

SECRET

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DRAFT MEMORANDUM TO THE CABINET

HOSTAGE AND RELATED CRISIS SITUATIONS IN CANADA

1. PROBLEM

There is an increasing tendency on the part of individuals and groups to use criminal methods in an effort to achieve political goals. One of the more recent developments has been the use of kidnapping or hostage-taking.

2. OBJECT

The purpose of this document is to establish policies which will provide a framework within which officials can operate when they are required to deal with hostage-takers, particularly during the early stages of a hostage situation in Canada. Primary responsibility for coordinating the Government's role in hostage and related crisis situation involving Canadian interests outside Canada rests with the Department of External Affairs.

3. FACTORS

The taking of hostages for political or criminal purposes is a reality for which contingency measures must be developed. The Cross-Laporte affair in October 1970 and the British Columbia Penitentiary hostage situation in June 1975 are two cases in point. There are numerous other potential hostage situations for Canada, including the occupation of a foreign embassy or the hijacking of an aircraft by armed terrorists.

The Prime Minister has enunciated the policy that the Government of Canada will not yield to ransom demands. However, maintaining the rule of law does not preclude negotiations with hostage-takers in an effort to save the lives of hosta(000803

Responses to ransom demands made by hostage-takers range from total concession by government to save the lives of hostages (as occurred in Singapore in 1973) to outright rejection of any demand, which is the official policy of Israel.

Although hostage situations are criminal acts which fall under the jurisdiction of Provincial Attorneys General, there are many occasions when the Government of Canada will become involved either directly, e.g. when a foreign diplomat is involved, or indirectly, e.g. when it occurs in an area which is policed by the RCMP under contract. Similarly, the Federal Government would play a lead role in hostage situations in federal penitentiaries, or when demands are made of a specific minister, e.g. the Minister of Indian and Northern Affairs.

Usually the first official contact with the hostage-taker will be made by a relatively junior policeman or official. In the interval between the beginning of the situation and the time when communication is established with the appropriate centre to deal effectively with the policy issues involved, a number of important decisions will have to be made. The lives of hostages and the final outcome of the situation could well depend upon the speed and quality of the decisions taken in the early stages. It is therefore essential that official policy be established for dealing with hostage situations in Canada.

To avoid confusion and unnecessary delays it is also essential to establish a prior chain of command for hostage and related crisis situations in Canada. The Solicitor General of Canada, as the chief law enforcement officer of the Crown, should be the lead minister, supported as necessary by other ministers and their staffs, e.g. the Secretary of State for External Affairs when a foreign mission is involved, or the Minister of Indian and Northern Affairs when native peoples are involved. Information would be passed to the Prime Minister and the Government through the Solicitor General.

As a government policy the initial reaction to all hostage situations where demands are made of the federal government should be neutral and non-committal, followed by a strategy of negotiation designed to play for time. This would permit flexibility in assessing individual situations and provide an opportunity to adopt the course of action appropriate to the circumstances. This is preferable to a policy which formally incorporates an agreement to negotiate and thereby minimizes the government's options by encouraging hostage-taking as a means to achieving a particular goal.

Negotiations with hostage-takers should, as a rule be conducted by officials rather than ministers. In some cases it may be possible for the negotiator to utilize the services of specialists such as psychiatrists, clergy, or lawyers. Therefore, a list of suitable persons who might be consulted in this regard should be established and maintained. In many cases, hostage-takers are seeking publicity either for themselves or for a cause. Domestic hostage-takers are usually little more than common criminals and they usually demand that a local media personality play a role in negotiations. While such a concession may complicate negotiations because of the publicity and subsequent scrutiny by the media, it is a concession which might aid a successful resolution of the situation.

Although international hostage-takers seek publicity, they are more dedicated to their cause and to the successful conclusion of their mission. They may use drugs, including stimulants, but they are very sophisticated and rational in their behaviour and a greater degree of skill is required when dealing with them. Delaying tactics may be detected and could precipitate anything from the murder of a hostage to a suicidal act taking several lives.

4. ALTERNATIVES

Three possible responses to the demands of hostage-takers are:

- (a) Accede to the demands of hostage-takers. This would, in effect, be the complete antithesis to the rule of law and would undoubtedly encourage hostage-taking and other criminal acts as a means to achieving goals.
- (b) Refuse to negotiate with hostage-takers and reject all demands immediately. Such a policy would maintain the rule of law, but would undoubtedly result in the loss of lives of hostages. It could also precipitate direct acts of terrorism against the Government of Canada.
- (c) Adopt an ostensibly neutral or non-committal attitude toward hostage situations followed by a strategy of negotiation designed to play for time. This is the preferred response as it permits an opportunity to properly assess individual situations and develop appropriate courses of action. Contingency planning, including certain policy decisions and establishing a prior chain of command, are included in this approach.

5. FINANCIAL CONSIDERATIONS

It should be possible to handle the recommendations within the framework of existing programs.

6. FEDERAL/PROVINCIAL RELATIONS

Hostage situations are criminal acts, therefore provincial Attorneys General bear responsibility and questions of jurisdiction arise. Consultation with provincial authorities will be necessary during the development of contingency plans to ensure cooperation and a clear delineation of areas of responsibility.

7. INTERDEPARTMENTAL CONSULTATION

The Emergency Planning Secretariat of the Privy Council Office will coordinate contingency planning, consulting other departments and agencies as required.

8. PUBLIC RELATIONS CONSIDERATIONS

No publicity. If policy and planning is to be effective, secrecy must be maintained.

9. CAUCUS CONSULTATION

Nil.

10. CONCLUSIONS

An examination of hostage experiences in Canada and elsewhere, led to the identification of a number of basic principles:

- (a) Officials must be careful to avoid falling into the trap of over-reacting to suppress the perpetrators of the act because this could alienate public support. At the same time concessions will encourage further demands and incidents;
- (b) Contingency plans must be developed to deal with hostage or related crisis situations in Canada.

Some items to be considered in the contingency planning will be found in Annex A. The planning must include designation of the Ministry of the Solicitor General as lead department in hostage and related situations to be supported as necessary by other federal ministers. In the case of an aircraft hijacking, the Ministry of Transport will be the lead

Department while the aircraft is "in flight"*, because of that Ministry's special responsibility for the safety of passengers and the airways in Canada. As soon as the aircraft ceases to be in flight, the lead role will pass to the Ministry of the Solicitor General. The lead minister will be responsible for advising other ministers and the Emergency Planning Secretariat of the Privy Council Office. The Emergency Planning Secretariat will keep the Prime Minister advised and arrange emergency cabinet meetings at the request of the Prime Minister or the lead minister.

- (c) Decisions must be taken as to Government policy when dealing with hostage or ransom demands in Canada; however this policy does not preclude negotiation with hostage-takers in an effort to save the lives of hostages.

11. RECOMMENDATIONS

It is therefore recommended that:

- (a) In all hostage and similar crisis situations in Canada officially involving the Government of Canada, the Solicitor General of Canada, ~~as the Chief law enforcement officer of the Crown, be the~~

*The Criminal Code of Canada, Sec. 6 (6) defines "in flight" as being from the time when all external doors are closed following embarkation until the later of

- (a) the time the door is opened for disembarkation; and
- (b) in the case of a forced landing when the owner or operator of the aircraft is not in control of the aircraft, the time at which control of the aircraft is restored to the owner or operator or a person acting on behalf of either of them.

lead minister, supported as necessary by other ministers. In the case of an aircraft hijacking the lead role will rest with the Ministry of Transport while the aircraft is in flight.

- (b) Official Government policy be to maintain the rule of law and not to yield to ransom demands. This policy includes an ostensibly neutral or non-committal initial response followed by a strategy of negotiation designed to gain time to deal with the situation and to save the lives of hostages.
- (c) Negotiations with hostage-takers, as a rule be conducted by officials rather than ministers.
- (d) Tactical decisions at the scene, even though they may endanger the lives of hostages, will be taken by the officials empowered to deal with the situation.
- (e) Contingency plans to deal with hostage and ransom crimes be coordinated by the Emergency Planning Secretariat of the Privy Council Office with the advice of the Police and Security Planning and Analysis Branch of the Ministry of the Solicitor General.
- (f) When dealing with an ultimatum made by hostage-takers, any deliberate decision which might lead to the sacrificing of the life of a hostage rather than accede to demands should rest with the Prime Minister and/or the Cabinet.

HOSTAGE AND RELATED CRISIS SITUATIONS IN CANADA

Items to be considered in contingency planning in conjunction with hostage and related crisis situations in Canada should include:

- (a) The development of trained and equipped police personnel to respond to hostage and ransom situations. In addition to the measures undertaken by police forces, advantage will be taken of the specialized equipment and expertise available in the Canadian Armed Forces;
- (b) The clarification of jurisdictional responsibilities in consultation with government departments and agencies at the federal, provincial and municipal levels;
- (c) The preparation of lists of suitable specialists, e.g., psychiatrists, clergy and lawyers, who could be used as consultants by negotiators in hostage situations;
- (d) The development of procedures to arrange standby transportation for possible use by negotiators, other officials, or, if necessary by the hostage-takers and their hostages. This would include helicopters for local transportation and aircraft capable of undertaking long international flights. Emergency transportation procedures include overflight authorizations for military or civil aircraft that might be used for transporting hostage-takers and hostages to foreign countries;

- (e) The feasibility of making prior arrangements with foreign countries to receive hostage-takers who demand safe passage for the release of hostages. It is realized that formal pre-arrangement agreements would be contrary to a number of International Conventions, which were designed to cut off the escape routes available to terrorists and other hostage-takers, and that it would be difficult to keep such arrangements secret. In all likelihood countries with which Canada does not have an extradition treaty would agree to accept hostage-takers only on the understanding that they would be returned forthwith to Canada. Nevertheless, there should be a list of countries with which meaningful discussion can be conducted when required;
- (f) The development of an electronic surveillance capability for use in hostage situations, particularly when hostage-takers and their hostages move from one location to another;
- (g) The use of communications facilities in government buildings by ministers and senior officials involved who cannot return to Ottawa. This would reduce the risk of unauthorized disclosure of information which could jeopardize the success of the operation.