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# RISK FOCUS: KIDNAP AND RANSOM

*Anatomy of West African maritime kidnappings – A guide for seafarers*

**Cover:** Arrested pirates that hijacked the Panama-flagged Maximus vessel in 2016 are handcuffed and shown to the media in Lagos. Nigerian sailors rescued a hijacked oil tanker in a dramatic night-time rescue in which one of the pirates was killed. (Credit: AP Photo/Sunday Alamba)

# Anatomy of West African maritime kidnap – A seafarers' guide

The Gulf of Guinea is currently thought to be the most dangerous region for seafarers. According to a recent report by Oceans Beyond Piracy<sup>1</sup>, the total number of kidnaps for ransom during 2016 in the Gulf of Guinea has already surpassed the total number of incidents recorded by the International Maritime Bureau (IMB) for 2015.

The IMB itself has recorded 10 incidents in the Gulf of Guinea in the first quarter of 2016, and the kidnap of 16 seafarers<sup>2</sup>. Since April 2015, the Merchant Trade Information Sharing Centre for the Gulf of Guinea (MTISC-GoG) recorded 56 incidents in the area and the kidnap of 35 seafarers<sup>3</sup>. The increase in kidnapping for ransom has not occurred out of the blue: in 2014, 16% of attacks in the area involved kidnap for ransom; in 2015 it was 28% of attacks.

The costs of protecting vessels in the region are well known. The attacks on vessels and the kidnapping of seafarers in this region, however, have a further impact on business. Owners and crewing agencies may find it increasingly hard to crew ships in these waters, especially with nationalities that have the appropriate experience, languages and skills set.

This report explains why kidnapping for ransom has increased recently in the Gulf of Guinea, and assesses whether this increase will continue. It describes what



happens during a kidnap, and provides some insight into the training available for shipping companies and crews.

## Observations from Richard Neylon and Mike Ritter of Holman Fenwick Willan (HFW)

HFW's lawyers provide a comprehensive service to the global maritime business community, with over 400 lawyers and 18 Master Mariners worldwide specialising in maritime law.

### **Q. What is the impact of West African piracy on business, operations and finances of a shipowner?**

**A.** The majority of cases this year have lasted around 21-28 days and have involved a payment of a ransom to secure the release of the crew members, although recent cases have taken longer and involved higher payments. In addition to this direct cost, there are the costs of professional consultants, local logistics companies, lawyers, security, medical, repatriation and other ancillary expenses. This can considerably affect the cash flow for a shipowner.

In addition to this, the remaining crew need to be cared for and the shipowner might face delays and expenses whilst the vessel calls into a port of refuge or is subject to an authority investigation, typically resulting in loss of hire. There might also be physical damage to the vessel and her equipment. Handling a kidnap also requires a large investment of time by the shipowners' operations team and management alongside their day-to-day tasks.

More generally, all shipowners face costs arising from the deployment of anti-piracy measures and/or armed guards to combat the problem. N.B. The legality of the use of armed guards in Nigeria is a tricky area on which specific advice should be sought.

**richard.neylon@hfw.com / michael.ritter@hfw.com**

<sup>1</sup> <http://oceansbeyondpiracy.org/publications/gulf-guinea-2016-trends> <sup>2</sup> ICC – IMB Piracy and Armed Robbery Against Ships Report – First Quarter 2016  
<sup>3</sup> As of June 2016 there are significant changes to the reporting mechanism for vessels operating in the Gulf of Guinea area, with the closure of the MTISC-GoG and the opening of the Marine Domain Awareness for Trade – Gulf of Guinea service (MDAT-GoG).



# The political background ashore

Piracy and kidnapping do not happen in a vacuum – there are reasons why so many cases of kidnapping occur in the Gulf of Guinea at the moment.

In terms of maritime kidnap, Nigeria is without doubt the key. Maritime kidnaps sometimes occur outside Nigerian waters, and occasionally abducted seafarers are held outside, or on the margins of, Nigerian territory but there is almost always a significant Nigerian connection. Awareness of the the Nigerian political situation is vital to understanding the kidnap threat in the Gulf of Guinea.

Nigeria currently faces a number of serious threats. Boko Haram is one, mainly in the North and East of the country. The Nigerian armed forces have made heavy weather of tackling Boko Haram, and are still heavily committed. Although the situation has improved militarily in 2015 and so far in 2016, a sustainable political solution is still far off.

In the South, the situation is very different but also far from stable. Until 2009, an insurgency in the Niger Delta was fought against the government, with an organisation called MEND (the Movement for the Emancipation of the Niger Delta) in the forefront. An amnesty was declared by a previous president in 2009. Many weapons were handed in to the authorities but the insurgent groups were never disbanded – indeed, they were given good reason to stay together because the government paid both them and their leaders in return for refraining from violence. The current president, Muhammadu Buhari, wants to break up these groups and he has cut back on some of the lucrative government contracts enjoyed by these gangs and their leaders. The president has also threatened to arrest a leading militant, known as 'Tompson'. The insurgent groups have responded to this threat from the government with an increase in attacks on oil pipelines (with consequent environmental pollution).

In 2016, however, the situation has become even more complicated. Newly formed insurgent groups, such as the Niger Delta Avengers, have attacked groups of police and soldiers in a direct challenge to the state and have warned some foreign oil companies to leave the area. Some analysts believe that the Niger Delta Avengers are challenging not only the government, but also the established insurgent groups such as Tompolo's, who they believe have reached unpublicised agreements with the government. There is clearly money and training behind the Niger Delta Avengers but it is not yet clear who, if anyone, is supporting and sponsoring them. The advent this month of even newer groups such as the Asawana Deadly Force of the Niger Delta underlies the scale of the challenge facing the government. It is thought that northern politicians

exploited the Boko Haram movement to destabilise the previous Nigerian president, and it is likely that some southern politicians are similarly exploiting this situation for their own political ends.

Some separatist groups exist in southern Nigeria, and there is frequent talk of a renewal of Biafran activism<sup>4</sup>. There may be a nascent link between some Niger Delta insurgents and Biafran activists, but there is no known link between the kidnaps of seafarers in the Gulf of Guinea and Biafran political activists. So far, all kidnaps have been undertaken exclusively for financial gain, and there have been no political demands made for the return of kidnapped seafarers in this area.

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There may be two other reasons why kidnapping has increased in late 2015 and 2016. Improved naval patrolling (by the Nigerian and other littoral navies) may have made cargo theft more difficult and dangerous. Cargo theft, particularly of large amounts of refined oil products, takes time and so criminals have moved to a crime which takes less time on vessels and leaves them less exposed to naval patrols, i.e., the kidnap for ransom of ships' crews. In addition, it may be that for the time being, the drop in oil prices has made oil theft a less lucrative proposition than kidnap for ransom.

Looking to the future, a rapprochement between the federal government and the insurgent group leaders appears unlikely, particularly given that the current state of lawlessness suits the agenda of a number of political leaders. It is possible that the Niger Delta insurgency may resume in earnest, and the criminal kidnap gangs may be joined, and possibly co-opted, by kidnap gangs run by the insurgents, as was often the case before 2009.

<sup>4</sup> The Biafran war took place from 1967-1970, when the Nigerian state countered Igbo tribal separatist demands. Widespread famine was one of the consequences.



Arrested pirates that hijacked the Panama-flagged Maximus vessel in 2016 are handcuffed and shown to the media in Lagos. Nigerian sailors rescued a hijacked oil tanker in a dramatic night-time rescue in which one of the pirates was killed. (Credit: AP Photo/Sunday Alamba)

## Who are the kidnappers?

Kidnap gangs do not appear to be linked to the Delta's insurgent groups, although they thrive in an environment where law and order is all but absent, and are motivated by money rather than politics.

The organisation of Delta kidnap gangs varies enormously. Sometimes the leader is involved in the abduction and is very much present during captivity and negotiation – some kidnapper negotiators, for instance, appear also to be the leader of the group and do not refer to a senior person for important decisions. Other negotiators, however, have to wait for important decisions from shadowy figures, who rarely, if ever, appear.

Some of the gangs have at least 60 members, with some of the guards coming from as far away as Lagos. Most guards speak some English, even if it can be very difficult to understand. The discipline of gangs varies: guards often have access to both alcohol and drugs with predictable consequences. On the other hand, some ex-hostages have told of severe beatings meted out to guards caught, for instance, asleep at their sentry post.

Nigerian maritime kidnap gangs are thought to hold their hostages in all the Delta states, from Delta to Cross River and, on occasions, into the Cameroonian zone of Bakassi to the east of Cross River state.



# What happens during a kidnap?

Kidnap abductions are always dangerous, and those in the Gulf of Guinea are no exception. The kidnapers often fire their weapons at and around the bridge in order to intimidate the crew, and a number of crew members have been killed or badly injured during such abductions.

There are signs that some Niger Delta gangs may be increasingly well drilled and organised. After a recent abduction, crew noted that the attackers were so well drilled that their leaders did not have to shout orders. The kidnapers use very fast speedboats (on a recent case, with two 200 horsepower engines) and board the vessel before the crew has time to react. In a number of recent cases, kidnapers have selected hostages from among the crew, preferring non-African to African hostages. Kidnapers appear to believe that the whiter the skin, the higher the ransom they will gain, so they will generally take the lightest-skinned hostages available. Nigerian and other African seafarers are often kidnapped, for instance off the many oil supply services vessels in the area, but the ransoms paid for them are generally much lower. Kidnapers will take quite large numbers of hostages, with six Turkish seafarers recently taken in one event. In another recent incident, four hostages were forced off their vessel into the kidnapers' speedboat, only to find that there were four hostages from two other vessels were already on board. The kidnapers will also take the opportunity to steal cash, mobiles, satellite phones and computers from the vessel, but most abductions now take no more than 20-30 minutes.

The kidnapers leave as quickly as possible. The journey to where they hold their victims can take three or four hours or more. As the speedboat reaches the coast and enters one of the rivers, the pirates make the hostages wear coats with hoods in order to conceal their identity not only from the authorities but, possibly more importantly, from other gangs who might try to steal the hostages from them.

## Captivity

The conditions in which seafarers are held by West African kidnapers are poor. Torture or deliberate, prolonged physical maltreatment is rare, although most kidnap victims will suffer the occasional slap or jab with a rifle butt. The major threat comes from the highly unhygienic conditions.

The camps in which hostages are held vary, but most are in very swampy areas some way from any settlements except very small jungle hamlets. The jungle is extremely thick, and the land is low, very muddy and often awash with tidal water. Mosquitoes and other insects are a constant presence, and snakes are commonly seen. Often, hostages are 'housed' in wooden sheds with corrugated roofs, but with gaps between roof and wall. Hostages sleep on mattresses, sometimes with two people to a single mattress. Food is often in short

supply, and consists mostly of rice and noodles, sometimes with eggs. Water is occasionally brought in bottles from shops. The poor hygiene can lead quickly to ill health, with many kidnap victims suffering episodes of diarrhoea and vomiting while in captivity.

Bites from insects are constant and often lead to infections and illness both during captivity and afterwards. One doctor based in the Niger Delta, who conducts medical checks on released hostages, estimated that 60-70% of hostages develop malaria during or after captivity.

Fortunately, seafarers taken captive do normally survive. There has been one documented death during the abduction of crew from vessels in the Gulf of Guinea but, as far as is known, there have been no fatalities arising from the period of captivity of hostages.

Ironically, the unhygienic conditions may act as a brake on the duration of kidnaps. The kidnapers are very aware of the impact of these conditions on their hostages and they likely understand that it is not in their interests to have seriously ill hostages on their hands – it does not suit their business model.

Another factor that may impact on kidnap duration in the Delta is the weather. There are two times of particularly

## HFW comment

**Q. How many seafarers have been killed, injured or suffered illness as a result of a kidnap?**

**A.** Fortunately, instances of serious physical harm are rare, but the dangers are very real. We have been involved in cases where crew have been shot – in some cases by accident, and in one case a crew member was deliberately stabbed by the pirates in an apparent attempt to assert their authority and instil fear.

The biggest health impacts are often: (i) instances of malaria and other serious ailments among those taken ashore; and (ii) the mental impact of an attack and kidnap, both on those taken from the vessel and also those crew that narrowly escaped being kidnapped and were left on board – it is important not to overlook this latter group who may suffer from anxiety, flashbacks and other mental health issues.

heavy rainfall – the first and longest begins around March, continues until the end of July, and peaks in June. There is a dry period in August followed by the second and shorter rainy season that starts in early September and continues to mid-October, normally peaking at the end of September. There is then a long dry season until early March. Pirate leaders have said to hostages that they wanted to end the kidnap and release them before the heavy rainfall occurs. The kidnapers generally share the conditions in which the hostages are held, and it seems that they are sometimes not keen to hold hostages during sustained rainy periods if they can avoid it. Kidnaps do occur during these periods, but there may be a slight reduction.

**Kidnap durations in the region vary, the majority lasting three to four weeks, the longest being around six weeks, and the shortest, two weeks.**

Escape has not yet, as far as is known, been an option taken by kidnapped seafarers held in the Niger Delta. The nature of the countryside makes escape an extremely difficult, if not impossible, option. Armed rescue by Nigerian armed forces has occurred in the Delta area on occasion in the past, but it is an approach that puts the hostages in very grave danger. The odds of hostages surviving an armed rescue in such an environment are not good.

Most ex-hostages say that their kidnapers appear less worried by the threat of intervention from the armed forces than from attempts by other criminal gangs to 'steal' the hostages in order to conduct their own negotiation. Kidnap gangs in Nigeria are usually very well armed with automatic rifles, light machine guns and rocket-propelled grenades. Some gangs are well drilled, with regular practices for the actions they would take if an enemy were to attack them by day or night. Hostages are sometimes made to move to new positions at night in order to confuse potential enemies.

Kidnap durations in the region vary, the majority lasting three to four weeks, the longest being around six weeks, and the shortest, two weeks. There are indications that some kidnap gangs are improving their infrastructure to be able to hold more captives for longer. On a recent case, hostages saw that the gang, which was holding them and two other crews in small huts, was building a house which, when constructed, would probably contain 15-20 rooms. Terra Firma has noted an increased confidence and 'market awareness' in some pirate negotiators. Given the lack of law and order in the rural Delta, and the unstable political situation placing heavy demands upon government security forces, it seems unlikely that the kidnapers have much to fear from the Nigerian authorities. The conditions are set for the kidnapers to scale up their business model.

### **Negotiations, release and recovery**

In most parts of the world, it is true to say that the two most dangerous times during a kidnap are the initial abduction, when attackers are scared and hyped up and anticipating possible resistance, and the end, when kidnapers are tired and nervous and expectant. This is,







to a large extent, true in West Africa, although the threat to health, the varied discipline of guards and their access to alcohol and drugs, make captivity in this region a particularly unpredictable affair.

Hostages are usually released into the care of specialist teams who meet the hostages and kidnapers in the creeks of the Delta. This is dangerous and demanding work, and the teams escort the hostages (sometimes with the kidnapers also providing protection) to a place of safety. As soon as the hostages are in a safe place, they are given a medical check-up and all that they need in terms of good food, washing facilities and

new clothes. They are moved to Lagos as soon as they are ready and fit to travel, where they are further looked after before being flown home. Once the hostages reach their home countries, they can be given any aftercare they might need.

Overall, while one should not underplay the discomfort and dangers of being kidnapped from a vessel in the Gulf of Guinea, and the profound effect it has on the lives of hostages and their families. It is important to acknowledge that the vast majority of crew taken hostage in the area do survive the ordeal, and many return to work at sea.

## HFW's experience

**Q. How can the impact of a kidnap on the crew be best managed?**

**A.** As well as assisting during the period of the kidnap, one important area where a response consultant and lawyer can assist is with the immediate post release. Often, how the crew and their family are supported in the immediate aftermath is a key factor in allowing the crew to recover from their ordeal. The crew should be given the support they need. In addition to dealing with their medical and welfare needs, this also means providing the necessary psychological support together with a clear explanation of the efforts the shipowners went to to secure the crew's release, and listening to the crew's worries and issues. We often recommend a trained

psychologist joins any debrief team. Nevertheless, some may never return to sea.

Often a key concern of the crew is future employment and payment of wages during the period of captivity, as well as compensation for any personal belongings stolen by the pirates. Dealing with these issues promptly and effectively is a good way to minimise any feeling of animosity towards the owners, as well as the crew's suffering. Prudent management of the release, repatriation and post incident support will benefit both crew, shipowners and underwriters. Indeed, in many cases the entire crew have returned to sea with the same company, with the confidence that, having been supported through the toughest of times, the company will continue to act in their best interests.



# How companies can prepare for the kidnap of crew off West Africa

Companies should make sure that they are adequately insured:

## Hellenic War Risks

Most vessels trading to West Africa will have war risks insurance in place and owners may wish to make enquiries of their war risks insurer as to what response would be provided in the event of a crew kidnapping. Hellenic War Risks, which provides war risks insurance to around 70% of the Greek merchant fleet, has extensive experience of incidents occurring in this region including crew kidnappings. Although its ransom cover is discretionary, the Hellenic's Directors have always responded positively to owners' requests for ransoms to be reimbursed in West African kidnapping cases, as was also the case with the Somali piracy cases the Hellenic incurred from 2008-2012, where it is legal for them to make such a reimbursement. The Hellenic, as a matter of course, has also always appointed specialist kidnap response firms to assist owners in ransom negotiations.

## UK War Risks

UK War Risks, also managed by Thomas Miller, is an A-rated specialist war risks insurer, protecting international merchant ships against malicious loss or damage by a third party, anywhere in the world. Members are reassured that if they have an incident – be it a terrorist attack in the Gulf, sabotage off the coast of Africa or damage caused by activists or civil strife, proactive support will be provided, backed by the Managers' expertise in handling such incidents. The Club provides cover to a huge range of vessels. They range from simple tugs to very large LNG carriers, from specialised hydrographic survey ships to international cruise ships. The Club aims to provide world class standards of cover and service at highly competitive rates to all its Members, whether large or small. The Club is a separate entity from the UK P&I Club and has its own Board of Directors, reserves and management team. Applications for entry are welcome, regardless of flag, ownership or management and/or P&I insurer.

## UK P&I Club

The UK Club's Loss Prevention department provides practical guidance to Members in relation to piracy in West Africa.

The following are practical tips to Members on how to avoid incidents with West African pirates:

1. The ship should be operating at a heightened state of security throughout, including additional watch-keeping, roving patrols and fire hoses rigged at the railings;



outside doors of the accommodation closed and locked from the inside and temporary barriers erected around the outside stairwells – risk of attack is particularly high when the ship is at anchor or is drifting off a port e.g., close to pilot station or when carrying out Ship-to-Ship (STS) transfer operations.

2. For the purposes of identifying suitable measures of prevention, mitigation and recovery in case of piracy, it is imperative that a ship and voyage-specific risk assessment is performed well in advance as recommended in Section 3 of the Best Management Practices Version 4 (BMP4).
3. Limit the use of lighting at night and reduce the power or turn off the Automatic Identification System (AIS). However, local laws regulating the operation of AIS should be considered and AIS should be reactivated immediately in the event of the ship being attacked.
4. Review and Comply with Guidelines for Owners, Operators and Masters for Protection against Piracy in the Gulf of Guinea Region, to be read in conjunction with BMP4.
5. Careful planning is important and procedures outlined in Section 6 of BMP4 should be followed. Where a vessel is on a regular rotation or at anchorage / conducting STS operations over a prolonged period, particular care should be taken to limit external communications with third parties.
6. Regular reporting to Marine Domain Awareness for Trade – Gulf of Guinea service (MDAT-GoG) while operating within the Voluntary Reporting Area (VRA), which is shown on Admiralty chart Q6114.



7. In the event of any Members considering the use of armed guards, seek the Club's advice, as this is closely regulated by the West African authorities. A number of vessels this year have been detained in Nigeria, simply for having security consultants on board (whether armed or unarmed).

### Kidnap response management

An important aspect is to ensure that the company has access to experienced and professional advice on kidnap response management from a company. Owners can make serious mistakes with potentially dire human and financial consequences if they attempt to negotiate with kidnapers on their own, or if they engage advisers who do not have the requisite experience and expertise.

## Owners can make serious mistakes with potentially dire human and financial consequences if they attempt to negotiate with kidnapers on their own

Terra Firma provides bespoke training for Owners, shipping management, CSOs and crewmembers going to West Africa. This training focuses on:

- Ensuring that crews understand the risks of kidnap in this region (dispelling wild rumour) but giving them the confidence that, should a kidnap occur, their management is well prepared and professionally advised
- Giving seafarers the tools and information so they know how best to survive the ordeal if they are kidnapped
- Giving shipping companies the information and tools so that they are in the best possible position to respond to a kidnap and to recover from such a crisis with their reputation amongst crews and their standing in the industry enhanced.

### Training for crews

It is important that training for crews cover more than just kidnap survival. Crew confidence will be enhanced if, before they depart for their voyage, they are able to discuss the threat with their families accurately and honestly, without allowing the families to fall victim to rumour. They should be able to discuss with their family what the family should do if they are kidnapped, and what it should not do. For example, a wife with children might plan to move to her parents during the duration of a kidnap, so that she and the children get the support they need. Families should be persuaded to continue their normal life as far as possible and to have confidence that the company will do all it can to

negotiate a release of the hostages as soon as possible. Seafarers should persuade their families not to answer any calls from the kidnapers – doing so is likely simply to extend the duration of the kidnap and make the company's negotiation more difficult.

Most released hostages say that one of their biggest concerns during a kidnap was that their family was being looked after and the family should not be too worried about them. Training ensures that seafarers will have confidence that the company will look after the family, and they will take comfort from the knowledge that their family will be coping as best as possible with the stress.

Training seafarers, if they are kidnapped, to behave in a way most likely to ensure their safety and their quick release. For instance, it is always advisable that hostages do not let themselves become involved in negotiations.

### Training for companies

Seafarers in Gulf of Guinea waters should be young enough and fit enough, not only for the voyage but also for a possible kidnap. If seafarers take medicines regularly they should carry a stock of medicines on them at all times, even when working on deck. Companies might also consider positioning anti-insect repellent and lightweight mosquito nets on the bridge or on deck so that crew, if taken hostage, can try to take them with them as they are forced to leave the vessel. There is no guarantee that the kidnapers won't steal such items, of course.

With the right training, companies can prepare their crisis management teams and communicators in case of a kidnap. They can ensure that they have up-to-date knowledge and workable policies, and the right people in the right places, both at sea and onshore, to respond in the best possible way. Good preparation often means that a company recovers more quickly and more completely than would otherwise be the case.

### HFw's view

#### Q. How can good preparation and response help a company manage and recover from a kidnap scenario?

A. In addition to the immense physical and mental toll on the kidnapped crew, it is a stressful time for the crew's families and the shipowners. If the shipowner has a tested response procedure and designated 'crisis management' process, and takes appropriate professional advice from those who have handled such cases before, this can help alleviate some of this pressure. Further appropriate 'post incident' management can minimise the financial and operational impact, as well as ensuring the crew are appropriately looked after. Shipowners should also examine their insurance policies very carefully to ensure that the financial expenses and liabilities that they might be exposed to (as above) are covered.

# What is likely to happen next?

The threat of kidnap in the Gulf of Guinea is unlikely to disappear or decrease significantly in the next year or so. Indeed, the political situation is likely to worsen before it gets better.

A return to full-scale insurgency, or something approaching it, could increase levels of violence and disruption significantly. There are indications that some of the kidnapers have enough belief in their business model that they are increasing their logistical capacity to take in and hold more hostages, and possibly for longer than is now normally the case. There are also signs that, like the Somali pirates that preceded them, their understanding of the 'kidnap market' is evolving – in other words, they may be able to target their attacks with greater precision and demand higher ransoms.

Shipping companies will need not only to protect their vessels but also to ensure that they can still attract high-quality officers and crews willing to sail in the area. This means that crews must understand but not overestimate the risks, and that they and their families are mentally and physically prepared for an incident. Seafarers should understand how best to look after themselves and their fellows if they are kidnapped. Companies must be able to demonstrate that they take their duty of care seriously, and that they will be able to act professionally if a kidnap does occur.



Nigerian special forces training with US sailors to combat the increasingly violent pirate attacks along the West African coast. The 530 miles (853 kilometres) of Nigerian coastline is a lucrative target for pirates. Energy company vessels crowd the waters off the oil-rich Niger Delta, which provides the US with one of its top sources of crude oil for gasoline. (Credit: AP Photo/Jon Gambrell )