

Lessons Learned

Lessons for your travel risk management from a kidnap



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In the context of the kidnapping of four Italian employees in Libya, an Italian court sentenced several top managers in January 2019.

This is not the first time that Italian judges have sentenced executives for neglect of duty of care. Several years ago, several top managers, including one German, were sentenced to long prison terms for a fatal plant fire.

The incident

In July 2015, four Italian employees of the Bonatti construction company were kidnapped in Libya. The employees were travelling by land near an industrial complex belonging to the Italian company Eni in western Libya when the incident occurred.

Two of the hostages were killed in a devastating gun battle between the kidnappers and local militias in March 2016. Later, the two remaining Italian hostages managed to escape. Behind the kidnapping with the aim of paying the ransom is the terrorist organisation ISIS. One of the accomplices is said to have been the local driver of the four employees.

The main criticism of the court

Kidnapping could have been avoided if the Parma-based company had taken a number of necessary measures to protect its employees. According to the Rome court, the lack of a risk analysis and sound security management are to blame for the kidnapping.

In February 2015, several months before the kidnapping, the Italian embassy was closed due to the critical security situation in Libya. The Foreign Ministry called on companies to leave the country or at least to significantly increase their security measures.



Instead of using a ferry from Tunisia to the shipyard in Mellitah, as is done in other cases, the Bonatti country manager decided that the employees should be transported from Tunisia by land with a "trustworthy" driver. There was no escort either. Apparently, employees were repeatedly transported this way - even against their will. The Italian Ministry of Foreign Affairs had recommended that the ferry be used to minimise the risk.

As part of the investigation, the prosecutor's office had seized all written correspondence before and during the abduction with the plant in Mellitah, Libya. This led to conclusion that there was no security manager in the company responsible for planning and coordinating such risky rides. No one had prepared a risk analysis for the trip and the deployment of employees in Libya.

Two Italian board members were sentenced to a suspended jail term of one year and 10 months. In addition, the company must pay a fine of 150,000 euros for breach of the legal duty of care under the Italian Civil Code (corporate liability - the employer's obligation to protect the employee from unlawful acts of third parties).

It is still unclear to what extent the surviving two ex hostages and the dependants of the killed employees will receive civil compensation payments. But the investigation results from this trial and the verdict should certainly not diminish their chances.

Lessons from the kidnap case for your travel security management

Risk analyses:

In most court rulings in which companies and top management are charged with a breach of the statutory duty of care, the risk analysis is erroneous or missing altogether. This is also the case with court rulings by courts in Norway, France, Great Britain and the USA in connection with security incidents abroad.

A well-founded risk analysis prior to the deployment of employees not only helps to reduce legal liability risks. It also helps to determine the necessary level of security precautions.

Use of security managers and local support staff:

In this case, the "trustworthy" local driver whom one "knew privately" turned out to be untrustworthy. According to media reports, more than 90 percent of Bonatti's employees work abroad. Here the court criticises the lack of a security manager. A specialist security management function helps to bundle competence and to have a contact person who supports with his expertise. Even the absence of a travel security policy is an indicator that travel risk management is not part of the company's processes.

Based on the risk analysis, the security manager should develop a security concept. It is also possible to commission external service providers for risk analyses, security concepts and protective measures.



Unwanted publicity:

This incident also shows that court proceedings for a breach of the statutory duty of care lead to unwanted media interest. This not only has a negative effect on the morale of the workforce. Potential applicants may also wonder whether the company has the necessary care and professionalism for its employees. The same applies to customers and potential clients.

Dealing with risks of kidnapping:

Many measures taken to minimise the risk of kidnap also reduce other risks, such as robberies or a targeted attack. Since the risk of kidnapping can never be completely eliminated, companies should also prepare to respond to such an event. Companies that have exercised their crisis management team in advance and have appropriate contingency plans will act more professionally and avoid mistakes.

The problem is that if there are indications of terrorist perpetrators, insurers are not allowed to reimburse any ransom. In addition, companies are generally exposed to considerable legal risks when paying ransoms to terrorists. This is demonstrated, for example, by lawsuits against Western companies for the payment of protection money to terrorist organizations in Colombia and Syria. The crisis response company provided through the insurance policy also helps companies with issues such as looking after family members, internal and external crisis communications and coordinating cooperation with the various actors involved in such cases.

The author is a member of SmartRiskSolutions GmbH, which specializes in security and crisis management. Before moving into the corporate world he worked many years for a German government security agency. He is regularly on site in various challenging countries, such as Iraq, Libya or DR Congo. He is also part of an international crisis response team and has been advising companies on crisis management in kidnap cases for many years.

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About us

SmartRiskSolutions is a company specialized on risk and crisis management consultancy. We support large corporations and mid-size companies as well as NGOs with our knowledge and experience on implementing travel risk management structures, security-related trainings, crisis management and crisis response.

We look forward to supporting your business.

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