
Articles

Israel's Policy in Extortionist Terror Attacks (Abduction and Hostage Barricade Situations)

by **Boaz Ganor**

Abstract

One of the most challenging type of terror incidents is that of an extortionist attack, such as hostage-taking and kidnappings. Extortion attacks require governments to evaluate a series of options for handling the incident, ranging from giving in to all of the terrorists' demands, to full-blown military-rescue operations. Since the 1970s, Israel has handled a number of extortionist attacks, using the Rabin Doctrine, which advocates rescue operations as a means of handling the attacks. This policy led to a shift in the kind of attacks being perpetrated against Israelis, with a shift from hostage-taking attacks to abductions. During extortionist attacks, decision-makers are faced with the dilemma of how to deter future terror attacks, while ensuring the safe release of hostages. This article illustrates the dilemmas that decision makers face during extortionist attacks, and will highlight the options that decisions makers have, using Israel's experience as a case study

Keywords: Extortionist attack, hostage situations, terrorism, Israel

Introduction

One of the most complex and problematic types of terror attacks that decision-makers around the world must contend with are extortion terrorist attacks.[1]An extortion terror attack, by its very nature, poses a difficult and ongoing challenge for decision-makers who must evaluate a series of options and make decisions that involve direct and immediate impact on human life. Extortion attacks include both hostage-barricade situations, as well as kidnapping attacks. The distinction between these two will be addressed in this article. For example, when a terrorist group attacks and takes hostages in a certain building or vehicle, threatens their lives and issues an ultimatum requiring compliance with a series of time-sensitive demands, authorities must make tough choices. The extreme circumstances of the attack present decision-makers with a series of difficult moral and practical dilemmas that must be addressed in a timely manner. It is imperative in these scenarios to strike a balance by deterring terrorist organizations from carrying out similar acts in the future while attempting to ensure the safety and rescue of the hostages in the current attack.[2] In other words, decision-makers must balance today's considerations with those of the future.

In their chapter "Hostage Taking, the Presidency and Stress" (1998), Margaret and Charles Hermann discussed the dilemma facing decision-makers in these situations. Decision makers must decide how to free the hostages, without succumbing to terrorists' demands or causing the death of hostages and without reducing the government's legitimacy. This dilemma is exacerbated by pressures of time, the media and public opinion. [3] In this context, one should remember that the mere occurrence of terrorist extortion attacks is proof of the security system's failure to thwart such attacks. Decision-makers are not interested in exposing this shortcoming further by failing to handle crises of this kind as they arise. Therefore, in crisis situations, leaders tend to agree to risky, dramatic moves that they would normally refrain from approving.

Martha Crenshaw states that terrorists choose extortion attacks since the state's military power and resources do not constitute an advantage in such situations.[4] Terrorist organizations use extortion attacks to achieve concrete goals (such as the release of imprisoned terrorists, ransom and pressuring the government), or for the sake of publicity itself. The government's response policy to an extortion attack will require evaluation of a number of factors such as: the terrorists' behavior, humanitarian considerations and future costs.

It is not only decision makers who face dilemmas during extortion attacks. Terrorists are also faced with a difficult dilemma during a hostage crisis, whether or not to kill hostages. Killing hostages actually impairs their ability to manage demands and increases the state's motivation to punish them. However, at the same time, it emphasizes the seriousness of their intentions and strengthens their position in the next event.[5] In order to ensure government cooperation with their demands, the hostage takers may reduce their demands and drop the price.

Despite the challenge terrorists face in extortion attacks, Hermann and Hermann noted that extortion attacks can be called "smart terrorism", since the terrorists control the situation, attract media attention over time, and force governments to recognize them during negotiations to release the hostages.[6] This event tests the government, the authority of the decision-makers and the country's international image. Leaders in democratic countries know that their manner of handling the hostage crisis will affect chances of re-election.[7] Crenshaw adds that prolonging a crisis involving hostages may increase the costs on both sides, while the success of negotiations depends on the existence of a common interest to both parties. The situation may therefore become more complicated when it comes to a crisis with more than two parties, for example, when hostages are citizens of a third country.[8]

The difficulty in handling of hostage crises cannot be overstated. Opinions on handling these situations are divided into two schools of thought: (1) the hardline approach and (2) the flexible approach. The two approaches differ primarily as an outcome of different political views and considerations of their proponents. Proponents of the hardline approach argue that fulfillment of terrorists' demands will be interpreted as surrender, encouraging others to carry out such attacks because of their proven effectiveness. Moreover, hardline thinkers claim that deterrence of future incidents can be achieved by capturing and imprisoning the captors, with no option of release, even in return for the release of hostages.[9] Released terrorists will rejoin the circle of violence and terrorism by taking an active part in future attacks. Although the government must protect future human life beyond the lives of the hostages, the government is obligated to consider the safety of thousands of others whose lives could be endangered by compliance with the terrorists' demands.[10] The hardline approach bases its argument not only on efficiency, but also on ethical considerations. It prioritizes the government's responsibility for security of the general public over a commitment to the security of a few civilian hostages and opposes arguments that everything must be done to bring about the release of unharmed hostages, and that the government is responsible for their fate. The hardline school sees any concession to the terrorists as a much greater security risk in the future.[11] Wilkinson emphasized that the foundation of the hardline policy is the requirement to hold a "consistent policy of maximizing the risk of punishment run by the terrorists and minimizing their potential rewards." [12] Bandura warned against over-reaction, in which an entire nation becomes hostage to a small group of terrorists and invites additional terrorist attacks. [13] This claim was made in 1970 against the Prime Minister of Japan, who instructed the payment of ransom demands to hostage kidnappers. According to critics, this led to a wave of further kidnappings.[14] One indicator of the state's possible adoption of the hardline approach is the existence of a special hostage rescue force in case of extortion terrorist attacks. Units of this type were established in a number of countries including Israel, the United States, Germany, Italy, India and others. Hoffman and Morrison note that while there are benefits to having a unit of this type, its very existence may influence decision-makers to favor a military solution to the hostage crisis, using the unit [15], rather than negotiating.

Opposing the "hardline" school of thought are advocates of the "flexible approach". This approach, said Wilkinson, includes "the will to make deals with terrorists to obtain the release of hostages and bring a quick end to any terrorist attack." [16] There is no uniform response to extortion attacks under the flexible school. Most who advocate a flexible position emphasize the presence of a spectrum of options for action, from an automatic rescue operation (without any willingness to negotiate) on one end, to immediate surrender to all terrorists' demands on the other. There are many strategies between these extremes that can be found to suit the conditions and circumstances of the particular case.[17] The main argument underlying the demand

for pragmatism on the government's part during hostage situations is that while deterrence must remain a central part of the state's operational counterterrorism arsenal, a number of flexible tactics may be adopted during a hostage crisis.[18] These tactics may include diplomatic steps, intelligence operations and prevention and deterrence measures, as well as economic and legal policies with international cooperation.[19]

It should now be clear that one of the most difficult choices facing decision makers in counterterrorism is whether to initiate a hostage rescue operation or comply with the terrorists' demands. The decision is, in fact, a choice between the lives of the hostages in the present and the lives of future victims who may be affected by the release of imprisoned terrorists. It is usually carried out under the duress of time, internal and external pressures [20], and in conditions of great uncertainty (such as the situation on the ground, the kidnappers' intentions and the real ability of the security forces). Furthermore, even if the location is known, decision makers must take into account that a rescue mission is not always viable, due to a lack of intelligence to assure that the rescue mission will have a high enough chance of success. And if that were not enough, the potential aftermath of the decision, which will include positive or negative public feedback, depending on the results.

Similar to all other decisions in the field of counterterrorism, in cases of extortionist terrorism the decision-maker must, in advance, consider and evaluate the costs and benefits of each one of the two main alternatives of action either responding to the terrorists' demands or implementing a hostage-rescue operation.

Among the advantages of a decision to comply with the terrorists' demands are these:

- **Release of the hostages** - This decision may be most effective in obtaining the release of hostages unharmed.
- **Protecting the lives of the hostages** - The willingness to accede to terrorists' demands could save hostages' lives during negotiations, stemming from the terrorists' desire not to hurt the "assets" of negotiations.
- **Political achievement of the decision-maker** - A peaceful solution to the crisis may lead to major political achievement for the decision-maker who reached a solution that ensured the hostages' safety (assuming that the price paid was "reasonable" in the public's eyes).
- **Preventing complication** - This can be achieved by the avoidance of risk to the assault counterterrorism unit. In a hostage barricade attack occurring on another country's sovereign territory, a decision to accede to terrorists' demands might prevent possible diplomatic and even military entanglement, in the case of the country's decision to conduct a rescue operation.
- **Preventing the "boomerang effect"** - A peaceful solution prevents motivating terrorist organizations and their allies from carrying out reprisal attacks in revenge of the killing or capture of their activists, the hostage takers.

These types of benefits should be measured against the potential costs of compliance with terrorists' demands:

- **Future risk to human life** - Terrorists released from prison may carry out additional attacks that harm the lives of many others.
- **Imitation and escalation** - The danger that due to an attack's success other organizations will choose to carry out similar attacks, thus increasing the number of extortion incidents.
- **Cost increase of future attacks** - The willingness to accept terrorists' demands may cause a rise in the cost threshold of future attacks.

- **Creation of a political crisis** - The release of jailed terrorists may be seen by the public - and presented by the opposition - as a surrender to terrorism, and in this context may develop into a political crisis (here, too, the scope of concessions made to terrorists by decision-makers is important).
- **Damage to public morale** - The message that might be communicated to the public when surrendering to terrorists' demands is that "terrorism wins" and could cause public demoralization.
- **Damage to the penal system** - The authority of the penal system might be damaged in the public's eyes as a result of releasing imprisoned terrorists sentenced to long prison terms. This may also cause counter-demands to release other prisoners by those who took the law into their own hands and conducted vigilante reprisal attacks following terrorist attacks.
- **Damage to the country's deterrence image** - Responding to terrorists' demands (including far-reaching ones such as the release of a large number of convicted terrorists or political concessions), may damage the country's deterrence capability in the eyes of other terrorist organizations and other enemies of the state.
- **Damage to the country's international status** - This may be expressed by the weakening of the country's moral foundation and legitimacy to demand that other countries not succumb to demands of terrorists in the future.

Israel's Policy in Situations of Extortionist Attacks

Over the years, Israel has faced two types of terror waves based on extortionist terrorism. The first wave of extortion attacks that challenged Israel occurred from the late 1960s to the end of the 1970s. This wave was marked by a series of attacks in which terrorist organizations infiltrated Israel (mostly through its northern border) and took control of buildings or buses, and hijacked planes headed to Israel, landing them in various international airports. Since the 1980s, most of the extortion attacks which have been conducted against Israel were abductions, in which terrorists kidnapped civilians or soldiers and held them in an unknown location, mostly outside of Israel's territory.

The transition to the second type of attack was largely a consequence of the Israeli government's counterterrorism policy, dictated by Yitzhak Rabin, during his first term as Prime Minister in the mid-1970s. Rabin's view was that Israel preferred rescue operations to release hostages captured by terrorist groups, even if the chance of securing their successful release was small, and even if there is a possibility of casualties among the hostages or rescue units. However, if it were impossible to achieve the release of hostages through a rescue operation, Israel would be willing to negotiate and respond to at least some of the terrorists' demands to secure the release of hostages. This came to be known as the Rabin Doctrine.

Over the years, extortion attacks against Israel were not intended solely to achieve the release of terrorists imprisoned in Israel and other countries, or to attract media attention and public opinion in Israel and internationally.[21] These attacks were also intended, among other things, to embarrass Israel, disrupt political processes in the region, demonstrate the terrorist organizations' ability to harm the fabric of Israeli life, and to force Israel to conduct negotiations with hostage takers, kidnappers and their dispatchers. For Palestinian factions, this was used as a method of forcing Israel's hand in and to *de jure* recognize the PLO.

Analysis of Israel's policy in dealing with extortion attacks in the 1970s shows that because the locations of each of these hostage attacks were known in Israel, and in most cases occurred on Israeli territory, Israel chose to end the event in a rescue operation, in accordance with the Rabin Doctrine. During these extortionist attacks, Israeli military forces quickly surrounded the building or facility where the hostages were held. Thus, Israel always had the option of terminating the event by using military force to conduct a rescue operation. This option was preferred, even if the expected results of the operation involved multiple casualties.

The list of extortionist attacks in the 1970s is extensive. One of the most well-known hostage situations of the decade was the Coastal Road Massacre which took place on March 11, 1978. A squad consisting of 11 terrorists, members of the Fatah terror group, infiltrated Israel using rubber boats, landing on Kibbutz Maagan Michael. They then reached the coastal road where armed terrorists seized control of two buses and gathered 71 hostages in one of them, including 30 children. The terrorists demanded the release of five incarcerated prisoners. The terrorists killed 38 civilians, including 13 children. During the rescue operation, nine terrorists were killed.[22]

In light of Israel's persistent policy to end the extortionist terror attacks using military-rescue operations, even when they involved paying a high price, during the 1970s, Israel forged an image of a country that stressed a hardline policy in hostage situations. Friedlander believes that Israel's tough policy led to reduced demands by terrorists during the extortion attacks in the 1970s, when terrorists demanded the release of 317 terrorists in the first event, and only five in the last. Initially, terrorists used these methods in attempt to undermine Israel's tough policies, so that the cost of a decision to respond militarily and not to comply with terrorist demands would rise, and the government would face public criticism in case of an operation's failure. [23]

However, Palestinian terrorist organizations quickly understood the Israeli policy and changed their method of attack accordingly. From the early 1980s onward, the wave of extortionist attacks carried out within Israel faded and were replaced by a wave of kidnapping attacks during which civilians and Israeli soldiers were snatched and taken to secret hiding places. This prevented Israel from being able to carry out military-rescue operations, due to the lack of intelligence on the hostages' location. In the absence of a chance to implement the Rabin Doctrine's military-rescue option, Israel found itself negotiating the release of hostages ending in transactions for the release of terrorists imprisoned in Israeli jails. The once-strict Israeli policy collapsed, and Israel surrendered to terrorists' demands in extortion attacks. Israeli decision-makers found themselves on a slippery slope. Terrorist demands only grew, with a loss of numerical proportion between the number of hostages held and the number of imprisoned terrorists that Israel was required to release in exchange for them. The breaking of the dam was not only reflected in the quantitative component of the requirements but the qualitative component as well. Israel was required to release arch-terrorists, convicted of mass murder of many civilians. Moreover, Israel released imprisoned terrorists for information on the health and well-being of the hostages, and for the return of the bodies of Israeli soldiers. From the mid-1980s, there were numerous hostage release transactions made. Among them was the November 23, 1983 exchange. During the 1982 Lebanon War, six infantry soldiers had been kidnapped by Fatah in Lebanon. In a deal with Fatah, the troops were exchanged for 4,765 Lebanese war detainees arrested for belonging to terrorist organizations and operations against the Israel Defense Forces (IDF). Along with them, 65 terrorists imprisoned in Israel were released. Arguably the most well-known exchange occurred on October 18, 2011. After five years in captivity, IDF soldier Gilad Shalit, kidnapped by Hamas and held in Gaza for five years, was returned to Israel. In exchange, Israel released 1,027 convicted terrorists, including many convicted for life for murdering Israeli civilians.[24]

One of the key events that marked the change in Israel's policy of meeting terrorists' demands was the May 20th, 1985 Jibril Agreement. During the first Lebanon War, on September 4, 1982, Palestinian terrorists kidnapped eight Israeli soldiers stationed in Lebanon. The terrorists divided the captives, handing over six soldiers to Fatah and two to the Jibril Front. Escalation of violence between the rival Palestinian terrorist organizations in northern Lebanon and the exile of Arafat and his loyalists (who held the Israeli prisoners) to the city of Tripoli, led to the acceleration of negotiations with Fatah for exchanging the prisoners (fearing they would be injured by the heavy fire occurring there, or caught by pro-Syrian organizations, or be smuggled out of Lebanon). Indeed, on November 23, the six Israeli prisoners held by Fatah were exchanged for 4,500 terrorists and Lebanese nationals held by Israel in Lebanon.[25] The number of Palestinians and Lebanese exchanged for Israelis was grossly disproportionate. The primary reason for this exchange was the urgency

to release the Israelis, and the fact that the released terrorists were prisoners of war and not those engaged in terrorist attacks.

Compared to the deal with Fatah, negotiations between Israel and the Jibril Front for the release of the other two soldiers held by the organization were prolonged. Along the way, it became clear that the Jibril Front was also holding a third Israeli captive, Hezi Shai, captured during the Lebanon War. At the end of negotiations, the national unity government, headed by Shimon Peres, decided to release 1,150 terrorists (including those convicted of attacks with many victims) for the three soldiers. Released in this transaction, among others, were 380 life-term prisoners, including 76 that had actively participated in the murder of Jews, as well as 119 terrorists who took part in attacks that resulted in injuring Jews.[26]

The government's decision was in fact a direct extension of the Israeli policy on extortion by terrorist attacks as set forth by Yitzhak Rabin, according to which in the absence of a military-rescue option, Israel would be ready to release imprisoned terrorists in exchange for its hostages. But the government's decision violated several principles and "red lines" and created a dangerous precedent. There was no numerical ratio between the number of Israeli hostages released and the number of terrorists released in exchange. Israel accepted Jibril's demand, allowing him to exclusively determine who would be included on the list of released prisoners. In fact, the decisions were made by committees of prisoners inside Israeli jails, with priority given to lifers and prisoners of over a decade. The lists were transferred to Jibril and from there to the International Red Cross. Moreover, for the first time, Jibril was able to write a personal letter to each freed prisoner (in exchange for allowing General Amos Yaron to write to the three Israeli prisoners in Damascus).[27] But the worst Israeli concession of all was the Israeli government's agreement to release terrorists convicted of mass murder, defined as "terrorists with blood on their hands", agreeing that some of those released (about 600 terrorists) would return to live in their homes in the West Bank and Gaza Strip under Israeli rule, rather than be deported to Arab countries. In retrospect, Israel's willingness to do so strengthened terrorist organizations and militant factions in the territories, and some of those released even returned to terrorist activity, leading and instructing attack cells.[28]

The Jibril Agreement caused severe public backlash. Critics argued that decision-makers were exposed to severe pressure by the hostages' families and did not have the power to resist. Statements made by decision-makers at the time, strengthened the arguments of detractors. Prime Minister Shimon Peres told the Knesset's Foreign Affairs and Defense Committee that, "the decision to exchange terrorists was one of the most difficult ... but when meeting with the families, a lot of criteria was given a new dimension. It was so hard to see them suffer, so difficult." [29]

Defense Minister Yitzhak Rabin said on television:

"When I took office as Defense Minister, I saw it as a supreme moral duty, almost sacred, to ensure that for an IDF soldier sent to war ... and captured, everything would be done to bring him back. No doubt the price is heavy, but this has been the state's practice since its establishment. I would like to ask every citizen how he would expect me to act as defense minister if it were his son sitting captive." [30]

The dilemma the government was forced to deal with at that time was both moral and utilitarian. Government spokesmen emphasized the state's duty to return its soldiers to their borders and to do all it could to release hostages from the hands of terrorist organizations, even at a very high price. The claim was essentially based on two levels: the first was the value of human life and the government's responsibility for the welfare of its citizens, and the second was the government's special duty to rescue captured troops sent into battle against the enemy. Opponents of the Jibril Agreement argued that the state has a general duty to protect its citizens, and that by releasing a mass of terrorists with experience and motivation to kill Jews, the government endangered many more lives than the lives of three hostages. As to the question of utility, detractors thought, that the mere release of terrorists would deliver a negative message to terrorists, namely that terrorism wins and that in the event they were caught, they would eventually be released in one transaction or

another. The released prisoners would instill a new combative spirit among terrorist organizations, join the ranks of the terrorist organization, and contribute their experience and energy to the armed struggle.

In any case, the Jibril Agreement left its mark on the policies of Israel's war on terror. For years (actually until this writing) various terrorist organizations (Hezbollah, Hamas, Palestinian Islamic Jihad and others), have tried to kidnap Israeli soldiers or civilians in the territories or in Lebanon, to force Israel to pay a similar price for their release.

Israeli Decision Makers' Positions on Release of Prisoners in Exchanged for Hostages

Senior Israeli decision-makers and former heads of Israel's security agencies present different approaches to the issue of releasing imprisoned terrorists in exchange for hostages kidnapped by terrorists.

Rehavam "Gandhi" Zeevi, former advisor to the Prime Minister on counterterrorism, who later served as a minister in the Israeli government (and was assassinated by terrorists in Jerusalem in 2001) said:

"In cases of abduction and extortion attacks we should be able to sacrifice kidnapped hostages in order not to give the opponent an accomplishment, because we need to make it clear to him that we will not give in. This was [former Prime Minister] Rabin's line until Entebbe - we do not give in to terrorism ... This is a moral issue for our troops and for the individual who is the object of attack. It's definitely ethical in the long-term national vision. So there won't be more of such actions. Otherwise, [the damage] will be a hundred-fold." [31]

In contrast, the former head of the Israeli Security Agency (the Shin Bet), Abraham Achituv, believed that it is the prerogative of decision-makers to pay, as requested by the terrorists, even if an exorbitant price is required for releasing hostages. He said,

"I was never asked. I always accepted the dictates of the political leadership and never resisted because I live with the feeling and belief that for the sake of saving one Jew I would have given anything ... In retrospect, when I think about it I am glad that decisions were dictated to me and that I did not have to make them [myself]. I would decide the same thing - to save a Jew I would go very far." [32]

About the dilemma of the future price paid in respect to saving hostages' lives, Achituv held that "we will solve that problem when it comes. For the time being, save the Jews. It's a matter of education." [33] Another Shin Bet chief and former Minister of Homeland Security, Avi Dichter, said that he knew the issue of releasing Israeli hostages from all angles:

"I was a fighter and there were more than a few situations when I found myself with a 50-50 chance of falling into captivity, or even being killed and remaining there as a corpse, hoping I would be returned. I sent people. And then I took part in making these decisions in the General Security Service and as a government minister, in the cabinet and [other] forums. I know it from all angles." [34]

Dichter believes, like his predecessor, Achituv, that there should be no red lines in negotiations for the release of hostages. According to him:

"I told Ehud Barak [at that time the Prime Minister and Defense Minister] not to draw red lines. If you say that you are doing everything to bring him [the captive] home, then don't draw a red line. Why draw a red line and then get entangled in it when you need to deviate from it? I do not want to draw red lines. My red line is to bring the boy home. That is my red line." [35]

Former Chief of Staff and Defense Minister Shaul Mofaz explained that Israeli decision-makers' considerations on this issue are not necessarily the consequence of cold rational consideration but are also heavily influenced by emotional considerations and pressure of Israeli public opinion.

“I maintain that Israelis have special DNA. Where does it come from? From the value of the sanctity of life. This is one of the most important values in Israel. It does not exist at this intensity in any other democratic country. It certainly does not exist in failed countries ... [therefore] I’m saying that we cannot make such decisions [red lines]. Even if we do, they would be very difficult to implement ... I would argue that we should continue to maintain the sanctity of life as part of our rules for waging war, dealing with enemies, and terrorism in general. We should make every effort to avoid kidnappings but in the end, we must pay the price, and in this matter I am very clear. I think that the sooner we make the [deal], the lower the price we pay. So do it close to the event.”[36]

In contrast, the former National Security Council Counter-Terrorism Coordinator, Nitzan Nuriel, pointed to a decrease in sensitivity on this issue in Israeli society over the years. He wondered,

“What happened to us between Entebbe (1976) and Mumbai attack (2008)? In Entebbe there were hostages and we ran to rescue them. In Mumbai we had a hostage event that we had actually anticipated. What happened to us within those 30 years? If you analyze the [Israeli] ethos from Entebbe to Mumbai, you see that public opinion with regard to terrorism has become more tolerant. In what sense? In the sense of, ‘that’s life.’”[37]

Former Prime Minister Ariel Sharon, explained that in the past (as part of retaliatory actions carried out by Israel in the Arab world in the 1950s after the occurrence of terrorist attacks on its territory), the problem of Israeli hostages was solved by creating a “prisoner bank”, by collecting prisoners as a bargaining tool in case of capture.

To the question of whether this method is applicable today, Sharon replied, “I do not know. I’m not sure it’s implementable today. The question is whether we are doing everything we can in this area. In the past we did not have any other leverage. It’s the only leverage we had. Today, [2000] the Government has [many] leverages.”[38]

Another former Prime Minister, Shimon Peres, did not rule out, in principle, the possibility of ending a terrorist extortion attack with a deal to release imprisoned terrorists, but he believed it should be set aside and used only in exceptional cases.[39]

Former Prime Minister Yitzhak Shamir explained the complexity of the decision to release imprisoned terrorists in exchange of hostages. He said, “There are no rules that apply to all cases and all situations.” Referring to the Rabin Doctrine on attack and abduction, Shamir said:

“This was an attempt to create a formula. But no formula includes everything. It should be discussed openly, rationally and wisely. This [release of imprisoned terrorists] must not harm the overall war [on terrorism], it should not damage the morale of your population, and it is important not to encourage the enemy. There are many factors to consider; it’s not a decision that can be made quickly.”[40]

When Prime Minister Benjamin Netanyahu was asked [1999] how he relates to the Rabin Doctrine, Netanyahu said, “I don’t accept Rabin’s policy on this issue because this is an open invitation abroad for kidnappings. A military-rescue option needs to be sought, or other options if there is no military one, for example, exertion of political pressure.”[41]

Netanyahu’s approach to the release of imprisoned terrorists is in line with the hardline approach to fighting terrorism. In his books, Netanyahu reiterated the need for “no surrender” in all cases of terrorists’ demands and to avoid the release of imprisoned terrorists in exchange for hostages. Netanyahu described the extortion terror situation as “a classic terror operation.”[42]

He extolled the virtues of “steadfastness” when confronting terrorist demands for the release of their comrades in exchange for hostages. According to him, “the more terrorists believe that such action [as military intervention] is likely, the less prone they will be to continue their siege... The belief in the certainty or likeli-

hood of military intervention has a tremendously inhibiting effect on hostage-taking.”[43]

In Netanyahu’s opinion, past experience has shown that consistent compliance with this hardline policy led ultimately to a reduction in the number of abduction - extortion attacks, and therefore, he stated that “the only sensible policy is a refusal to yield and a readiness to apply force.”[44]

Before he was elected Prime Minister in 1996, Netanyahu was disappointed with Israel’s position in this area over the previous decade. He argued that Israel, once a world leader in its war on terror policy, repeated its error of exchanging prisoners for hostages time after time. Netanyahu did not hide his criticism of past governments in this area. In his various roles, Netanyahu came out openly against any exchange deals made with terrorist organizations, and primarily against deals for the release of imprisoned terrorists in exchange for soldiers held by Fatah and Jibril’s Front in 1983 and 1985. Netanyahu also recommended this to US Secretary of State George P. Shultz when serving as Israel’s ambassador to the United Nations during the TWA hijacking event in Beirut in 1985. In this case it was learned that the kidnappers scattered the hostages around Beirut and threatened their lives if their demands were not met. Netanyahu says he advised Shultz to maintain a hardline approach towards terrorists, to make it clear to them that if they touched one hair on one head of the hostages, the United States would retaliate.[45]

Despite Netanyahu’s tough stance in his public statements, writings and advice to decision-makers in Israel and abroad, during an actual situation of terrorist extortion, his policy as Prime Minister was no different than that of those leaders whose policies he had criticized in the past.

Netanyahu’s main test case was the “Gilad Shalit” affair. Gilad was an Israeli soldier abducted on June 25, 2006 by a group of terrorists belonging to different organizations, headed by Hamas.[46] The terrorists infiltrated Israel from Gaza using an underground tunnel and attacked Shalit’s tank as he stood guard near the border. They then kidnapped him from the tank.[47] There was an enormous buildup of Israeli public pressure demanding acceptance of Hamas’ demands in order to bring about Gilad’s immediate release. The pressure was initially directed at Ehud Olmert’s government, and subsequently to the Netanyahu government. Mass rallies, demonstrations and public events attended by opinion leaders, singers and intellectuals were held. Hamas used sophisticated psychological warfare on the Israeli public and the Shalit family, but Olmert refused to give in. Only after the change of government did Netanyahu’s government agree to release 20 female Palestinian terrorists from Israeli jails in exchange for a three-minute video of Shalit, beseeching the Israeli government to respond to the terrorists’ demands.[48] On October 18, 2011 Prime Minister Netanyahu agreed to Hamas’ demands. After 1,941 days in Hamas captivity, Gilad was released in exchange for 1,027 Palestinian imprisoned terrorists, including many convicted of murdering Israelis.[49] In his first two years in office, Netanyahu adopted Olmert’s hardline approach in negotiations with Hamas, despite his criticism at the time of Olmert’s seemingly conciliatory stance. But after two years, alongside a sharp decline in Netanyahu’s popularity as Prime Minister and an assumption that Shalit’s release would improve his public image, Netanyahu paid a higher price than the one Olmert had refused to pay during his tenure [50]. Against this backdrop, former Prime Minister Olmert criticized Netanyahu’s decision on the Shalit issue, saying:

“I defined the level of concession I would be willing to make for his [Shalit] release, and nothing beyond it. Public opinion was clearly for the release and look what happened. Bibi exchanged him for 1,027 murderers, a much higher number than I agreed to. Look at the sympathy he got. The strength of public opinion attributed (to it). People danced in the streets. Two weeks before the end of my term in office, after the elections, while Netanyahu had already formed a coalition, I sent the head of the General Security Service to start negotiations through Omar Suleiman (head of Egyptian intelligence) with Hamas for Shalit’s release. The debate was on the release of 350 (terrorists). There was a point where I said – up to here ... I could have ended the matter then, and leave the government with people dancing in the streets, bearing me on their shoulders...to enjoy it. But I said no ... at the end, the true test of leadership is the test of a person’s ability to make the decision when he is thinking with a clear head.”[51].

Mossad chief and former adviser to the Prime Minister on counterterrorism, Meir Dagan, concluded this important debate by saying,

“The Jibril Agreement is a classic example of very straightforward negotiations with a terrorist organization. This is the most obvious event. We declared that we would not negotiate with terrorist organizations. We always did [it], and we continue to do it. One of Hamas’ goals today is to abduct Israeli soldiers, while their main goal is to release [imprisoned terrorists] despite Israel’s claims that we don’t make deals. They understand that at the moment of truth, when they have a good bargaining chip, they can play with these cards.”[52]

The Israeli government’s willingness to make deals with terrorist groups to free hostages for imprisoned terrorists and the public pressure put on the Israeli government to conduct these transactions in recent years can be understood against the backdrop of the “Ron Arad Trauma”. On October 16, 1986, as part of his reserve service, navigator Ron Arad flew his Phantom Aircraft on a sortie to attack terrorist targets in the Sidon region of Lebanon. A technical malfunction forced the pilot, Yishai Aviram, and the navigator, Arad, to bail out of the plane. Yishai was rescued immediately, while Arad was captured by the Amal Movement.[53] The organization demanded three million dollars and the release of 200 Lebanese prisoners and 450 Palestinian terrorists in exchange for the release of Arad, but the Israeli political leadership, perhaps influenced by harsh criticism over the price paid in the Jibril Agreement, did not agree to the demands.[54] The negotiations were terminated in 1988 after Arad was taken by *Amal* and could not be traced.

Arad’s disappearance, and rumors that he was transferred to Hezbollah, then to Iran, and probably murdered by his captors became the “Ron Arad Trauma” model, used by pressure groups in Israeli society to force governments of Israel to comply with the demands and the exaggerated costs that terror organizations made for the release of other captives.

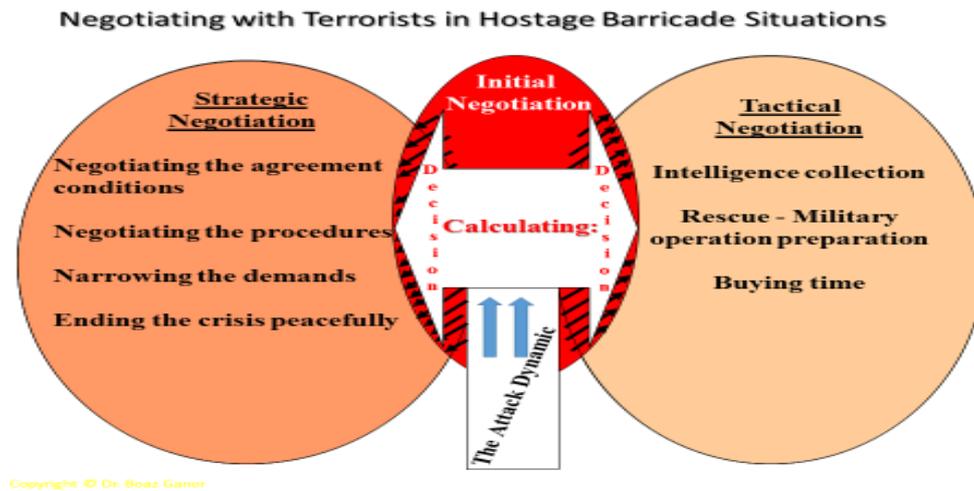
Tactical vs. Strategic Negotiations with Terrorists Holding Hostages

The strategy set forth by Yitzhak Rabin in the 1970s and adopted in many cases by Israeli governments in the following years, has to determine exactly when and under what conditions to end extortion incidents with one of two alternatives - compliance with terrorist demands or a military-rescue takeover operation. In fact, in both alternatives, there is a central place for conducting negotiations with terrorists holding hostages. When there was an intention to meet terrorists’ demands (in the absence of a military option), negotiations were essential and strategic, and designed to bring an end to the crisis through a deal with the kidnappers or their dispatchers. When the decision was to carry out a military-rescue takeover operation, tactical negotiations were used to achieve operational objectives in managing the crisis.

Figure 1 below, describes the three modes of negotiation in extortion attacks: Initial, tactical, and strategic negotiation. This analytical policy deals specifically with hostage-barricade situations, rather than kidnappings.

Initial negotiations start immediately upon the arrival of the military/law enforcement units at the scene or are conducted by professional negotiators trained specifically for that mission. Initial negotiation with terrorists is designed to stabilize the situation and calm the hostage takers by satisfying their immediate needs and the needs of the hostages (food, water, etc.), as well as to gather intelligence on the terrorists and the hostage situation. This type of negotiations is intended, among other things, to prolong the event in a controlled manner in order to enable Special Forces to prepare a military rescue operation. In general, initial negotiations are useful for both sides as they are serving the immediate needs of the hostage takers and the security forces.

Figure 1: Stages of negotiation in hostage situation



During the initial negotiations in combination with accumulated intelligence and the evolving situation, a decision should be made either to end the event with a military rescue operation or to comply with the terrorists’ demands. Some key factors that will influence this decision are the following:

- **The cost demanded by the terrorists:** What is the cost demanded by the hostage takers for the release of hostages? Are the claims realistic, limited, or do they require serious concessions from the government which may be impossible to fulfill?
- **Ultimatum:** Have the hostage takers presented an ultimatum to fulfilling its requirements, and how much time is left to fulfill them? What is the assessment of the behavior of the terrorists and how they are expected to behave at the expiration of the ultimatum?
- **Analysis of the terrorists’ attitude towards the hostages:** Is there a real and immediate threat to the safety of the hostages? Is there a danger that requires immediate intervention by the security forces?
- **Internal and external pressure:** In what circumstances would negotiations take place? Is there pressure from family members on the policymakers, and what are the characteristics of this pressure? Does the hostage situation require an immediate solution (due to injuries, for example)? Are there foreign nationals among them, and is external pressure being exerted on decision-makers to find a quick solution for their release, with no casualties among the hostages?
- **Evaluation of the possibility of overpowering the hostage takers by force:** Determining whether there is accurate intelligence on the location of the terrorists and their hostages. Do the security forces have the means, manpower and skills required to accomplish the mission?
- **What is the feasibility and expectation of success or failure of a military-rescue action, and what would success or failure mean in the event’s circumstances?** - Evaluating the chance of success of a military rescue operation, and on the basis of this assessment, examining the cost-benefit balance in cases of success or failure of the rescue operation.

At the end of the initial negotiation, a decision will be made whether to choose a military-rescue takeover operation or to comply with the kidnappers’ demands. Based on this decision, tactical or strategic negotiation will commence.

Tactical negotiation – Is aimed to buy time until the rescue operation is prepared. It is also meant to collect

operational intelligence on the hostage takers, and calm down the hostage takers.

Strategic negotiation – The purpose of strategic negotiations is to obtain the best and most rapid deal possible with the hostage takers or their dispatchers that would lead to the peaceful release of the hostages. At this stage, the negotiation should lead to the reduction of the demands of the terrorists, narrowing down the price which the state is forced to pay for the release of the hostages.

While the model presented appears somewhat static in the division it presents, the reality is that the negotiation approach may evolve dynamically as the incident progresses. In some cases, when circumstances change, or new intelligence is being gathered, the dynamics of the crisis might be changed and tactical negotiations may turn into strategic negotiations and vice versa.

Summary

One of the most complex and problematic types of terror attack are extortion attacks, abductions and hostage barricade situations. These types of attack present decision-makers with difficult ethical and practical dilemmas, the most important one being how to balance the desire to maintain deterrence so terrorist organizations won't carry out similar acts in the future with the need to ensure the safety and rescue of the hostages. Decision-makers are forced to choose between two alternatives, a military rescue operation or compliance with terrorists' demands. This choice is one of the most difficult and problematic dilemmas of counterterrorism because it does, in fact, present the need to choose between the lives of hostages and the lives of future victims who could be harmed due to the release of imprisoned terrorists. This decision is generally made under pressure, both internal and external, and in conditions of great uncertainty (about the situation on the ground, the kidnappers' intentions and the chance of success of an intervention by the security forces). And if that were not enough, the decision must be made in a very short time, and will win negative or positive public feedback, depending on the outcome. In terms of the terrorists, an abduction/extortion attack is likely to be carried out to achieve concrete objectives (release of imprisoned terrorists, ransom, demands for political or operational concessions, etc.), or for publicity and propaganda purposes.

Israel's tough public image as a country that does not surrender to the demands of terrorists has proven, in many cases, to be devoid of a solid foundation. Unlike other areas of counterterrorism warfare, Israel had a declared, though not necessarily written, strategy. This strategy was determined and formulated by former Prime Minister Yitzhak Rabin back in the 1970s with the guiding principle that as long as a military rescue option (however remote and dangerous it may be) exists, it is always to be preferred. In the absence of such an option, the government would negotiate with terrorists and should be prepared to accede to their demands in return for releasing hostages. Analysis of Israel's policy in the area of extortion attacks reveals that in the past, Israel has used a variety of methods to bring these crises to an end, starting with a readiness to give in to terrorist demands, or exerting various types of pressure on terrorist groups and on those who sent the terrorists and the states that support them, to military rescue operations by attack squads.

Israel's consistent policy that a military rescue option is preferable, has led to changes over the years in the characteristics of extortion terrorist attacks carried out by terrorist organizations and has produced a shift from hostage barricade attacks to abduction attacks. Contending with extortionist attacks is no easy feat for any government. Decision-makers have to weigh their options carefully, and decide between a military rescue operation or negotiating with terrorists for a possible release of the hostages.

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