Conduct After Capture and Terrorist Hostage-Taking:
A Case for New Doctrine

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INTRODUCTION

Over the past five years, the Canadian Forces (CF) has increased its role to detect and suppress terrorist activity. This role includes the deployment of personnel to areas of the world in which there is a significant risk of capture. The groups operating in these locations frequently lack the means, desire or internal controls to care appropriately for those they capture.

The Code of Conduct After Capture (CCAC) for the Canadian Forces highlights two broad scenarios in which military personnel may be captured. War describes an interstate conflict in which the detaining power represents a state obliged to follow the Third Geneva Convention. Operations Other Than War (OOTW) describes any number of conflicts in which foreign governments, their proxies, or non-state groups may detain or seize military personnel. It is with respect to the latter that CF doctrine highlights the possibility of abduction by terrorists.

CF doctrine identifies abduction by terrorists as the least predictable form of captivity. Accordingly, it provides little guidance and training to those at risk of abduction by terrorists. Existing doctrine does not account for differences between typical Prisoner of War (PW) and terrorist hostage experiences. Nor does it provide a practical framework with which a hostage can improve conditions of captivity or chance of release. It is from this perspective that the CCAC fails to deliver that which sound doctrine must provide – "fundamental principles by which military forces guide their actions"[1] during "dangerous, chaotic and unfamiliar situations."[2]

AIM

The aim of this paper is to propose those changes to the Code of Conduct After Capture (CCAC) doctrine needed to prepare CF members at risk of becoming terrorist hostages.

METHODOLOGY

This paper will be broken down into three parts. The first part will outline CCAC doctrine and policy. The second part will examine hard-won lessons on the conditions faced by military personnel held in captivity. Finally, the third part will identify how CCAC doctrine must change to address the challenges associated with terrorist hostage taking situations.

PART ONE - CCAC DOCTRINE

The CCAC is the Canadian Forces joint doctrine manual that provides direction and guidance on aspects of the prisoner of war, detainee, and hostage experience. The aim of the manual is to describe the code of conduct for CF members.[3] To meet this aim, the CCAC situates the comportment of military members in a legal-policy framework.[4] This framework comes directly from the Third Geneva Convention.

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[1] Department of National Defence, A-AE-025-000/FP-001 *Canadian Forces Doctrine Development* (Ottawa: DND Canada, 2003), 1-3.

[2] Department of Defense, Australian Defence Force Publication (ADFP) 1 *Doctrine* (Canberra: ADF HQ, 2002), 1-1.

[3] Department of National Defence, B-GJ-005-110/FP-010 *The Code of Conduct After Capture for the Canadian Forces* (Ottawa: DND Canada, 2005), 1-1.

[4] In its annual report of 2002, the Office of the Judge Advocate General (JAG) referred to the CCAC as "a policy governing conduct after capture". At that time, JAG indicated its intention to provide legal advice to the Director General of Security and Military Police (DG SAMP). This latter office, whose role includes the investigation of serious service offenses, drafted the current CCAC. Department of National Defence, *JAG Annual Report 2002* (Ottawa: DND Canada, 2003), 35.

The Third Geneva Convention prescribes the manner in which detaining powers and prisoners are to act during international wars and conflicts. In the case of internal conflicts, the convention specifies the basic responsibilities of all parties to the conflict. These responsibilities include the provision of humane treatment to members of armed forces who have laid down their arms or rendered hors de combat by detention. It is in this context that the convention forbids violence to life or person, personal indignities, or extra-judicial trials.[5]

Current conduct after capture doctrine uses the experiences of World War II, the Korean Conflict, and the Vietnam War to frame the challenges faced by Prisoners of War (PW).[6] To situate the conditions of captivity in OOTW, the doctrine refers to the cantonment of CF personnel operating in the Balkans and the conditions of house arrest placed on United Nations Military Observers (UNMOs) serving in Africa. It is with regard to the latter that CF doctrine notes the shift "from the 'classic' PW camp experience to an unpredictable, and at times more dangerous, hostage or detainee environment".[7] The doctrine subsequently reinforces this view with the statement that "capture by terrorists is generally the least predictable form of captivity".[8]

There are a number of problems with the CF's current approach to conduct after capture. First, Canadian doctrine assumes that there are distinctive differences between PW, detainee, and hostage experiences. Second, it presents detainee and hostage situations as a logical grouping. Third, it takes as fact that hostage situations are unpredictable and, at times, more dangerous. For reasons that will be explained later in this paper, these assumptions are incorrect.

PART TWO – MILITARY CAPTIVITY

The theatre of operations was the single greatest determinant of the PW experience during WWII. PWs in the European theatre received basic accommodations and rations in organized camp settings. In the Pacific theatre, they received starvation diets, inadequate group shelter, and regular physical abuse in exchange for back breaking labour. While detaining powers sought information of military value, PW exploitation played a limited role in the war effort.

The group setting of PW camps enabled military members to engage in collective activities. This reduced the sense of isolation, facilitated the restoration of military social structures, and provided the physical means to pool resources. Even in the most desperate situations, this provided PWs with a survival advantage.

A significant shift in PW treatment occurred during the Korean Conflict. PWs became pawns in a broader ideological conflict. While communist forces remained interested in information of military value from prisoners, they applied the full weight of their effort to extract

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[5] Office of the Judge Advocate General, "Geneva Convention (III) relative to the Treatment of Prisoners of War -- 1949," in *Collection of Documents on the Law of Armed Conflict*, 2001 ed., ed. Directorate of Law Training (Ottawa: DND, 2001), 95.

[6] Department of National Defence, B-GJ-005-110/FP-010 *The Code of Conduct After Capture for the Canadian Forces* (Ottawa: DND Canada, 2005), 1-1, 1-2.

[7] Ibid., 1-3.

[8] Ibid., 4-6.

statements of propaganda value from PWs. The dissemination of propaganda played a prominent role in the communist war effort.[9]

Chinese and North Korean detention centres housed upwards of several hundred prisoners. These prisoners lived in lean-tos and huts, with the latter containing eight to 12 men.[10] Segregation based on rank was common, but troops from all UN-contributing nations lived together.[11] So harsh were the conditions that 40% of U.S. PWs in Korea died in captivity.[12]

The Chinese and North Koreans used a variety of coercive methods to extract information from PWs in violation of Article 17 of the Third Geneva Convention. During interrogations, prisoners were beaten and subjected to mock executions. Unresponsive PWs received punishment in solitary confinement in "the hole", a shallow covered pit filled with human waste. Confinement in the hole usually meant the contraction of communicable disease. In the end, a significant proportion of PWs signed documents critical of their country's role in the conflict.

There are conflicting views on the impact that cooperation had on PW treatment. The history of U.S. Marine Corps Prisoners of War indicates, "instead of soliciting truthful answers to their questions, the [Chinese] interrogators were satisfied only with answers that suited their purpose." Thus, even incorrect answers made interrogators less prone to argue.[13]

A U.S. Department of Defense PW policy report indicated that neither cooperation nor active resistance improved prisoners' ability to deal with the rigors of interrogation. The report indicated that soldiers who possessed "worldly experience" were most able to deal with interrogation. Those who were successful provided "whatever seemed necessary to assure survival" but volunteered little else.[14]

Although the quality of shelter provided to Vietnam PWs was better than that provided in Korea, the treatment was equally brutal. Overt resistance resulted in punishment ranging from solitary confinement, reduction of rations, and beatings to systematic torture and summary execution. James Mulligan, PW for six years, recalls his initial attempt to resist. "Bow down! Bullshit! Screw you! I don't bow down to anyone, prisoner or not!" Mulligan bowed after having his untreated broken arm wrenched by North Vietnamese guards.[15]

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[9] Vernon E. Davis, *The Long Road Home – U.S. Prisoner of War Policy and Planning in Southeast Asia* (Washington: Office of the Secretary of Defense, 2000), 6-7.

[10] Colonel James Angus MacDonald Jr., "The Problems of U.S. Marine Corps Prisoners of War in Korea," (master's thesis, University of Maryland, 1969), 63, 74.

[11] Ibid., 62-63.

[12] Lieutenant-Colonel Richard E. Porter, "Military Hostages: What They Need to Know and Don't," *Air University Review* (January-February 1982): 98.

[13] Colonel James Angus MacDonald Jr., "The Problems of U.S. Marine Corps Prisoners of War in Korea," (master's thesis, University of Maryland, 1969), 75.

[14] Vernon E. Davis, *The Long Road Home – U.S. Prisoner of War Policy and Planning in Southeast Asia* (Washington: Office of the Secretary of Defence, 2000), 8-9.

[15] Elliott Gruner, "What Code? Or, No Great Escapes: The Code of Conduct and Other Dreams of Resistance", *Armed Forces and Society* 19 no 4 (Summer 1993): 603.

With an unlimited range of measures to induce compliance, experienced interrogators could "coerce anyone"[16, 17] The only question in Vietnam was the degree to which the coercion modified PW behaviour in a manner helpful to the enemy war effort.

Overt acts of defiance rarely succeeded. PW victories during the Vietnam War were small and incremental.[18] One example of this was the tap code, a derivation of Morse code that prisoners in the Hanoi Hilton PW detention facility used to mitigate the effects of solitary confinement. Others include the sharing of rations with prisoners under punishment or words of encouragement from one's colleagues to restore self-confidence.

When forced to participate in radio and television broadcasts organized by their Vietnamese captors, some American PWs portrayed a confused or mentally unsound state. This passive form of resistance undermined the credibility of the messages dictated to the PWs by their enemy handlers. Nevertheless, on-air events provided vital "proof of life" for PWs, thereby making the detaining power liable for breaches of international law. Such cases illustrate that while PWs deviated from the code of conduct, they did so in way as to deny the enemy a propaganda advantage while increasing their prospects for survival.

Despite these experiences, the U.S. Armed Forces remained divided over the issue of conduct after capture. The U.S. Army, Navy, and Marine Corps "contended that the [U.S.] Code of Conduct… permitted captive servicemen only one line of resistance to interrogation: name, rank, serial number, and date of birth."[19] The U.S. Air Force Chief of Staff, General Curtis E. LeMay, challenged the position of the other services, arguing that the principle of a single line of resistance was "unrealistic".[20] LeMay's position was that air force personnel required realistic guidance on conduct after capture. This guidance must consider the conditions and challenges confronting soldiers.[21]

The issue of conditions of confinement are important, as it establishes the basis from which one must view conduct after capture doctrine. During interstate conflicts, detaining powers usually housed PWs in large groups. Although they did so out of operational necessity, the reason was less important than the impact that collective confinement had on the stress of confinement. Groups of prisoners had the opportunity, even when placed in relatively isolated confinement, to rely on each other for support. This is what the current CCAC doctrine correctly seeks to exploit.

PWs in previous interstate conflicts expected long periods of confinement. While long-term confinement had a detrimental impact on their well-being, prolonged periods of incarceration allowed PW social structures to strengthen. This strength increased the resilience of such structures to respond to the challenges of confinement.

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[16] Ibid., 605

[17] Lieutenant-Colonel Richard E. Porter, "The Code of Conduct: A Guide to Moral Responsibility," *Air University Review* (January-February 1983): 108.

[18] Elliott Gruner, "What Code? Or, No Great Escapes: The Code of Conduct and Other Dreams of Resistance", *Armed Forces and Society* 19 no 4 (Summer 1993): 605.

[19] Vernon E. Davis, *The Long Road Home – U.S. Prisoner of War Policy and Planning in Southeast Asia* (Washington: Office of the Secretary of Defence, 2000), 23.

[20] Ibid., 24.

[21] Ibid.

Nevertheless, wartime experiences show that overt resistance by PWs rarely succeeded. PWs achieved the greatest gains through non-confrontational resistance. This enabled them to retain moral values, increase social control, and avoid punishment that would undermine their chances of survival.

Of greatest concern, however, is the emerging trend by states to use PWs as tools of propaganda. In Korea and Vietnam, parties exploited prisoners for strategic political gain. PWs who understood this had a greater chance of resisting exploitation in a manner that preserved their chance of survival. These same lessons emerged from the Iran hostage crisis.

In November 1979, militants detained United States (U.S.) Embassy staff in Tehran. Embassy staff fell under the control of militants acting as a proxy of the Islamic Republic of Iran. Given that no state of conflict between Iran and the U.S. existed, staff became detainees. This event is worthy of review because it reveals a number of lessons relevant to the issue of terrorist hostage situations.

Militant Iranian nationals seized the U.S. Embassy and staff on 4 November 1979. After an initial period of interrogation, the militants separated detainees. CIA staff and key military members remained in solitary confinement for extended periods. The Marine Guard Security Unit lived together, separated from other military detainees.

Within weeks of their capture, Ayatollah Khomeini ordered the release of Black Americans and women on the presumption that "they had already been sufficiently 'oppressed' by American society." The plan was to use interrogation to separate spies from the remaining group for a subsequent trial before the Revolutionary Courts.[22] The interrogators were young militants. Their experience included prior detention and questioning by SAVAK, Shah Muhammad Reza Pahlavi's national security and information organization.[23] Radicals within the country's student body became guards.

Militants separated detainees into small groups and dispersed them in an effort to frustrate any rescue attempts. Military detainees, who remained in captivity until 1981, included the Defence Attaché, half a dozen officers, and 13 members of the Marine Guard Security Unit.[24] William J. Daugherty chronicles the manner in which staff endured their detainment in his book, "In the Shadow of the Ayatollah: A CIA Hostage in Iran".

Daughtery arrived as the CIA Station Chief just before militants seized the embassy. He cites experience accrued as a former Naval Flight Officer in Vietnam as instrumental in his ability to endure "intensive interrogations and to survive captivity in general".[25] By the time of his captivity, Daugherty explains that his combat experience, formal training on survival in captivity by a former Korean War PW, and extensive education, prepared him "to deal with the rigors, fears and uncertainties" of the situation.[26] Like Daugherty, fellow Vietnam veteran Lt-Col Dave

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[22] William J. Daugherty, *In the Shadow of the Ayatollah: A CIA Hostage in Iran* (Annapolis: Naval Institute Press, 2001), 131-132.

[23] Ibid., 136.

[24] Ibid., 165. Also see David R. Farber, *Taken Hostage: The Iran Hostage Crisis and America's first encounter with radical Islam* (Princeton: Princeton University Press, 2005), 131.

[25] William J. Daugherty, *In the Shadow of the Ayatollah: A CIA Hostage in Iran* (Annapolis: Naval Institute Press, 2001), 136.

[26] Ibid. 139.

Roeder developed a rapport with his Iranian guards to acquire information on the outside world. This helped the detainees maintain awareness of efforts by the U.S. to secure their release. [27]

On the other hand, younger and less experienced soldiers encountered difficulty with their conditions of capture. In Daugherty's estimation, the war-fighting ethos of the Corps increased the shock experienced by the young Marines who considered surrender antithetical to their code.[28] Whether the interrogators exploited this is unclear. However, one young Marine deviated from the U.S. Code of Conduct when he made a public statement critical of U.S. policy in the region.[29]

Significant lessons emerge from the American detainee experience in Iran. The first is that, as a proxy for the revolutionary government, Iranian interrogators and guards lacked the power to dictate the fate of the detainees. The regime retained the authority for all decisions relating to the long-term status of the detainees. Thus, while the establishment of a rapport between the detainees and guards resulted in some tangible benefits, it played a limited role in the overall safety of embassy staff.

The second observation is that the separation and dispersal of detainees interfered in normal social structures. This made it impossible for PWs to recreate their pre-captivity life roles.[30] Military personnel were unable to re-establish the chain of command such as had existed in PW camps in earlier conflicts.

The third observation concerns the benefit of combat experience and conduct after capture training. Detainees who were mature, educated, and experienced endured captivity better than most. One must ask why this occurred.

In his paper presented at the Survival 1995 Symposium, Dr. J.B. Jessen asserted that:

"The individual who is properly prepared [for a survival challenge] enjoys a sense of control or composure. This realistic composure allows one to predict what will happen with a high degree of accuracy. The self-confidence which results yields an optimism which sustains the individual through disappointments and difficult times. This process produces resilience."[31]

The seizure of the U.S. Embassy by Iranian student radicals created an atmosphere of apprehension and fear. While this atmosphere decreased the coping mechanisms of some detainees, those with combat experience managed well. They did so after having experienced, and survived, increasingly complex life-threatening situations.

Exposure to previous stressful experiences protected combat veterans against the full effects of capture and confinement. It did so by reinforcing their optimism in the outcome of an unknown or unpredictable situation. This increased optimism was the result of veterans' expectation that, as in the past, they would survive. The term used to describe this effect is

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[27] Ibid., 194-195.

[28] Ibid., 110

[29] David R. Farber, Taken Hostage: The Iran Hostage Crisis and America's first encounter with radical Islam (Princeton: Princeton University Press, 2005), 157.

[30] Dr. John Bruce Jessen, "Resilience: Can the will to survive be learned?" (paper presented to the Survival 1995 Symposium, HMS Daedalus, UK, 1995), 4.

[31] Ibid., 2.

"stress inoculation".[32] One must conclude that training and conditioning contributed to senior members' ability to cope with the stress of capture and confinement.

Conversely, the younger and less-experienced Marine guards had trouble with capture and confinement. The greater shock of capture they experienced is symptomatic of a condition called "paralyzed masculinity".[33]   This condition occurs when role stereotypes and responses to a crises conflict.[34]

The inability to protect their embassy from student radicals added to the stress experienced by the Marines. This increased stress further reduced their ability to cope with subsequent confinement.

The final observation concerns the guards themselves. Student radicals guarded U.S. embassy staff. The inferior social status of these students within Iranian society made them exploitable – either by members of the Iranian regime or American detainees. The fact that the latter occurred supports the view that the Hostage Identification, or Stockholm, Syndrome works both ways. While guards may use the syndrome as a means of control, they remain equally vulnerable to its effects.[35]

The experiences of U.S. embassy personnel in Iran confirm the lesson learned in Korea and Vietnam. Detainees gained some measure of control over an uncertain situation by communicating with their captors. This lesson can be applied to terrorist hostage situations.

Canadian Forces doctrine identifies capture by terrorists as the least predictable form of captivity.[36] There are four potential reasons behind this categorization. First, terrorist groups frequently operate in small cells. Their actions are coordinated by broad objectives rather than detailed central policy. This means that the actions undertaken by terrorist cells could vary. Al-Qaeda is unique because it specifies, as policy, the manner in which hostages are to be treated. In a manual seized by the Manchester Metropolitan Police, al-Qaeda stresses the importance of acquiring accurate and current information on enemy forces plans and operations.[37] Using interpretations of the Koran, the group directs operatives to beat captured personnel as a means of acquiring information.[38] Operatives may kill hostages for information or as a means of protecting plans or operations.[39]

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[32] Ibid., 4-9.

[33] Terry Lee, "It Made Me Think, Seeing Myself Like That: Affective Literary Representations of the Inferior Masculine Self, or Good-Bye, Billy Pilgrim," *Journal of Men's Studies* 11, iss 2 (Winter 2003): 179.

[34] David L. Sutton and J. Emmett Winn, "Do we get to win this time?: POW/MIA rescue films and the American monomyth," *Journal of American & Comparative Cultures* 24, iss 1/2 (Spring 2001): 28.

[35] James T. Turner, "Factors Influencing the Development of the Hostage Identification Syndrome," *Political Psychology vol 6*, no 4 (1985): 709.

[36] Department of National Defence, B-GJ-005-110/FP-010 *The Code of Conduct After Capture for the Canadian Forces* (Ottawa: DND Canada, 2005), 4-6.

[37] U.S. Department of Justice, UK/BM 56 "Al Qaeda Training Manual", UK/BM 56, http://www.au.af.mil/au/awcgate/terrorism/alqaida_manual/; Internet; accessed 3 February 2007; 18-19.

[38] Ibid., 17.

[39] Ibid., 18.

Second, data on the conditions faced by military personnel kidnapped by terrorists is limited. This is not a symptom of a limited number of kidnap victims, but rather inhibitions by governments to release information prejudicial to future military operations. Nevertheless, the Memorial Institute for the Prevention of Terrorism (MIPT) asserts, "kidnapping is an element of terrorist activity [that] has been a prominent part of many groups' activities". Indeed, the kidnapping of soldiers in Colombia is a matter of routine, with scores of troops seized and held hostage by the Revolutionary Armed Forces of Colombia (FARC).[40] In the Middle East, HAMAS and Hezbollah regularly capture and hold soldiers of the Israeli Defence Force (IDF) hostage. [41, 42] In all of these cases, terrorists used captured soldiers as a means of extracting political concessions.

Third, terrorist groups murder some soldiers in captivity. When this occurs, one must rely on forensic analysis or special intelligence to determine the soldiers' conditions of captivity. These sources are not able to provide information on soldiers' mental states and coping strategies.

Finally, governments must respect the privacy of returning soldiers in a manner consistent with national law. They must also balance the benefits of full disclosure against the impact that such a policy would have on national interest and operational security. These considerations frequently preclude the timely release of information that would be helpful to researchers. Thus, one must rely on historical and media reporting to understand the conditions of terrorist capture.

In December 1981, four members of the Red Brigade terrorist group kidnapped Brigadier James Dozier, the Chief of Staff of NATO headquarters in Verona, from his home. The kidnappers hit General Dozier several times before handcuffing him and placing him inside a travel trunk. The terrorists held General Dozier in a small tent within a Padua apartment for 42 days before his rescue by the Italian police.[43]

The conditions of Dozier's captivity consisted of gagging, binding and exposure to loud music for many hours each day. Terrorists provided Dozier with opportunities to bathe, reading material, and playing cards to pass the time. They interrogated him six times and placed him on

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[40] This statement is supported a 2005 report by the International Crisis Group ICG). In that report, the ICG identifies hostage exchange negotiations. In these negotiations, FARC sought the release of its members in exchange for groups of soldiers. These groups ranged in size from 42 (1991), 35 (2003) and 60 (2004). International Crisis Group. *Hostages for Prisoners: A Way to Win Peace in Colombia?* (Brussels: ICG, 2004), 2-4.

[41] Israel Ministry of Foreign Affairs, "Kerem Shalom attack and kidnapping of Cpl. Gilad Shalit**,"** http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2006/Gaza%20kidnapping%2025-Jun-2006; Internet; accessed 13 January 2007.

[42] Haaretz.com, "Hezbollah rules out unconditional release of abducted soldiers**,"** http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=756381; Internet; accessed 20 January 2006.

[43] US Marine Corps, *Marine Corps University Handout CPL 0302* (Decatur: USMC, 1999), 12-13.

trial once. "At no time was any forceful effort used to make him disclose classified matters."[44] In summary, terrorists treated Dozier with "businesslike indifference".[45]

In June 1985, two Hezbollah terrorists seized TWA Flight 847 bound from Athens to Rome in an attempt to negotiate the release of a large number of prisoners from Israeli custody. Passengers included five U.S. servicemen, who were singled-out for special treatment. Terrorists severely beat the military members, eventually killing 23-year old Diver Second Class Robert Stethem. Terrorists reserved their most vicious treatment for the most senior military member, Major Kurt Carlson.

Shortly after arriving in Beirut, the terrorists gained permission for their compatriots to enter the aircraft. With the assistance of additional Hezbollah members, the terrorists separated the hostages into two groups. The additional members escorted the civilian passengers into the city. With assistance, the hijackers kept the remaining four military members in a single cell at the airport until the release of all passengers 11 days later. The terrorists did not abuse their military hostages during their time in detention at the airport.[46]

In July 2006, an al-Qaeda associated group calling itself the Mujaheddin al-Shura Council announced the abduction of two U.S. soldiers from a checkpoint near an insurgent stronghold south of Baghdad. The group subsequently released videotape that showed both soldiers beheaded. U.S. forces discovered the dismembered bodies of the soldiers three days later.

In October 2006, a terrorist group abducted a U.S. military translator from a relative's home in Baghdad. After months without communication, the group released a videotape of a lone captive believed to be the U.S. soldier and demanded that the U.S. cease its troop deployments to Iraq. This hostage remains in captivity.

Despite the varied nature of terrorist hostage situations, a number of observations emerge. The first concerns the manner in which military personnel may fall into terrorist custody. Terrorists may seek military members for targeted kidnapping, either in the members' country of residence or at their places of duty. Terrorists may also gain control of military members unintentionally, such as during a hijacking or any other type of barricade-hostage event. Statistics show that barricade-hostage events are rare, accounting for 0.5 percent of all attacks.[47] Given the trend, terrorists are more likely to gain control of military members through a targeted kidnapping.

Second, the highest risk of bodily harm occurs during the initial period of capture. This is because the terrorists, usually small in number, seek to quickly subdue their prey. One can expect terrorists to use extreme violence during the initial phase of a hostage-taking situation.

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[44] Brian M. Jenkins, *Terrorism and Personal Protection* (London: Butterworth, 1985), 80-82.

[45] British Broadcasting Corporation, "On this day, 1982: US general rescued from Red Brigade", http://news.bbc.co.uk/onthisday/hi/dates/stories/january/28/newsid_4202000/4202723.stm; Internet; accessed 3 February 2007.

[46] Major Ron Eschmann, "Terror on Flight 847," *Engineer* 34, Iss. 3 (July-September 2004), 38-41.

[47] National Memorial Institute for the Prevention of Terrorism (MIPT). *The MIPT Terrorism Annual – 2006* (Oklahoma City: MIPT, 2006), 11.

Injuries sustained during this phase could reduce members' ability to endure the conditions of captivity. Current Canadian doctrine appropriately covers this issue.[48]

Third, the time that terrorist hostages spend in captivity is generally far less than PWs or detainees. Terrorists do not benefit from rendering individual soldiers *hors de combat* for prolonged periods. Nor do they possess the resources to house, sustain, and guard their captives indefinitely. Their intent is to exploit hostages for material gain or psychological advantage as part of a broader political project.

A shorter period of confinement means that military hostages have a limited amount of time to ascertain their captor's objectives and exploit their weaknesses. It is here where the benefit of military experience and training matters most. Being able to differentiate between a negotiable and non-negotiable situation will help the hostage weigh the risk of escape. Lacking this ability, CF personnel are unable to take the action specified in section 412 of the CCAC.

Fourth, the size of terrorist cells precludes the capture and detainment of large numbers of military personnel. Acquiring political concessions or material gain is not a matter of numbers, but of influence. In some cases, terrorists' capture of a few soldiers has been sufficient to change national policy. Such was the case when Hezbollah kidnapped two IDF soldiers in an attempt to gain concessions from Tel Aviv, prompting Israel to enter Lebanon in July 2006.[49]

Terrorists lack the infrastructure, resources and risk tolerance to care for large numbers of hostages. They respond by dispersing hostages. The implications of this are that hostages must expect isolated confinement. Such conditions preclude military hostages from using group leadership skills as specified by Canadian doctrine.

Fifth, CF members cannot expect to receive fair treatment by terrorists. Terrorists are not agents of the state. They reject, through their actions, the rule of law. Thus, their intent to comply with international law is doubtful.

Sixth, and finally, video is the medium by which terrorists transmit their messages. Unlike the Vietnam War, hostage compliance is not a prerequisite for the construction of an effective terrorist message. Resisting demands to appear in a video serves no practical purpose, as terrorists may just as easily use a recorded execution to propagate fear.

PART THREE – CHANGING CONDUCT AFTER CAPTURE DOCTRINE

Contrary to the CCAC, there is predictability in the means that terrorists use to subdue and hold hostages. While the means that terrorists use to exploit military hostages are similar to those experienced in international conflict, the conditions of captivity are different. By explaining these conditions in its doctrine, the CF can help personnel prepare for the uncertainties of confinement.

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[48] Department of National Defence, B-GJ-005-110/FP-010 *The Code of Conduct After Capture for the Canadian Forces* (Ottawa: DND Canada, 2005), 4-3.

[49] Israel Ministry of Foreign Affairs, **"**Why did Israel conduct military operations against Lebanon?," http://www.mfa.gov.il/MFA/About+the+Ministry/Behind+the+Headlines/Israels+counter+terrorist+campaign+-+FAQ+18-Jul-2006.htm#why; Internet; accessed 12 January 2007.

The notion that the conduct specified for PWs is useful as a guide for hostage situations is unsound.[50] Terrorist hostages are typically few in number and isolated. They are unable to make use of the collective coping strategies employed by PWs and detainees.

The CF requires a code that caters to the unique conditions of terrorist hostage situations, as previously identified. I propose that survival with dignity be the overarching theme of a revised code that includes communication, observation, resistance, and exploitation as supporting elements. The resulting code, which forms the directly translatable word "SCORE", is consistent with the hard-won lessons from past military operations.

Survive/Survivre. Placing survival with dignity at the fore of hostage situations is important. It places the will to survive ahead of the soldier's role stereotype. It is important to note that this does not diminish a soldier's responsibility to uphold the military ethos. Rather, it dispels dangerous stereotypes that increase the shock of capture for junior members. Moreover, this conforms to the current CCAC's description of personal dignity, confidence, and military bearing.[51]

Statistics indicate that terrorists eventually release 90% of their hostages.[52] This places the odds of survival in the hostage's favour. Nevertheless, hostage behaviour greatly influences the outcome of capture. Those who remain confident, professional, and exploit opportunities increase their chances of release without harm.

Communicate/Communiquer. Conduct after capture doctrine must reinforce the importance of communication during hostage events. This communication need not be restricted to providing one's name, rank, service number, blood type, and religion – the so-called "big six". Nor should it focus on "non-substantive discussion", as current doctrine dictates.[53] Communication provides the means for hostages to understand terrorist objectives and demands. This enables hostages to assess how the situation will unfold and weigh the advantages and disadvantages of escape. More importantly, it provides hostages with the opportunity to re-establish a sense of control.

Steadfast refusal on the part of hostages to participate in terrorist media events serves no practical purpose. The impact of messages detrimental to national or allied interests is overrated. The public understands that hostages are under incredible stress. By contextually framing events, public affairs can help the public discount statements made under duress. Nevertheless, it is important for one's own dignity that hostages do not pander to terrorists' causes.

Oral or written statements provide authorities with a better understanding of condition, and in some cases, location of hostages. This increases the chances of hostage recovery and provides evidence that can assist in the eventual prosecution of terrorists. Therefore, CF personnel must be encouraged to provide statements that enhance the prospects of survival with dignity. Additionally, communication can have a positive effect on cohesion in situations when more than one person is held captive in the same location. In such cases, the military hostage must instil confidence, and, where appropriate, lead.

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[50] Department of National Defence, B-GJ-005-110/FP-010 *The Code of Conduct After Capture for the Canadian Forces* (Ottawa: DND Canada, 2005), 4-6.

[51] Ibid., 4-3 to 4-4.

[52] Lieutenant-Colonel Richard E. Porter, "Military Hostages: What They Need to Know and Don't," *Air University Review* (January-February 1982): 100.

[53] Department of National Defence, B-GJ-005-110/FP-010 *The Code of Conduct After Capture for the Canadian Forces* (Ottawa: DND Canada, 2005), 4-6.

Orient/Orienter. Orientation describes the cognitive process of understanding that which is collected through the senses. Orientation provides a bridge between the situation at hand and previous experience and training. In doing so, it seeks to resolve uncertainties and identify opportunities for exploitation. These help re-establish a sense of control, improving morale and enhancing the odds of survival.

Resist while Building Rapport/Resister en établissant de liens. Potential hostages need to be aware that overt resistance usually results in the application of punishment. The resulting physical or mental trauma weakens a hostage's resilience to the conditions of captivity. Therefore, the objective is to resist in a manner that does not elicit debilitating physical or mental abuse. Successful non-confrontational strategies include feigned ignorance, fatigue, and emotional disorder.

Rapport describes the objective of building a beneficial relationship with captors. Overtly, it seeks to convey an understanding of each other's concerns. By building rapport, a hostage seeks to modify discretely the behaviour of the captor as a means of increasing the odds of survival.

Exploit/Exploiter. All situations, no matter how desperate, are exploitable. Members need to know that terrorists are responsible for their situation. One must exploit terrorist weaknesses in a manner that supports the overarching objective of surviving with dignity. The longer hostages remain in captivity, the greater the chance of their release due to the bond that can develop between a hostage and captor. The hostage can exploit the fact that this phenomenon, known as the Stockholm syndrome, works both ways.

CONCLUSION

Canadian Conduct After Capture Doctrine broadly assumes differences between PW, detainee, and hostage experiences. While the patterns of abuse are similar, soldiers' conditions of confinement are distinctly different. These differences preclude the application of existing PW codes of conduct to terrorist hostage situations.

Contrary to current doctrine, terrorist hostage situations are no more dangerous or unpredictable than other forms of confinement. When one takes PW losses in the Pacific Theatre of World War II and Korea into account, terrorist hostage situations are no more dangerous than confinement in war. The fact that terrorist groups exploit military hostages for tangible benefit makes such situations rational and predictable.

Regardless of the confinement scenario, training and experience provides military personnel with the means to reduce the shock of capture, resist interrogation, and exploit opportunities. A successful confinement experience is a function of the military member's ability to develop a deep understanding of the situation. This deep understanding enables military members to employ coping strategies outside of a group setting.

This paper illustrates that the conduct currently specified in current CF doctrine for PWs is unsound. Terrorist hostages are typically few in number and isolated. They are unable to make use of the collective coping strategies employed by PWs and detainees. Thus, the CF requires a code that caters to the unique conditions of terrorist hostage situations. Survival with dignity must be the overarching theme of a revised code that includes communication, observation, resistance, and exploitation. This code, which forms the directly translatable word "SCORE", is consistent with the hard-won lessons from past military operations.

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