HOW TO COMBAT
HIJACKING

By
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'These criminal acts of hijacking planes, of detaining passengers and even of blowing up aircraft and of the detention of passengers in transit from commercial airlines are most deplorable and must be condemned. However understandable and even justifiable some of the grievances of the perpetrators may be, their acts are savage and inhuman. It is high time that the international community through the appropriate agencies and organisations adopt prompt and effective measures to put a stop to this return to the law of the jungle.'

(United Nations Secretary-General U. Thant, answering correspondents' questions as he entered the U.N. Building on 8 September 1970)

'The very first essential for success is a perpetually constant and regular employment of violence.'

(Hitler, *Mein Kampf*)

'Qu'importe les victimes si le geste est beau.'

(Comment of Laurent Tailhade on the bombing of the Chamber of Deputies by an anarchist)

'It's the civilians that suffer . . . shot in the back to save the British Empire, an' shot in the breast to save the soul of Ireland. I'm a Nationalist meself, right enough . . . but I draw the line when I hear the gunmen blowin' about dyin' for the people, when it's the people that are dyin' for the gunmen!'

(Sean O'Casey in his play *The Shadow of a Gunman*)

'Our task is terrible, total, inexorable and universal destruction.'

(Sergei Nechayeff, *The Revolutionary Catechism*)

States have a duty . . . 'neither to encourage nor to tolerate on . . . (their) . . . territory any terroristic activity with a political purpose . . .'

(Council of League of Nations Resolution of 10 December 1934)

HIJACKING CAN BE STOPPED

Hijacking can be stopped. The taking of hostages can be prevented. And this can be accomplished without necessarily stifling all legitimate expressions of political protest or repressing all action for social change.

Like all crime, hijacking is not simply a problem for the police or security forces. It is a community problem and the world community needs the will to act decisively. It already has all the justification it needs in the Universal Declaration of Human Rights — if this means anything at all.

Ordinary people the world over expect at least this minimum of protection when they travel.

Instead they have received so far from their governments and the international agencies

- a number of ineffectual conventions and agreements
- a surfeit of political double talk
- a growing sense of failure and impotence.

Therefore the hijackings increase, because hijacking works and hijackers, whether politically or criminally inspired, have transnationalised whilst Ministries of Justice and the Interior have not.

In reality the public demand for a solution has been timorous. It has not yet reached governments and international agencies with sufficient vigour. If ministers, diplomats and senior officials of international secretariats were as inundated with letters, cables and copies of organised petitions and resolutions on the subject of hijacking as they are accustomed to receiving from all kinds of special interest groups on a variety of other issues, they could be

- strengthened in their resolve to get action on hijacking
- reinforced in their conviction of serving public demand
- helped in their efforts to obtain priority consideration for hijacking on their agendas and programmes of action

Moreover, if the terrorists themselves were to feel this cold blast of public concern and indignant condemnation, they might, at least in some cases, review their calculations of the costs and benefits.

Not to be more resolute in mounting action on this international problem is to foster

- Increased boldness and risk-taking by the hijackers with ultimate nuclear implications.
- A slow descent into political chaos with skirmishes like Entebbe and Mogadishu multiplying and instigating local wars.
- A dangerous environment conducive not only to political or criminal adventure but to ruthless ego indulgences by the mentally disturbed.

BACKGROUND

The first recorded hijackings of aircraft took place in Peru in 1931 during the course of a civil war. On Saturday 21 February 1931 a Pan-American plane was seized by rebel forces as it landed at Arequipa. Two days later a plane of the Faucett Aviation Company was similarly seized by rebel forces when it landed at Piura. There were no casualties and both planes were eventually released.

Between 1948 and 1950 there were 17 hijackings of aircraft — usually by persons seeking to escape from Eastern European countries to the West. Sometimes the pilots themselves diverted the aircraft. For instance, in 1951 Ivo Kavic and two accomplices in a DC3 of JAT the Yugoslav airline en route from Ljubljana to Belgrade flew instead to Zurich. They were given political asylum. When Castro seized power in Cuba the same pattern of political escape by commandeering aircraft was transferred to the New World.

Then the traffic of hijackings switched direction and the number of American planes hijacked to Cuba increased and multiplied. It also widened internationally when on 9 August 1961 Pan-American flight

501 between Mexico City and Guatemala City with 81 passengers including the Columbian Minister of Foreign Affairs was hijacked and taken to Cuba by Albert-Charles Cadon as a reprisal for American intervention in the Algerian conflict. Columbia had 13 hijackings of its planes to Cuba up to September 1969. After the hijacking of Moise Tschombe's private charter to Algeria in 1967, there were other seizures of planes which were taken to the Arab countries. Also there were hijackings of Greek planes — notably that of 16 August 1969 when Dr. Tsironis, his wife and daughters diverted an Olympic Airlines DC3 to Albania.

Dr. Tsironis eventually made his way to Sweden where he was accorded political asylum. In October that year Knut Hammarskjold, Director-General of the International Civil Aviation Organisation warned that:

'As long as the authors of illegal hijackings and armed attack do not have to expect any sanction we will have to expect a continuation of these misdeeds.'

In general, the passengers of these planes, though gravely inconvenienced, were not usually used as hostages and were freed when the planes landed at the required destination. Nevertheless, the United Nations General Assembly in its Resolution 2645 (XXV) of 25 November 1970 recognised that acts of aerial hijacking or other wrongful interference with civil air travel jeopardised the lives and safety of passengers and crew and that this constituted a violation of their human rights.

As hijackings increased, as political causes were intermingled with direct criminal attacks for gain and as individual acts of violence towards aircraft crew and passengers were committed by the mentally disturbed, the number of international instruments increased notably.

These included:

- The Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September 1963.
- The Convention for the Suppression of Unlawful Seizure of Aircraft signed at the Hague on 16 December 1970.
- The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation signed at Montreal on 23 September 1971.

Not all these conventions, ultimately aimed at imposing an 'extradite-or-prosecute' obligation on signatory states, were in fact ratified by the authorities or the states concerned. And, if ratified, they were not always implemented. As the hijackings continued and the use of crew and passengers as hostages increased, the ineffectiveness of the conventions was repeatedly demonstrated.

Finally, after the events at Mogadishu and the action taken by the International Federation of Airline Pilots Associations in calling a world-wide airstrike if the United Nations did not act, the 56th plenary meeting of the Thirty-Second United Nations General Assembly on 3 November 1977 adopted another resolution on the Safety of International Civil Aviation. Reaffirming its condemnation of acts of aerial hijacking, it

- Calls upon all states to take all necessary steps to prevent such acts, including the improvement of security arrangements at airports or by airlines as well as the exchange of relevant information.
- Appeals to all states which have not yet become parties to the above three Conventions to give urgent consideration to ratifying or acceding to those conventions.
- Calls upon the International Civil Aviation Organisation to undertake urgently further efforts with a view to ensuring the security of air travel and preventing the recurrence of the acts mentioned.
- Appeals to all governments to make serious studies of the abnormal situation related to hijacking.

WHAT IS STILL NEEDED

Conventions are instruments of international law and as such are not to be under-estimated. They have a morally persuasive effect even when honoured in the breach. The agreement between the United States and Cuba has practically eliminated hijackings which were becoming absurdly routine. But conventions must be ratified and implemented. Therefore:

1. The Secretary-General of the United Nations should be required by states to report to the General-Assembly annually on the exact position as regards ratification and implementation of all hijacking conventions. He should be authorised to seek this information formally from each state. The need to report regularly on one's shortcomings is a morally effective technique. Such reports should be given the same coverage by the media as is given to incidents of hijacking now.

2. The public denunciation of hijacking should be maintained with airlines and aircrew taking the initiative. Regular conferences and public meetings should keep resolutions flowing to all the relevant international agencies.

3. Airlines should combine to blacklist countries which have consistently failed to take action — or which have conspired with hijackers. The International Federation of Airline Pilots Associations should call upon its members to refuse to fly to such countries. In this they should be supported by the unions and associations of other members of air crews and ground personnel. Ground personnel could refuse to service aircraft of the black listed state.

4. The United Nations should provide for Ministers of Justice and Ministers of the Interior the same structural organisation which they now provide for Ministers of Health, Education, Industry, Labour, Posts and Telegraphs, etc. That is to say there should be a specialised U.N. agency for crime prevention with a special unit for hijacking.

5. Interpol should amend its constitution which excludes its involvement in political questions to permit its full services to be available in all cases of hijacking of civilian passenger planes. For this specific purpose too, countries which for ideological reasons are not members of Interpol should be invited to join — or to cooperate at least in times of emergency.

6. The cooperation of the media should be sought to apply, at the request of the appropriate international agency, a news embargo on incidents of hijacking where it seems clear that publicity serves the objectives of the hijackers.

   If necessary a special emergency unit, staffed by the newsagencies themselves, could be set up to make the necessary decisions in consultation with the responsible authorities.

7. States should agree, within or apart from the conventions, to deny political asylum to any person or group of persons who have hijacked a civilian airline endangering its passengers as a means of escape. This includes states to which they may move after landing in another country.

8. State laws should, where necessary, be amended to permit them to deal with any hijacking offence committed by one of their nationals either extraterritorially or territorially and by any person of any nationality within their air space.

9. States, via the United Nations, should reconsider the draft convention for the creation of an international criminal court which was adopted by an international conference convened by the League of Nations from 1 to 16 November 1937. This convention was opened for signature on 16 November 1937 and was signed by 13 states including France and the Soviet Union. A state which did not wish to deal with any offence defined by the Convention for the Prevention and Repression of Terrorism (of the same year) by

means of extradition or prosecution under its own law had the alternative of referring it to the proposed international court.

10. The United Nations has now defined 'aggression'. It should therefore be possible to re-activate consideration of a draft code of offences against the peace and security of mankind prepared in 1954 by the International Law Commission. The code would define offences like hijacking as offences to be dealt with by extradition or prosecution and denied 'political' status. It could also define offences to be dealt with by the international criminal court.

11. The United Nations might give consideration to establishing an international prison for international offenders convicted by the international court. This could be developed as a form of institutionalised exile or sanctuary. It might be difficult to realise, but it would take the pressure off state governments whilst reducing the need for a death penalty for terrorists to avoid their demanded release becoming a motive for hijacking and holding hostages.

12. Research could be stepped up both criminologically, psychologically and in aeronautical techniques to improve measures for preventing or frustrating hijackers. This should include improved research and training in police countermeasures.

13. The United Nations, via the specialised agency for Ministers of Justice and the Interior proposed at 4 above could:
    (a) foster coordinated action between intergovernmental organisations like Interpol and its socialist country counterparts. Exchanges of prisoners, extradition agreements and the dovetailing of administrative controls and preventive measures could be dealt with at this level
    (b) foster non-governmental agency cooperation between voluntary organisations with interests in this field
    (c) foster more effective professional and technical cooperation between law enforcement agencies
    (d) foster greater cooperation in the prevention of hijacking between regional organisations of states like the Organisation for African Unity, the Organisation of American States, the League of Arab States, the Council of Europe and the Warsaw Pact countries
    (e) provide more effective technical assistance to the countries needing to develop better preventative measures in their own countries
    (f) provide a cooperative security branch to deal with emergencies by inter-state cooperation so that dramatic rescues like those at Entebbe and Mogadishu would be a last resort and when necessary would be undertaken with international backing to reduce the possibility of local conflicts developing out of them.

This list is not exhaustive. It can be augmented by the machinery which each state is already developing to prevent hijackings and to deal with them when they occur. Other initiatives will develop if only fifty per cent of these recommendations are implemented. Furthermore, to keep the element of surprise in counter-measures, some of the available security options may need to be secret.

But with a combination of these arrangements, hijacking can be prevented — if the world community really wants to prevent it!

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