

The British connection: a ransom negotiation.

Robert Williams had been appointed head of the abductions insurance unit of LondonX a large British insurance company. His first pending job is to revise the techniques used by the team of negotiators in what had been the main market for this type of insurance: Colombia. He decided to use a step by step description of the negotiation of an abduction experience in Colombia. The process was conducted by a negotiator sent by a LondonX. The evidence and accuracy of this case rests on the documents and the tapes of translations into English of all documents and conversations held during the negotiation. It is a summary based on the documents and tapes kept by the interpreter for the British negotiator. The case shows negotiation techniques used by the two sides. Mr. Williams was wondering several issues: Could they try to use integrative negotiation techniques in this situation? Should they have ethical concerns about negotiating a ransom? What are the lessons of this experience?

Introduction: the Colombian context

Colombia had a large wave of abduction crimes that had a peak at the beginning of the XXI Century, and greatly declined during the following decade (Fundacion, 2010). According to official figures of the National Center for the Historical Memory there were 39.058 abductions between 1970 and 2010 (Centro Nacional de Memoria Histórica, 2013) They divide the period in five stages: Start (1970-1988), escalation (1989-1996), massive increase (1995-2000), contention (2001-2005) and accommodation (2005-2010). The 1995-2000 massive increase of kidnappings meant that the victims were not only wealthy people but the middle class too. The criminals were the guerrilla group FARC (37%), ELN guerrilla (30%), common criminals (20%), paramilitaries (4%) and others (9%). The victims were 78% males between 18 and 65 years old. The abduction lasted less than a month in 65% of the cases. The victims suffered several dehumanizing experiences while in captivity, such as intimidation with arms 45%, verbal threats 21%, torture (raping and injuries) 17% and others. Most abductions were solved by paying ransom (60%), but 20% of the victims were rescued and 8% were killed in captivity (Centro, op cit).

Historical accounts show that rural bandits as well as politically motivated insurgent groups had used kidnappings of wealthy agribusiness patrons in Colombia (Sanchez & Mertens, 1983) According to Rubio (2003) the Colombian guerrillas started quite early to get funds by kidnappings.

Guerrilla groups began kidnapping wealthy drug lords in the early 1980's. As a response, drug dealers created MAS (*Muerte a los Secuestradores*, or Death to the Kidnappers), a private police force that executed people who kidnapped their members; such was the state of war between "paramilitaries" and guerilla members. A turning point in this history occurred when drug lord Pablo Escobar felt corralled by police and decided to kidnap a half a dozen family members of politicians in potential exchange for himself. Novelist Garcia

Marquez (1996) wrote this true story in *News of a Kidnapping*. One of the victims was Francisco Santos, later on Colombia's Vice-president (2002-2010), who was able to escape, create a foundation called *País Libre* (Free Country) and get Congress to pass a law prohibiting negotiations and payments for kidnappings. This Law was valid for almost two years before a family appealed its right to negotiate. The Supreme Court of Justice upheld the right to life and once again legalized ransom payments.

Negotiating a ransom is one of the types of hostage negotiations (Zartman, 2003; Dolnik, 2003; Faure, 2003). It is important to point out exactly what type of negotiation we are dealing with (Donohue, Ramesh, & Borchgrevink, 1991). In this case we are dealing with abduction for economic purposes.

The criminal group may be a politically oriented organization, but the main goal here is to get funds. As mentioned, most of the kidnappers in this country are guerrilla groups; they may also engage in terrorist or punitive actions, and they are also active in the use of kidnapping for exchange of prisoners (Castillo & Balbinotto, 2012). The latter case usually involves foreign nationals, politicians and police or army officers. An internationally known case was the liberation of politician Ingrid Betancourt and many other "political" captives by an operation of the Colombian government (Torres, 2009)

This case is about a criminal business deal. Some studies have taken a purely economic perspective and identify several patterns (Mejia, 2000, Pinto et al, 2004). One is the chain of economic activities in a kidnapping for ransom: often a group of common criminals abduct the person and then sell the victim to another group. Those keeping the victim in custody are different from those negotiating the ransom, and still another different group is in charge of collecting the ransom, or freeing the victim (Universidad, 1996, p. 42-43)

The patterns of negotiation in Colombia are not too different from those in Latin America (Ogliastri, 1993, 1996, 2001, 2010, Costa, 2006; Van Hoof et al, 2006; Sobral et al, 2007; Ogliastri & Quintanilla, 2016). It is basically of the distributive type of negotiations, rather than integrative or "win-win" (Walton & McKersie, 1964; Fisher & Ury, 1983).

"Studying terrorism and political violence remains tricky," challenging, and sometimes "not compatible with research ethics" (Giebels & Taylor, 2012, p. 235). Methodological concerns such as misleading accounts or post hoc rationalizations are important and "as a consequence, researchers of terrorism and political violence have been inventive in the data that they have used and the methodologies that they have applied" (Giebels et al op cit p. 235) The empirical data I am presenting here is unique in being based on tapes of actual interactions and meetings rather than recollections of participants. In such a straightforward method there are no concerns for validity.

The abduction and negotiation

At the end of a normal business day, a prominent Jewish businessman from Bogotá left for his house from the Engativá industrial zone. However, he never made it to home. His anxious relatives began searching for him and found his car on a street, with blood stains on

the driver's seat. Witnesses told them several men had forced the businessman out of his car and into another. No word from the assumed abductors had been received, although, on the surface, no doubt existed that he had been abducted.

The first concrete action taken once all doubt about the abduction was dispelled was contacting LondonX, the London-based insurance company which had insured the man against abduction. Actually this was a fortunate coincidence, since not all close relatives knew about the policy. In fact, it was a joint policy taken by the father of his former wife and covering both of them. Definite legal separation had taken place one year before. The policy was similar to life insurance, but with additional clauses in the case of abduction. The company was supposed to provide an expert to coordinate the negotiation process, and the family to provide a representative to be the up-front negotiator and an advisory committee.

LondonX was contacted on the day of the abduction and three days later an adviser sent by the firm arrived in Bogotá. Another measure taken was informing the police. Although the police generally cannot do much due to understaffing, insufficient infrastructure or a lack of organization, they must be kept abreast of all developments in such cases. Thus, in case they would find something related to the case they would notify the family. In short, the police advised to start negotiating the ransom, asked to be kept updated, and promised to convey any relevant data to the family.

Upon arriving in Bogotá and getting general information about the case, LondonX's negotiator expert developed a four-member committee. These individuals were fully trusted by the family, but they were not close relatives of the victim. The goal of this committee was achieving maximum objectivity in deciding about the case without overlooking the victim's and his relatives' interests. It was also intended to serve as a link between LondonX's expert and the family, since he had to be kept away from emotional involvement with the victim's relatives. Finally, the committee was intended to contribute different points of view and perceptions of developments. Their contributions, channeled by the experienced British negotiator, would translate into a coherent and consistent handling of the situation. In addition to working through committees, British negotiators were replaced every twenty days in order to avoid emotional involvement with the victims' families. The negotiators called themselves "advisors". Since the process took about four months, the advisors were replaced at least five times. However, coherence was kept and thus we will refer to any of them as "the British advisor."

The second week

The first contact from the abductors occurred one week later. They phoned to a brother of the victim and instructed the family to pick a paint can at a certain point of the north highway. It contained a tape from the victim saying that he had been abducted and slightly hurt, although he was now recovering. Finally, he requested two good friends of his to handle the case. In case the first of them declined (which he said he understood perfectly,) then he requested the second to take care of the situation.

The first friend was pleased to accept and thus became a member of the advisory committee. From then on, he became the speaker for the family and the committee in dealing with the abductors and all communication went to him. His house became the operations headquarters and a recorder was installed to keep track of all phone calls, since they occurred so fast. Thus, the major purpose of the recording was not investigation, but follow-up of instructions given.

At that time the British advisor assembled the committee and gave them two basic rules to follow all of the time. The first was that their task was negotiating two things: money and the life of a man. Thus, he said, they had to be willing to sacrifice a large amount of money to save one life. Second, he explained to them some psychological items in relation to abductors. He said they are nearly as interested as the family in conducting a quick negotiation, since they are under heavy pressure and always fearful. Therefore, this psychological component must be exploited to benefit the family and the victim. However, extreme care must be taken to avoid abuse, as their reactions are much quicker under extreme pressure.

Third, fourth, and fifth weeks

One week later, i.e., two weeks after the abduction took place, the abductors contacted the family for the second time and made their first demand for a ransom, Col\$1200 million pesos (approximately US\$2 million.) According to the British advisor, at that time the actual amount to be paid became known. According to LondonX experience with this type of negotiations, the negotiated amount is 10% of the amount initially asked for. In order to arrive to that percentage, they had to start by offering about Col\$20 million. But how could they offer that amount without being offensive to the abductors, seeming arrogant or lacking interest, and without jeopardizing the victim's life? What arguments could they offer to be able to leave behind this initial stand later on without making the abductor feel deceived? The British advisor responded to this by advising to focus on the human side of the issue, in an attempt to sensitize the abductors with sentences like "You know that his family is very anguished," "The family has come together and, through great effort has been able to collect (a given amount)," and "Action is being taken to collect more money."

A relevant question here is: What do the abductors know regarding the family's financial position and how aware are they of the family's liquidity and when they are being told lies in connection with this? There is a risk for the victim to be psychologically maneuvered and that, under pressure, to tell his family not to be stingy and to sell or dispose of given assets. In that case, the deception from the family would become evident. We must clarify that normally abductions of this kind are conducted by a highly complex organization outsourcing the rent of the house or farm where the victim will be kept, the purchase of the stolen car to take the victim there, the abduction itself, the victim's stay, the negotiation, the receipt of money, and the delivery of the victim. These are several groups unknown to each other, under coordination from a financier who is in charge of outsourcing and paying each of them, so that he/she is the only individual fully aware of the entire operation. Thus,

negotiators are unlikely to have direct access to the victim and, therefore, this psychological labor would not exist. On the other hand, for tax reasons, the capital of wealthy families is spread over a number of business firms not easy to track down by a third party. Even if this were known, obviously engaging in business takes time; it is not liquid investment.

The abductors reacted to the proposal of paying Col\$20 million, made two days after they had made their amount known, with all sorts of insults and vulgar expressions. They said that amount was good for nothing and they hung up the phone.

Obviously, this reaction led to anguish from the family and the committee. The British advisor, however, calmed them by stating that this was normal and that they were simply exploiting the abductors' fear by yielding little by little, always abstaining from showing financial capacity which the abductors could take advantage of. This process went on for several days, that is, two or three more times. Then the abductors contacted the family to learn what they had being able to collect. Through its speaker, the committee kept saying that they had collected Col\$3, \$5 or Col\$10 million by selling cars and other family goods. They stressed, however, that a great effort was being made, that these assets were not easy to sell quickly, and that the entire family was united in the endeavor.

One month after the abduction a letter from the kidnappers was received with instructions on how the family could contact them. This accounted for a major instance of progress, since until that time the family had depended on communication initiated by the abductors, and had being unable to initiate it themselves. Communication would take place through messages to Juan Pablo, the abductors' speaker, through paid ads in newspapers with countrywide coverage.

Bargaining continued in this fashion. If the family offered Col\$5 more million, then the abductors reduced their demand in some Col\$50 million, thus keeping a 10:1 ratio. According to the British advisor, the abductors were also aware of the final figure, but the bargaining process was unavoidable. At that time a Col\$80,000.000 ceiling was set for proposals previous to the closing stage of the negotiation. The committee's strategy was keeping that ceiling for some time prior the jumping to the final negotiation. Once the argument of family contributions was exhausted, the argument of smaller contributions from close friends was used to enlarge the amount proposed by the family. This way the amount offered reached \$60 million.

A large variety of messages telling the family to pick cans or preserve glasses at different locations in the city was received. These contained threatening notes urging them to speed money collection or indications about the most recent stand of the abductors in relation to the ransom amount.

The next step was jumping from \$60 million to \$80 million as the family proposal. Since both the argument of family contributions and that of friends' was now exhausted, the committee's speaker, known by the abductors as the best friend of the victim (this was true)

stated that he was mortgaging his own apartment to contribute the additional \$20 million. His offer was approximately as follows,

I have discussed the matter with my wife and we decided to mortgage the apartment where we live with our entire family. You are highly likely to know its location. Thus, we have been able to collect \$80 million in all. Obviously, later on we will negotiate with the victim some way to pay for this loan, as we are doing an overwhelming effort through this.

All of these carefully-weighed words were discussed by the committee in line with the advice provided by the British advisor.

The sixth week

No acceptance for the COL\$80-million proposal resulted. Two weeks later, a letter dealing with the way the ransom had to be paid was received. Among other things, it stated that a high car must be obtained. This brought deep calm to both the negotiators and the family, as it led them to expect a soon denouement of the situation. However, three days later another letter came with what was seen as the final effort from the abductors to put pressure on the family for it to up the \$80 million proposal. Notice that two letters so close to each other in time had never been received. The content of the letter was approximately as follows,

Negotiations have become very difficult. You have not heeded our demands. You have not made an effort big enough to meet our requirements. Thus, we are forced to stop negotiating.

At that time the abductors were asking for Col\$350 million (initial demand: Col\$ 1200).

The seventh week

In view of this ultimatum, the family faced the dilemma of making a quick proposal, thus weakening its position, or waiting some more time in order to reinforce it, although this time the limit was very hard to surpass, thus making the most of the abductors' fear but at the same time jeopardizing the victim's life. Finally, they decided to wait for one and a half week before making any contact and then a proposal was brought. Before going on with the story, some data regarding how communication took place and the type of messages conveyed must be provided.

The first two or three phone calls from the abductors were the longest, approximately one minute each. After that, they phoned to give instructions about picking a can with a written message somewhere. Communication from the family was through printed messages to Juan Pablo published in the newspaper and asking for a call. Once he phoned, the family speaker would explain his arguments, many a time in several stages, as the abductors hung up and then called from another phone. A major function of the family speaker was making the abductors to repeat what they said, in order to leave no doubt about the content of their messages. Among other reasons, this resulted from the fact that they changed the tone of their voices, possibly by talking while holding cotton balls or marbles in their mouths or speaking through handkerchiefs, thus making it hard for them to be understood.

The eight week

As previously said, one and a half week after the last contact from the abductors threatening to stop negotiating, the family offered \$100 million, arguing that a company had been sold. While this implied that others were left, it is obvious that if public is aware of the fact that someone controls a number of companies, then the abductors must be fully aware of that too. However, they are also aware that liquidating a company is not easy and, if viable, it takes several months. In addition, their goal is getting a fixed amount of money, not ruining a family, and unless huge mistakes are made while negotiating (which can occur very easily) the amount of money in the final arrangement will not change. Thus, the amount demanded by them was brought down to Col\$200 million.

The next step was the final arrangement (Col\$130 million, approximately \$200.000 dollars.) The family argued the additional \$30 million had been collected through a loan from the Jewish community in the city. The family kept this argument for the end in view of its versatility, and fully aware of the fact that the abductors would also know it, as a result of their experience.

Once the amount was agreed, the abductors told the family to make ready to receive the victim back. At this time, upon advice from the British advisor, a proof of survival was demanded by the family. As if used to this type of requests, the abductors accepted easily, and said they would contact the family one week later.

The advisory committee met during that week and decided that the information about the year and the university where the victim had graduated were not publicly known, and therefore were ideal to ask a question to make sure he was still alive.

The ninth week

When the abductors phoned, the family asked them to ask the victim for the name of the university where he had graduated, as well as for the year of graduation. They inquired several times whether that was the only question the family was asking and, once the family answered in the affirmative, they said they would contact them later on.

Three or four days later they phoned to tell of a site where the family had to pick a tape. As in all previous times, the tape was within a polyethylene bag, in case the British advisor looked for fingerprints (that, incidentally, were never found.) This showed that the abductors were an experienced group not taking needless risks.

In the tape, the victim answered correctly the question to his friend (the family speaker.) He said he graduated from the Pratts Institute of Design in the United States in 1969. In addition, he read the newspapers headlines, reminded his friend of the name of a mare they had jointly owned, and gave him the reason why he had chosen the name for his firstborn.

The tenth and eleventh weeks

The abductors phoned subsequently to give instructions about how to submit the ransom. The committee had hired a driver who had already delivered approximately eight ransoms. In addition, a trusted employee, the accountant in a company of the group, volunteered to go with that driver. The family speaker then told the abductors he was a sick as a result of the stress from the case and that two other people had been chosen to deliver the ransom. Also he told them the victim knew these two people and that they had volunteered to help. The abductors were irritated at that and replied he should have said so much in advance. Then they hung up.

Three days later they phoned to accept that condition. However, they warned the family to play no tricks or make mistakes at this stage, when the victim was so close to being freed. Also, they told them to wait for a final message about how the ransom should be handed. The family speaker asked for more precise details regarding the day, since he could not neglect his personal activities. Then the abductors told him he had to wait at home for a call to be made after 3 p.m.

The twelfth week

The money was hid for two week in the back seat of a rented car, which was ready to leave the basement of the building where the operations were taking place. One Saturday, at 4:00 p.m. the abductors phoned to say the operation was beginning. They told the two people to go to a specific number at a given street. In front of that site they would find a post with a Coke can at its base, containing the first indication. The car left and nothing was heard of it until 7:00 p.m., when the abductors called to inquire how the operation was going and whether something had been heard. When answered in the negative, they just hung up. This call made the committee feel very upset, and they calmed down only partially when the driver and the accountant came at 8:00 p.m. They said they had been following hints all over the Bogotá plain until they arrived in Facatativá, where the last indication was that the operation had been cancelled. The British advisor concluded this had been a rehearsal to determine the intention of the family, assess the driver's ability and maybe, for the abductors themselves to test their method.

The thirteenth week

The following Sunday someone else called. All previous calls were made by the same person, the one calling himself Juan Pablo. This new person called himself Juan Pablo II and said he was in charge of the operation from now on. This call made everybody upset, and not even the British advisor understood the reason for that. Among the guesses made was internal division among the abductors and problems in their organization.

The fourteenth week

The abductors phoned the following Saturday to start the ransom delivery operation. This time the committee took all the time it needed to make sure what the first hint was, as in the

previous occasion information was incomplete as a result of hurry, which would have been damaging to this operation. Aware that a little more time would not disturb the operation, this time they started the process in a more relaxed fashion. Here we must point out that the British advisor had a complete map of the Bogotá plain, marking the sites where all previous messages had been left, including the mock journey to deliver the ransom. Although he never explained the conclusion he drew from that study, it is assumed that he was looking for some kind of pattern.

At 8:00 p.m. that Saturday the driver and the accountant called to say they had delivered the money and that they were in Usme.

Later on they said they had to follow hints all over the city, on a route with no relation at all with the previous one. Finally, they were led to Usme and from there they headed to the Sumapaz moor through a trail. When the trail became too narrow, they found a stake stuck in the middle of the trail, with a Coke can. Incidentally, all hints were given in Coke cans. A note in the can indicated to leave the car lights on, with doors open, including that of the trunk, and not to make any wrong move, as the abductors were behind them. At that time they were told through a loudspeaker to take out the money and leave it by the trailside. The accountant replied it was under the back seat and requested permission to take it out. Once allowed, he placed the 20 bundles containing the money on the trailside. Finally, they were allowed to leave and they went to Usme, where they placed a call to say the operation was over.

The fifteenth and sixteenth weeks

At that time the family had neither the victim nor the money and they remained that way for two more weeks. One Friday at 11:00 p.m. they received a call from the victim telling he was at a motel located in the former entry road to El Dorado Airport, from the central western road. To arrive in there he had to walk for nearly two hours from the site where he was left, since he had no money at all.

He said he was kept at a temperate zone, some eight hours from the site where he had been left. He ignored the road, as he had been brought tied and blindfolded on the car floor.

He was not fed for the first nine days, although he was able to drink water. After that time, and only after he gave one of his captors a gold ring, he was able to have food. The rest of the time he was well treated, and kept in a cave from which he was allowed to leave every time he felt like going to the bathroom. He was not hit nor tortured. In addition, he had not dealt with anyone beyond his guards and his contact with the outside world was restricted to hearing the radio of one of the guards, usually tuned to a sports broadcasting station.

The amount of the ransom was covered to a significant degree by LondonX and the family only covered the deductible, as usual in all insurance. The family also paid for the rental car, the lodging expenses, and all other expenses required by the British advisors, as well as all process expenses.

Advice for victims and families? The interpreter for the family and the British negotiators came to the following conclusions and advice for the victim and the family:

- 1- In case of imminent abduction, i.e., when no possibility for escape exists, the best thing to do is not opposing abductors.
- 2- Instead of a rebellious attitude and attempts at escaping over the first few days, when control is more intense, you must do your best to gain the abductors' confidence and wait for a clear chance of escape.
- 3- In abduction negotiations, it is best for the family to abstain from making decisions.
- 4- A plan must be developed and consistently kept during the negotiations, in order to reinforce the arguments offered and attain more credibility.
- 5- If the decision to negotiate in a direct fashion has been made and the resources to do so successfully exist, it is better to restrict to information given to the police, in order to avoid their intervening and jeopardizing the victim's life.
- 6- Demanding good proofs of survival prior to paying is very important.
- 7- Be prepared to confront the stress and trauma of the experience (Navia, 2008)

Epilogue

Abduction is a dramatic experience, common to many people all over the world. Nations are not supposed to deal with terrorists, and the European Union set a policy of no payments in 2013. But often the costs of no negotiating may be higher than the costs of bargaining (Spector, 2003). Sometimes they do it covertly as a kind of diplomacy (Faure, 2008). Chiquita Banana got a large fine in the US for paying "protection" to paramilitaries (Bunse and Colburn, 2009). The forceful actions of the police and the military in Colombia significantly reduced kidnappings between 2002 and 2012. By 2013 civic demonstrations and outcry prompted FARC guerrilla to announce a stop to kidnappings and in 2016 they signed a peace agreement with the government. However, abductions still took place and there was a demand for abduction insurance all over the world.

Questions for analysis before class discussion:

- 1- What are the interests, options and BATNA of each one of the parties in this negotiation?
- 2- If you follow a detailed account of negotiation moves by each party, what are the differences and similarities between their negotiation techniques?

- 3- Do you think there were mistakes made by the family committee, the upfront negotiator or the British advisor? If you had to do a negotiation like this one, what would you do? Would it be different from the actions of the case?
- 4- If you were Mr. Williams, would you change the negotiation patterns and policies of the company?

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