

Hostage-taking as torture: Alice Edwards' report to the UN Human Rights Council

Berta Soley and Pau Pérez-Sales

The report A/HRC/58/55 entitled *Torture and other cruel, inhuman or degrading treatment or punishment: hostage-taking as torture*, prepared by the United Nations Special Rapporteur on Torture, Alice Jill Edwards, was submitted to the Human Rights Council in its fifty-eighth session¹ (24 February–4 April 2025).

The report addresses the phenomenon of hostage-taking through the lens of the absolute prohibition of torture. It aims to reinforce international legal frameworks, raise awareness of the psychological and physical harms associated with hostage-taking, and provide recommendations for States, non-State actors, and international bodies (Edwards, 2025).

Conceptual framework and legal foundations

The Special Rapporteur's report situates hostage-taking within the broader context of international human rights and humanitarian law, asserting that hostage-taking, regardless of whether committed by State or non-State actors, constitutes a violation of the prohibition of torture and other ill-treatment. The report affirms that this practice, which may be employed for political, military, or economic leverage, almost invariably includes elements of psychological and physical torture (Edwards, 2025, paras. 10–15).

The legal basis for considering hostage-taking as a form of torture is founded in several international instruments. The report draws upon the International Convention against the Taking of Hostages, the Geneva Conventions and their Additional Protocols, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It notes the *jus cogens* nature of the prohibition against torture and emphasises that even lawful detention may become hostage-taking if the intent to leverage concessions develops (Edwards, 2025, paras. 32–45).

Furthermore, the SRT asserts that hostage-taking may constitute a crime against humanity when conducted as part of a widespread or systematic attack on civilian populations, referencing jurisprudence from the International Criminal Tribunal

for the former Yugoslavia (ICTY) (Edwards, 2025, para. 45). The Special Rapporteur calls for the explicit inclusion of hostage-taking in the draft articles on the prevention and punishment of crimes against humanity.

Global trends and illustrative case studies

The report tracks the evolution and increasing prevalence of hostage-taking over the past five decades, emphasising both high-profile incidents and numerous underreported cases (Edwards, 2025, paras. 20–30). Non-state actors have historically used hostage-taking as a tactic of political violence and terror, with examples such as the 1979 Iran hostage crisis and kidnappings by FARC in Colombia demonstrating prolonged strategic detentions. In more recent decades, jihadist organisations like Daesh and Boko Haram have abducted hundreds of civilians, including women and children, to negotiate for prisoner releases or exert ideological pressure.

One of the most significant hostage-taking incidents in recent years occurred on 7 October 2023, when Hamas abducted 251 individuals inside Israel, including more than 20 foreign nationals, and transferred them to Gaza. At the time of reporting, over 100 hostages remained unaccounted for, including women, older persons, two infants, and soldiers. The Special Rapporteur unequivocally condemned these acts and called for their immediate and unconditional release. The report documents credible evidence that many hostages were held underground for extended periods under inhumane conditions that may amount to torture, while there were also credible allegations of sexual aggression against female hostages (Edwards, 2025, para. 27).

At the same time, the phenomenon of State hostage-taking has expanded. The report documents practices in States such as Iran, China, and the Russian Federation, where foreign nationals are allegedly detained under spurious charges to gain diplomatic leverage. In Ukraine, Russia has reportedly detained over 15,000 civilians and abducted children, with implications that could meet the threshold for war crimes and crimes against humanity (Edwards, 2025, para. 30).

These examples reveal a disturbing pattern of politicised arrests and detentions and the strategic use of civilians as bargaining chips. The report highlights the psychological terror experienced not only by hostages but also by their families and communities.

Legal classification of hostage-taking as torture

The Special Rapporteur underscores the absolute prohibition of torture under international law and asserts that hostage-taking almost invariably satisfies the definitional criteria of torture

¹ Edwards, A. J. (2025). Torture and other cruel, inhuman or degrading treatment or punishment: hostage-taking as torture (A/HRC/58/55). United Nations Human Rights Council. <https://www.ohchr.org>

or cruel, inhuman or degrading treatment. Victims face physical assault, mock executions, deprivation of liberty and contact, and mental trauma, including anxiety, despair, and a profound loss of agency (Edwards, 2025, paras. 51–57).

Hostage-taking involves specific psychological harms that parallel or exceed other forms of torture. The experience of disorientation, isolation, and terror—often without clear timelines or means of redress—produces what Edwards describes as ‘concentric circles of psychological torture’, extending to families and entire communities (Edwards, 2025, paras. 61–64).

Moreover, in situations of armed conflict, the report highlights that hostage-taking may qualify as a war crime or crime against humanity under international law, even when applied to soldiers or prisoners of war. The deprivation of medical care, use of forced confessions, and public humiliation further constitute violations of the Geneva Conventions.

Impacts on victims and families

The Special Rapporteur devotes substantial attention to the extensive psychological, physical, and socioeconomic impacts of hostage-taking on both victims and their families. Hostages often endure severe trauma, including post-traumatic stress disorder, chronic anxiety, sleep disorders, depression, and somatic conditions caused by confinement and abuse (Edwards, 2025, para. 60–62).

Notably, the report highlights the ‘cascading trauma effect’ that extends beyond the immediate victim. Families often suffer emotional distress, economic hardship, and social isolation during the hostage ordeal. The uncertainty of their loved ones’ fate, the lack of communication, and the moral weight of the negotiations deepen their psychological burdens. In cases involving enforced disappearances or lack of proof of life, relatives may experience what Edwards terms ‘ambiguous loss’, a condition that generates lasting grief and psychological disorientation (Edwards, 2025, para. 74).

Children are identified as particularly vulnerable, whether taken hostage themselves or affected as dependents. The report emphasises the need for child-specific protection measures aligned with the Convention on the Rights of the Child.

Institutional responses and state obligations

States have a legal obligation to prevent hostage-taking, prosecute perpetrators, and ensure redress and rehabilitation for victims and survivors. Under Article 14 of the Convention against Torture, rehabilitation must be holistic and accessible, including medical, psychological, legal, and economic support (Edwards, 2025, para. 66–68).

The report advocates for national mechanisms such as dedicated hostage affairs offices or special envoys—highlighting models in the United States and Canada—as good practices (Edwards, 2025, para. 75). These offices should coordinate victim support, communicate clearly with families, and ensure consular protection. Legal frameworks must also formally recognise relatives as secondary victims entitled to assistance.

The Special Rapporteur emphasises that recovery must be long-term and include financial compensation, career support, and reintegration programs. She also calls for measures to combat victim-blaming and stigma through public education campaigns.

Recommendations and international actions

The final section of the report presents a comprehensive set of recommendations for States, United Nations bodies, and non-state actors. States are urged to criminalise all forms of hostage-taking, recognise it as torture, and coordinate efforts to detect, prevent, and respond to hostage-taking in both State-to-State and non-State contexts (Edwards, 2025, para. 87–88).

The Special Rapporteur advocates for increased collaboration through mechanisms like the Declaration against Arbitrary Detention in State-to-State Relations and proposes the appointment of a United Nations Special Representative on Hostage-Taking. She also recommends the creation of a global fund for hostage support. She encourages international courts, such as the ICC, to prosecute hostage-taking as a standalone crime and as torture when applicable (Edwards, 2025, para. 88–90).

Non-state actors are explicitly called upon to release hostages unconditionally and are reminded that hostage-taking is a grave international crime that can constitute torture and trigger universal jurisdiction.

Conclusion

This report by the Special Rapporteur powerfully reframes hostage-taking as a profound violation of human dignity that often amounts to torture or cruel, inhuman, or degrading treatment. It challenges the international community to respond with legal clarity, institutional preparedness, and humanitarian solidarity. The suffering of hostages and their families, often invisible or politicised, demands renewed commitment to uphold the principles of justice and human rights without exception.

References

Edwards, Alice. 2025. A/HRC/58/55: Torture and other cruel, inhuman or degrading treatment or punishment: hostage-taking as torture