATIONS

Incidents involving barricaded subjects, hostage takers or persons threatening to commit suicide represent trying and stressful moments for Police officers who respond to them. A hostage situation, in particular, is a law enforcement worst case scenario because it places innocent civilians directly in harm's way. Armed intervention becomes risky since hostages themselves can be killed or injured either by stray bullets or by the hostage takers. That makes Negotiation the most important aspect of any hostage crisis.

A hostage situation happens, when a perpetrator uses people as bargaining chips. This can happen in a range of circumstances:

- Barricade situations
- Suicide attempts
- Criminal caught in the act of an offence
- Hostage taking situations by terrorist groups

It must be understood that there is no absolute or correct solution in facing hostage situations; furthermore, no two hostage situations can be identical. The first factor is a hostage situation is abnormal. Under such abnormality, emotions play a key role:

- Situation is filled with TENSION for those involved
- EMOTION hold away in time of execution
- Such TENSION and EMOTION lead to RIGIDITY of position by hostage takers which lead to hard line and irrational action.

Thus, the reduction of TENSION is the priority and should be prevalent throughout the whole confrontation. For as long as there is tension in the air, judgement can be impaired. In hostage negotiation, negotiations are the only alternative to the immediate use of force. The Police can engage in such a dialogue while employing delaying tactics to wear down the hostage takers and to induce a peaceful surrender. Should this prove impossible, the delay gains time for rescue operation to be launched. However, in any hostage situation, the principle aims are:

- The protection of lives of hostages and bystanders
- The eventual seeking to bring hostage takers to book.

Elements to be applied during any hostage crisis:

- RISK EFFECTIVE
- NECESSARY
- ACCEPTABLE

STAGES OF HOSTAGE SITUATION

Hostage situation moves through several distinct phases

- **Initial Phase:** Is violent brief and lasts as long as it takes for the hostage takers to make and subdue the hostages. The end of the phase is often marked by the presentation of the hostage takers demands
This is the start of the Police Positive Actions(PPA) activities which include an assessment of the situation, containment of the location and the localization of the incident in terms of initial police deployment for intelligence collections, placements of cordons, control of movement and the activation of the On Scene Command Post (OSCP).
- **Negotiation Phase:** At this point, the Police are at scene and demands have probably been received. This phase can last for hours, days, weeks or months and could be referred as “Stand- Off Phase”. Physically nothing about the situation changes greatly. Hostage takers and hostages stay in the same place. However, there are a lot of happenings during this phase of relationship development between everyone involved. The negotiators job boils down to manipulating these relationships in a way that result in peaceful relationship.
PPA activities expand intensively during these periods. The activation of the Crisis Negotiation Team (CNT), the extension of controlled area, the expansion of OSCP command and control system, operation planning meetings, welfare activities, relief systems, data collections, intelligence gathering, reporting and updating situation, contingency planning for the worst case scenario
- **Termination Phase:** This is brief, sometimes violence final phase which has one of the three results:
 - Hostage Takers- surrender and arrested
 - Assault – kill and arrest hostage takers
 - Demands granted- Hostage takers escape.

HOSATGE NEGOTIATION

During hostage situation, hostage takers hold another person or persons for the purpose of forcing the fulfilment of substantive demands upon a third party. Typically, hostage takers make direct or implied threats to harm hostages if their demands are not met. Substantive demands include things that hostage takers cannot obtain by themselves, such as money, escape, political and social change, thus the use the hostages to force the police to fulfil their demands While the hostages remain at risks, the primary role of hostage takers is not to harm the hostages.

In fact, hostage takers realize that only through keeping the hostages alive can they hope to achieve their goals. They understand that if they harm the hostages, they will change the incident dynamics and increase the likelihood that the Police will use force to resolve the incident. Therefore, it remains in the interest of the hostage takers to keep the hostages alive and avoid actions that may trigger a violent response from the police.

Commanders must ensure that negotiators must handle hostage events by stalling for time, lowering the hostage takers' expectation and reversing their sense of empowerment and control. Negotiators must buy time by using delaying tactics and initiating give and take bargaining. At the same time the tactical team uses highly visible containment strategies to demonstrate that the Police are willing and able to use force if necessary. Still the Police should never directly threaten to use force because by doing so, may cause the hostage takers to resist further.

Hostage takers may initially feel in control and empowered, but as time passes, the negotiation team builds trust and rapport, convinced that they will not accomplish their objectives and they should surrender peacefully. Ultimately, hostage takers must decide whether to come out peacefully and live or to get injured or killed when the Police inevitably take action against them. Fortunately almost all hostage incidents are resolved peacefully as the hostage takers desire to live outweighs their needs to have their demands met.

This process may take time and the negotiation team must employ patience and understanding and use active listening skills in an effort to thoughtfully communicate with the hostage takers, defuse the conflict and work towards establishing the level of rapport that allows them to explore problem solving options and progress to a non-violent resolution. This approach will enable the Police to de-escalate and defuse in a peaceful manner, most volatile conflicts they encounter. This process enjoys an extremely high success rate in achieving surrenders without bloodshed.

Everyone wants respect, even the most troubled or seemingly undeserving individual. The Police should properly view negotiation as a process through which they can influence the hostage takers, steering them away from violence and towards a peaceful surrender. The most common mistakes, negotiators make, are trying to hurry the process by rushing into problem solving before establishing a measure of trust. This is typified by negotiators who ceaselessly press the hostage takers to surrender before they are ready. Negotiators should drone the mantra “WHEN ARE YOU COMING OUT?” Only after they have established rapport and earned the right to do so, can negotiators begin to influence the hostage takers by suggesting resolution options.

Today all Police actions in any crisis situations come under strict scrutiny. Commanders must understand that the choices they make during any incident, becomes subject to a court of law and to the court of public opinion and must be considered carefully. It is recommended using three part Action Criteria:

- Is the contemplated action necessary?
- Is the contemplated action risk effective?
- Is the contemplated action acceptable?

Loss of lives is most likely to occur during police tactical intervention, therefore before initiating any tactical actions, commanders must consider carefully the current threat to the hostages/victims as well as risks faced by tactical team members.

If the threat to hostages/victims is believed low, the high risk tactical actions are inadvisable and difficult to defend. If the threat to the hostages/victims is high, the high risk tactical actions are easier to defend and should at least be considered. Finally if the threat to the hostages/victims is very high, the high risk tactical actions may be necessary. Commanders may have no choice.

Any loss of lives even to the hostage takers will result in close examination of the actions by the police. Critics will want to proof that the threat to hostages increased and that the police have exhausted less risky alternatives prior to taking action. At the same time, the public will accept the consequences of high risk action only if they belief that taking no action at all, will surely would have resulted in harm to the hostages.

Commanders normally ask the negotiators two questions:

- How long will the incident last?
- Is the negotiation team making progress?

The answers to these questions are neither simple nor straight forward. First the situation will last as long as it lasts and not a moment less. It is impossible to predict with certainty the duration of the incident. The answer to the second question lies in a number of indicators of either progress or high risk:

- No additional deaths or injuries have resulted
- Hostage negotiators reduced threats and less violent language
- Hostage takers emotions have lowered
- Hostage takers has exhibited increased rationality in speech or action
- Deadlines have passed
- Hostage takers has become increasingly willing to bargain
- Demands lowered
- Hostages released
- Negotiators has built rapport with hostage takers
- Hostage takers has positive statements about welfare of hostages
- Hostage takers, has asked, about the consequences of surrender.

REASONS FOR SURRENDER

General

- Exhaustion
- Fear of assault
- Collapse of morale/motivation
- Dissention
- Feeling of abandonment
- Medical problem

Specific

- Conviction of fatality of persistence
- Live to fight another day
- Conviction that harm to hostages- unhelpful
- Confidence in judicial process
- Recognition of the impossibility of demands
- Assurance of peaceful surrender/custody

Other reasons

- Guarantee of safe passage
- Expectation of early release
- Intervention of intermediaries
- Expectation of political asylum
- Direction of leaders
- Backstage political agreement.

When all the signs point to the inability of negotiation to prevent, hostage takers from harming hostages, tactical intervention can be considered, aimed at rescuing hostages before they are harmed. This is easier said than done. Risk effective tactical intervention options require detailed planning and flawless execution. During high risk scenarios, tactical action might be described as “high risk, high gain” meaning that the risk to all parties (Hostage takers, hostages and the police) is usually very high, but the potential gain in the safe released of the hostages is compelling. To take no action probably, seals of the fate of the hostages. Commanders must weigh carefully the risks versus the gains.

The hostage negotiation has come a long way since its inception by FBI in the early 1970s. Negotiations came to PDRM in the late 1980s. We should have developed the skills and knowledge needed to peacefully resolved, even the most volatile incidents. The successful resolution of such incidents usually rest with the dynamics of different situations. Commanders must understand the type of critical incident they face in order to identify the appropriate police strategy. Negotiation remains a vital tool to successfully resolve the crisis. Negotiation cannot work without tactical containment and tactical intervention rarely succeeds without the help of the negotiation team to buy time or set up the perpetrators, lowering the potential risk to tactical team members.

HOSTAGE BARRICADE DATA BASE SYSTEM (HOBAS)

- 64% of incidents resolve in 4 hours or less
- 91% of incidents are resolved in 9 hours or less
- 87% of incidents involving victims resolved through the negotiation process
- In 90% of the situations, there is no loss of life
- Violence is likely to happen at the beginning of an incident and at the end if tactical intervention is required
- 92% of all law enforcement incidents are emotionally driven with no subjects having no clear goal
- Negotiation defusing skill represent law enforcement’s most successful tool. 83% resolved without injury
- The first 15-45 minutes is critical

CONCLUSION

Before making critical decisions, Commanders should use the Action Criteria to determine if the action is NECESSARY, RISK EFFECTIVE and ACCEPTABLE. In addition Commanders must be prepared to answer why they decide to take action, what conditions changed from the earlier and whether they first exhausted less risky alternatives. Above all Commanders should adopt the philosophy that views tactical intervention as the least desirable alternative, one to be taken only when no other choice exists. The Police will have to show that they have demonstrated patience and restraint, that they carefully assessed the situation and that they felt compelled to use force only to save lives and not simply that they have the ability. Such a policy will result in continued support and an ever increasingly demanding public who will continue to scrutinize any controversial police action.

Commanders always should remember to maintain support from the public; they must demonstrate professionalism in handling high profile hostage, barricade and suicide incidents. Understanding the dynamics of such incidents will assist Commanders in making critical decisions needed to resolve them.

THE MAXIMS

“COMMANDERS DO NOT NEGOTIATE, NEGOTIATORS DO NOT COMMAND”

“IF YOU ARE NOT A TRAINED NEGOTIATOR, DO NOT ATTEMPT TO NEGOTIATE”