

2022

Bringing Americans Home

A Non-Governmental Assessment of
U.S. Hostage Policy and Family Engagement

Cynthia Tselepis Loertscher

JAMES W. FOLEY
LEGACY FOUNDATION

DEDICATION

The James W. Foley Legacy Foundation dedicates this report to the Bring Our Families Home Campaign

A Special Note Written on Behalf of the Bring Our Families Home Campaign¹

We are the concerned family members of American hostages and wrongfully held detainees who have joined together to campaign for their immediate release. Though we come from different paths of life, live in different parts of the country, and have loved ones in different locations abroad, one thing we all have in common is an unwavering commitment to reunite our families.

We are normal Americans pleading for our government to use all its available tools to bring our family members home. This is a national emergency and an urgent humanitarian crisis. Without an urgent decisive mandate from the White House to swiftly put these tools to use, our loved ones will be left to rot in foreign prisons with no end in sight. We are hopeful that, by joining our voices together and partnering with organizations like the James W. Foley Legacy Foundation, our loved ones will not be forgotten by the country we are all proud to call home—the United States of America.

By,

Alexandra Forseth and Neda Sharghi,
Bring Our Families Home Campaign

ABSTRACT

This report, conducted by the James W. Foley Legacy Foundation (JWFLF), is a continuation of JWFLF's initial assessment of the efficacy of the 2015 U.S. Hostage Policy Review and the implementation of Presidential Policy Directive 30 and Executive Order 13698. It combines a review of the landscape of hostage-takings and wrongful detentions of U.S. nationals based on a

database of cases maintained by JWFLF with a survey of family members and others connected to the cases of 30 hostages and wrongful detainees. Based on these confidential interviews with 60 participants, the report seeks to convey the perspectives of U.S. hostages, wrongfully held detainees, their family members, representatives, advocates, third-party intermediaries, and

former U.S. officials. While this report does not represent the perspectives of all former hostages, detainees, and their families, it does present the perspectives of the 60 participants included in this study. This study is intended to spark and inform discussions that will continue to improve the U.S. government's provision of support to hostages, wrongful detainees, and their families.

ABOUT THE AUTHOR

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First and foremost, I would like to thank this year’s participants for trusting the James W. Foley Legacy Foundation (JWFLF) with their personal and sensitive information. Without you, this report would not be possible.

I also extend my sincerest gratitude to Diane Foley, the President and Founder of the JWFLF, and the Foundation’s Board of Directors. Specific mention goes out to two JWFLF board members, Ellen Shearer and Rana Altenburg. Thank you for your guidance and assistance with this year’s report launch. In addition, JWFLF extends its deepest gratitude to Daniel Presnell, Mike Savage, and Moriah Diamond at Wiseblood. Thank you for sharing your vision and for providing critical support for this year’s publication.

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Additional thanks go to Peter Bergen and New America for, as they have in years past, continue to generously support the launch of the *Bringing Americans Home* report. In addition, I am indebted to David Sterman, who for four years now, has reviewed and provided critical edits to these reports. Without David’s keen eye and attention to detail, these reports would not be of the same quality.

This year’s report also benefitted from JWFLF’s Advisory Council. I’d like to specifically thank Eric Lebson, Mickey Bergman, and Ameer Shalaby. To Eric, thank you for sharing your knowledge and expertise. I glean so much from our conversations and thank you for helping me think critically about these issues. As they say, “Iron sharpens iron.” To Mickey, you are always thinking of families first. Thank you for all of the thought-provoking conversations. Ameer Shalaby, your enthusiasm is contagious, and helps motivate me to be and do better.

There are also many who I cannot name whom I’d like to thank. Thank you for the many calls and time spent discussing the complexities and nuances on hostage-taking in general. Last, but not least, I’d like to thank my husband, Seth Loertscher. You are always in my corner and these reports would not be possible without your unwavering support. Thank you.

About the James W. Foley Legacy Foundation

The James W. Foley Legacy Foundation (JWFLF) was founded three weeks after James “Jim” Foley was murdered by ISIS in 2014. JWFLF advocates for the freedom of all Americans held hostage and wrongfully detained abroad and promotes journalist safety worldwide. Find out more at jamesfoleyfoundation.org and by viewing the documentary, *Jim: The James Foley Story*.



Vision

We seek a world where Americans know how to stay safe when traveling abroad for work, research, aid missions, or pleasure, and in the unlikely event that they are taken hostage or detained abroad, by hostage takers or governments, their safe return is a priority for the American people and the US government.

Mission

Inspired by the life, work, and moral courage of American journalist, educator, and humanitarian, James W. Foley, we catalyze action, research, and policy to educate and protect Americans abroad, use our voice to advocate for hostage families and partners, and ensure government action and accountability to bring American hostages and wrongful detainees home.

More and more countries are unjustly detaining Americans overseas.

The trendlines for both new incidents of Americans detained and held hostage overseas and the overall number of cases globally have significantly increased over the past decade.

It's time to act.

A NOTE FROM THE PRESIDENT AND FOUNDER

Dear Fellow Americans,

The James W. Foley Legacy Foundation was started one month after the gruesome beheading of our son, Jim, because I was appalled at our country's neglect of its innocent citizens held captive abroad and confident that our great nation could prioritize the return of its people and better protect its journalists. The *Bringing Americans Home 2022* research report is offered annually to challenge our country to prioritize the swift return of Americans held captive abroad and to hold accountable all who kidnap, unjustly detain and torture our U.S. nationals abroad.

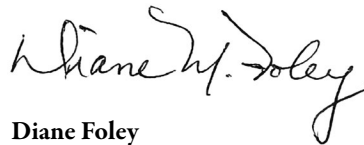
Since the 2014–15 horrific torture and murders of Americans Kayla Mueller, Peter Kassig, Steven Sotloff, and James Foley, progress has been made by the 2015 establishment of the hostage enterprise, the 2020 Levinson Hostage Taking and Accountability Act, which outlined wrongful detention criteria, and the recent deterrent focused Executive Order. This past spring, our Department of Justice brought accountability, an essential deterrent, through the skillful prosecution of British jihadists, Alexandra Kotey and El Shafee Elsheikh.

However, this *Bringing Americans Home 2022* report is very concerning because, despite all the efforts of our government and nongovernmental groups, like the Foley Foundation, Americans continue to be taken hostage, more state-actors are wrongfully detaining Americans, and fewer Americans are returning home.

At the time this report was published, at least 65 innocent fellow Americans are suffering in prolonged unjust detentions, on an average of four long years, with their families fearing they may not be able to endure the inhumane conditions of their confinement.

These desperate Americans are counting on all of us to bring them home. The findings in this report make clear that, despite all that has already been done, the challenge of bringing Americans unjustly detained or held hostage overseas is only getting more complex, more widespread, and more frequent. There is much more we can and must do. The only true measure of our country's moral resolve is to actually bring our U.S. nationals home!

Sincerely,



Diane Foley
President and Founder,
James W. Foley Legacy Foundation

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“If you want to negotiate with somebody, it is rather useful to have them at the table.”²

Dag Hammarskjöld

Former Secretary-General of the
United Nations, 1953–1961

Nobel Prize for Peace winner, 1961

Foreword

A wise person once told me that hostage and wrongful detention advocacy work chooses you, not the other way around. Since you are reading this, by default, you must be one of the chosen ones. Thank you for caring about this issue enough to read this important report and learn from it, and more importantly, take decisive action. Each of us has the power to make a difference in this space, for ourselves, for our loved ones, for people we may never even meet. Even in small ways.

My father, Bob Levinson, the longest held hostage in American history and a former U.S. government employee, made a difference for so many Americans. With the continued implementation of the *Robert A. Levinson Hostage Recovery and Hostage Taking Accountability Act*, bipartisan legislation that bolsters U.S. government resources to bring back Americans held hostage or wrongfully detained abroad, his life continues to have an impact on so many.³

But we must do more.

In this report, you will read feedback from families and other members of the hostage recovery ecosystem. Their vital input is presented through several key recommendations, including:

- Stronger accountability and deterrence to rogue nations using hostage taking as a foreign policy tool.
- Elevation of key roles and responsibilities to ensure true prioritization at the highest levels of the U.S. government.
- Awareness and education at the U.S. State Department and other government agencies.
- Better operations and inter-departmental communication around wrongful detention determinations.
- Financial support and appropriations for families and government in their efforts to bring Americans home.

If you are in Congress, you have the power to make the recommendations in this report happen by passing additional legislation (or pressuring the White House) to bring Americans home and to better support their families.

If you are in any branch of government, you can build awareness and foster stronger collaboration to bring Americans home and better support their families.

If you are in the private sector, you can support this important work and donate funds to bring Americans home and better support their families.

If you are a family member, keep the pressure on!

And if you are a private citizen or friend, you can urge your elected representatives through phone calls, emails and letters, to take these actions to bring Americans home and better support their families.

These political prisoners and their loved ones are tired of being quiet, tired of waiting, tired of trusting.

They and their families are rising up to advocate for their return home to anyone that will listen. This year, many families banded together and created their own organization, called the Bring Our Families Home Campaign, to raise visibility and put this issue front and center.

They protested in front of the White House.⁴ They created a mural in Georgetown.⁵ They, along with many unnamed hostage families, created a flag to fly next to the POW/MIA flag at all Federal Buildings (see Appendix B). Every one of them just wants their loved ones home.

Momentum is growing. Now is the time to ramp up efforts even further. Every single day matters. Every day that someone is held is another day that our families are robbed of being whole. That American citizens and legal permanent residents are tortured, both physically and mentally. That they are robbed of the freedom that the Constitution of the United States promises to every single American, regardless of religion, race, or gender.

Executive Order 14078, “Bolstering Efforts to Bring Hostages and Wrongfully Detained United States Nationals Home,” signed by President Biden in July of this year was a very positive step, and signaled to Americans that this is an important issue to this administration. However, as of publication of this report, only a small number of Americans have come home since President Biden took office. We absolutely must deter future hostage taking by rogue nations, but first we must bring these 60+ Americans home.

My family never chose to be part of this work. Similarly, Diane Foley, her family, and everyone in the Foley Foundation had this work choose them. I’m sure YOU never even imagined you would one day be reading this report, and yet here you are. I hope you understand the significance of your role on this issue. You, directly, have a voice. YOU can make a difference by reading, being well informed and demanding action. You can help us see results that matter. You, too, can hold our government, and these rogue nations, accountable.

As the American people, we can show our support by flying the newly created Hostage and Wrongful Detention flag at our homes and offices. We can support and celebrate a National Day of Awareness. We can show the Biden administration, members of Congress, and our judicial branch that this is an issue that ALL Americans care about.

We have seen great advancements and a multi-faceted approach to hostages and wrongful detentions throughout the many years that this terrible practice has been gaining traction. But more coordination and collaboration across the U.S. government, recognition of these cases and the horror that it is bringing to Americans traveling abroad, and much more action is needed. This thorough and well-written report by Cynthia Loertscher, based on countless hours of interviews and research, should be a guidebook.

Because at the end of the day, the following things are all that truly matter: Is our government protecting the right to travel with a blue passport? Are we stopping Americans from being targeted in the first place? Are we bringing Americans home?

Sarah (Levinson) Moriarty
Former Board Member of the James W. Foley Legacy Foundation and the daughter of Robert “Bob” Levinson, the longest held hostage in American history

Executive Summary

This report, conducted by the James W. Foley Legacy Foundation (JWFLF), consists of two sections. The first section, “U.S. National Hostage-Taking and Wrongful Detention Landscape,” used two JWFLF datasets containing information on 387 U.S. nationals held hostage or wrongfully detained abroad from 2001–August 2022 to discuss trends in hostage-takings and wrongful detentions. The second section, “Perception of the U.S. Government’s Hostage Enterprise,” is a continuation of JWFLF’s assessments of the efficacy of the 2015 U.S. Hostage policy review and the implementation of Presidential Policy Directive 30 (PPD-30) and Executive Order 13698. Section two is based on 60 confidential interviews and conveys the perspectives of U.S. hostages, wrongfully held detainees, their family members, and others involved in the hostage enterprise. All interviews were conducted between August 2021 and July 2022 and do not represent the perspectives of all hostages, wrongful detainees, and their families. This section does, however, represent the perspectives of the participants included in this study. This report is intended to spark and inform discussions that will continue to improve the U.S. government’s provision of support to hostages, wrongful detainees, and their families.

KEY FINDINGS

American Hostage and Wrongful Detainee Landscape

1 Hostage-takings of U.S. nationals appear to be becoming more difficult to resolve.

Nearly half of the U.S. nationals still held hostage have been held for more than five years. While the number of U.S. nationals taken hostage has decreased over the past 11 years, many cases are not being resolved. As a result, the total number of U.S. nationals currently held hostage each year has increased. The average duration of a U.S. national’s captivity when taken hostage has increased by approximately 60% over the past 11 years.

2 Nearly one-third of U.S. nationals who have been wrongfully detained are still being held and nearly half of those currently detained have been held for more than four years.

When wrongful detentions are resolved, the vast majority are released. However, these resolutions are difficult to achieve and nearly one-third of the wrongful detention cases JWFLF identified involved U.S. nationals who are still being detained.

3 Over the last decade, the number of U.S. nationals wrongfully detained has increased.

From 2012–2022, an average of 11 U.S. nationals were wrongfully detained each year. This number represents a 175% increase from the average number of four U.S. nationals detained each year from 2001–2011. Since 2012, the number of U.S. nationals detained each year has varied from 7 to 17 U.S. nationals per year.

4 The number of U.S. nationals who continue to be wrongfully held by foreign governments has increased by 580% over the last decade. Since 2012, the number of releases each year has not kept pace with the number of detentions.

From 2012–2022, an average of 34 U.S. nationals were wrongfully held by foreign governments each year. This number represents a 580% increase from the average number of five U.S. nationals held each year from 2001–2011. Since 2012, the number of releases each year has not kept pace with the number of detentions resulting in a cumulative increase in the number of U.S. nationals who remained wrongfully held.

5 The number of countries engaging in the wrongful detention of U.S. nationals is increasing significantly.

From 2001-2005 only four countries were wrongfully detaining U.S. nationals. This number, however, has steadily and significantly increased. In 2022, at least 19 countries had either wrongfully detained or continued to hold a U.S. national in captivity. All told, since 2001, at least 27 countries have wrongfully detained U.S. nationals.

6 There are rising concerns that U.S. nationals are being increasingly targeted for detention in order to secure political leverage against the United States.

Over 60% of the U.S. nationals wrongfully detained abroad have been held by Iran, China, Venezuela, North Korea, Syria, or Russia, countries with strained or adversarial relations with the United States. Of these countries, only North Korea appears to no longer be wrongfully detaining U.S. nationals. Detentions in Iran, China, Venezuela, Syria, and Russia account for 75% of U.S. nationals currently wrongfully detained.

7 Historically, China and Iran have been responsible for the most wrongful detentions. More recently, Venezuela and Russia have increased their wrongful detentions of U.S. nationals.

Iran has held almost 20% of all Americans wrongfully detained. At least four Americans have been either wrongfully detained or held inside Iran each year since 2007. China has wrongfully detained or held at least one U.S. national since 2002 and accounts for 12% of all wrongful detentions of U.S. nationals. Venezuela has wrongfully detained or held at least one U.S. national each year since 2013 and has detained at least four in 2022. Russia has done the same and has wrongfully detained at least one U.S. national since 2017.

8 The number of U.S. nationals taken hostage overseas by non-state actors has decreased, but the trend may not be durable.

The average number of U.S. nationals taken hostage each year decreased by approximately 40% from 2012–2022 compared with 2001–2011. However, the decrease may have been shaped by the impact of the COVID-19 pandemic and potentially temporary declines in the territorial control exercised by terrorists and other armed groups.

9 More than half of U.S. nationals taken hostage are held by armed groups.

Designated terrorist groups and other militant groups, combined, account for over half (58%) of the kidnappings of U.S. nationals. In just under one-third of the cases (31%), the identities of the captors are largely unknown. U.S. nationals are taken hostage far less often by tribal groups (5%) or groups engaged in piracy (4%).

10 U.S. nationals taken hostage by a designated terrorist organization face different conditions than those taken hostage by non-designated militant groups.

They have on average, longer captivities and a greater likelihood of death.

11 Hostage-takings by designated terrorist organizations are more difficult to resolve than those conducted by other types of militant groups.

Most U.S. nationals (61%) who are released by non-designated militant groups are held for 30 days or less. In contrast, more than half (58%) of those U.S. nationals who are ultimately released by designated terrorist groups are held for more than 30 days. The longest of these captivities lasted more than three years.

12 Hostage-taking is a global problem for U.S. nationals.

The majority of U.S. nationals have been abducted in 10 countries, including Iraq, Nigeria, Yemen, and Afghanistan. Despite this, U.S. nationals have been taken hostage by non-state groups in more than 30 countries around the world.

KEY FINDINGS

Perception of the U.S. Government's Hostage Enterprise

1 Overall, the structures created by PPD-30 and Executive Order 13698 are impactful, but Americans are still not coming home.

The creation of the Hostage Recovery Fusion Cell and the office of the Special Presidential Envoy for Hostage Affairs have improved the quality of family engagement, information sharing, and the consistency, accuracy, and coordination of U.S. government briefings with hostage and wrongful detainee families. However, fewer Americans are coming home. Access to the Hostage Recovery Fusion Cell and the Special Presidential Envoy for Hostage Affairs, the U.S. government's prioritization of hostage and wrongful detainee cases, and recovering Americans held overseas, remains a challenge. In addition, the U.S. government's plans to recover Americans held hostage or wrongfully detained continue to be opaque for some families.

2 Recovering Americans held hostage overseas remains a challenge.

As described in Section 1 of this report, there are a number of current hostage cases lasting over 2,000 days—over three presidential administrations. Therefore, it is important to evaluate whether the structures currently in place are helping or hindering the recovery of Americans held hostage abroad. Even though the changes made to the structure of the U.S. government's hostage enterprise seem to have helped coordination across the government and improved family engagement, there are indications that the current structure is inefficient and its entities lack operational capabilities. Extensive bureaucratic processes, a lack of prioritization, and prolonged decision making hinder the U.S. government's ability to bring American hostages home in a timely manner.

3 More and faster decisions coming out of the White House are needed.

Of the JWFLF participants interviewed for this report, 84% of hostage and wrongful detention participants believed that their cases could only be resolved by the influence and authority given to the National Security Advisor, Secretary of State, and the President.

4 More negotiation expertise is required within the administration.

Several JWFLF participants shared concerns about the U.S. government's ability to negotiate effectively. More specifically, some JWFLF participants shared concerns about policymakers setting conditions for or stalling negotiations by including broader U.S. bilateral interests in conjunction to other recovery efforts.

5 Access to the President and more authority given to the director of the Hostage Recovery Fusion Cell is required.

Recovery efforts led by the Hostage Recovery Fusion Cell are declining and the director needs more operational authority to bring Americans home. In addition, the Hostage Recovery Fusion Cell needs to have the ability to provide its best advice to the interagency without being encumbered by the Department of Justice or other FBI equities. This lack of authority undermines the Congressional intent for the Hostage Recovery Fusion Cell to function as an independent interagency task force.

6 Better prioritization by the U.S. government on hostage and wrongful detention cases is required.

Prioritizing hostage cases requires a continuum of productive relationships inside the administration with a strong focus on regional counterparts at the State Department, the National Security Council, and up through the National Security Advisor. There is a constant struggle between prioritizing hostage and wrongful detention cases and other national security interests and foreign policies, as well as a struggle to manage what and how information gets conveyed to the National Security Advisor and to the President.

7 Currently, the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act has not provided any funding nor has Congress appropriated other funds to support wrongful detainees and their families.

Unlike the situation with hostage families, the U.S. government does not have the authority or appropriated funds to provide direct monetary support to wrongful detainees or their families during the detainee's detention or once they return to the U.S. The primary reason a wrongful detainee is being held is because they are Americans, and their captivities are used to leverage the U.S. government. As a result, the U.S. government should be able to provide financial support to the families of wrongful detainees during a detention or for the detainees themselves after their return. In addition, the Hostage Recovery Fusion Cell does not have funding to support logistical operational costs to bring Americans home.

8 Access to the President and a more robust Special Presidential Envoy for Hostage Affairs office is requested.

The Special Presidential Envoy for Hostage Affairs requires more influence within the State Department and across other regional directorates within the National Security Council. In addition, JWFLF participants were satisfied with the recent growth of the office but would like to see more negotiation expertise, regional experts, and research conducted by the office of the Special Presidential Envoy for Hostage Affairs.

9 Obtaining wrongful detention status remains a prominent issue among detainee families.

According to the *Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act*, signed into law December 2020, the Secretary of State is the determining authority for classifying someone as a wrongful detainee. Some JWFLF participants raised concerns about whether their requests ever left Consular Affairs and reached the Secretary of State or even the Special Presidential Envoy for Hostage Affairs' office. These participants were only notified verbally by Consular Affairs that their case was not given a wrongful detention status, never receiving official documentation by the Special Presidential Envoy for Hostage Affairs or the Secretary of State.

10 Wrongful detention cases continue to languish in Consular Affairs.

JWFLF participants raised concerns that Consular Affairs was hanging onto cases that were later classified as wrongful detentions. One participant waited up to nine months to receive a wrongful detention determination after filing their initial request. Concerns were raised that Consular Affairs made decisions about whether a detention was wrongful based on its own equities because they represent other interests from other elements the State Department.

11 Wrongful detainee families experience working with the Special Presidential Envoy for Hostage Affairs as a vast improvement from working with Consular Affairs.

JWFLF participants highlighted that not only was there a dramatic shift in responsiveness, but there was a level of empathy and compassion that was not exhibited by Consular Affairs. In addition, the office of the Special Presidential Envoy for Hostage Affairs was focused on advocating for the detainee's innocence and developing different release strategies unlike Consular Affairs.

12 Families report more delays in gaining access to the Special Presidential Envoy for Hostage Affairs’ office—citing issues with Consular Affairs.

Many participants consistently voiced their perspective that the role Consular Affairs played in responding to wrongful detention cases is unsatisfactory. It is essential for Consular Affairs to establish a speedy, transparent process to identify wrongful detention cases either raised by families or identified by government officials. In addition, the *Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act* does not mandate Consular Affairs to provide a timely referral to the Special Presidential Envoy for Hostage Affairs’ office. In some cases, Consular Affairs will not engage on Levinson Act requests because no specific direction exists in the Foreign Affairs Manual (FAM), a clear conflict with the law.

13 Families lack clarity on the status of wrongful detention determination requests.

Upon receiving a request for a Levinson Act review from an outside party, there is no statutory obligation for the Department of State to acknowledge receipt of the request to the filing party, provide an update on the review process at a reasonable time from the date of receipt of the request (30 days), directly advise the filing party of a negative determination, or share the reasoning for a negative determination with the filing party. In contrast, once cases reach the Special Presidential Envoy for Hostage Affairs’ office, the office conducts outreach to the filing party and/or family immediately upon a positive determination.

14 Lack of clarity on the Privacy Act waiver prevents U.S. government officials from interacting with detainee family members.

In many wrongful detention cases, foreign countries are known to prevent U.S. officials from obtaining physical access to the prisoner, thus preventing the detainee from signing the Privacy Act waiver in a timely manner. In addition, several participants raised concerns that the Privacy Act waiver was not being properly administered to their loved ones, creating delays of several months. Citing that the Privacy Act waiver was not thoroughly explained, or translators were not provided to their loved ones.

Recommendations for the U.S. Government's Hostage Enterprise

1 Conduct a comprehensive review to evaluate the efficacy of the 2015 hostage enterprise structure and create a panel to recommend improvements.

To ensure that the return of all U.S. nationals held hostage or wrongfully detained, the U.S. government should conduct a comprehensive review to assess the effectiveness of the structure of the hostage enterprise. It should also create a panel to recommend enhancements to the enterprise focusing on bringing Americans home and continuing to incorporate the family engagement component described in PPD-30 and Executive Order 13698.

2 Empower and relocate the Hostage Recovery Fusion Cell.

Since its inception, the Hostage Recovery Fusion Cell has been unfunded, led by law enforcement, and has had limited operational capabilities. In addition, due to its physical and organizational placement within the FBI, there is a perception that the Hostage Recovery Fusion Cell—which is supposed to be an interagency task force—has the tendency to act on behalf of the FBI. The U.S. government should consider relocating the Hostage Recovery Fusion Cell, fund it, authorizing its operational capabilities, and having rotating leaders from different agencies so it can remain neutral, impactful, and influential across the interagency.

3 Elevate the position of the Director of the Hostage Recovery Fusion Cell.

The U.S. government should elevate the position of Hostage Recovery Fusion Cell director to a minimum of a Permanent Senior Executive Service (SES-2) rank. Input from external stakeholders should be solicited before an appointment is made to this position.

4 Create a new position at the National Security Council.

The U.S. government should create a new position—Deputy Assistant to the President and Special Coordinator for Detentions—to engage with regional directorates within the National Security Council. Securing the release of wrongful detainees is often not the highest priority within regional directorates. This position would provide a focal point for detention issues within the National Security Council. In addition, having direct access to the President is critical to ensure that wrongful detainee issues are better prioritized and understood.

5 Appropriate funds.

Congress should authorize and appropriate funds for flexible use by the office of the Special Presidential Envoy for Hostage Affairs and the Hostage Recovery Fusion Cell to satisfy the following needs:

- a. Travel expenses for wrongful detainee families to travel to Washington, D.C. (similar to funds provided by the Victims of Crime Act of 1984 for hostage families) to engage with U.S. government officials and advocate for the release of their loved one.
- b. Support for a hostage or wrongful detainee's flight home and any medical treatment received on the flight.
- c. Provide immediate support for returning hostages or unlawful or wrongful detainees for essential needs that arise upon recovery, such as clean clothes and temporary housing.
- d. Support for wrongful detainee families during a detention for expenses such as lawyers to represent wrongful detainees and translators overseas.
- e. Financial support for wrongful detainee families to pay costs related to the ongoing imprisonment of their loved one, e.g., food, water, bedding, medicine, and other basic necessities.
- f. Post-captivity physical, medical, or psychiatric support for a minimum of two years for returned hostages and wrongful detainees.

6 Mandate a response to a Levinson Act wrongful detention request.

The U.S. government should create a statutory requirement or official guideline for the Department of State on how and when it must respond to a Levinson Act request and what entity within the Department is responsible regardless of the status of the request and/or determination.

7 Mandate collaboration between Consular Affairs and the Special Presidential Envoy for Hostage Affairs over wrongful detention determinations.

The U.S. government should mandate that Consular Affairs and the Special Presidential Envoy for Hostage Affairs' office must meet within 15 days to discuss a possible wrongful detention designation whenever either of them nominates a case for consideration to the other.

8 Mandate a reporting obligation for all wrongful detention requests.

Currently, the Department of State does not have any obligation to report cases where a review of wrongful detention concerning a U.S. national or a lawful permanent resident has been conducted. Mandated reporting should convey all results, whether positive or negative, to the families who submitted a wrongful detention determination request. Reports can be classified but should have an accompanying unclassified and public version that enables outside parties to monitor implementation of the Levinson Act within the Department of State.

9 Enhance Privacy Act waiver requirements to fit wrongful detainee realities.

When a wrongful detention is suspected by either the U.S. government, a third-party, NGO, and/or family member, the suspected wrongful detainee must be able to provide a verbal statement and/or gesture to satisfy the written signature required to waive the Privacy Act in the presence of, at minimum, two U.S. government officials. In addition, Consular officers must be trained on how to clearly articulate the implications for each criterion presented on the Privacy Act waiver.

10 Improve Department of State's officer training courses to better identify the hallmarks of wrongful detentions.

The U.S. government should require training modules be mandated as part of the State Department's A100 and CONGEN courses to identify hostage and wrongful detention cases. Additionally, training for key interagency partners should be considered to ensure a whole-of-government understanding and awareness of hostage and wrongful detention cases.

Introduction

In November 2014, the Obama administration ordered a “comprehensive review of the U.S. Government policy on overseas terrorist-related hostage cases.”⁶ The review came amid a series of tragedies involving Americans held overseas by terrorist groups.

In the fall of 2012, American and British journalists James Foley and John Cantlie were kidnapped by the Islamic State (ISIS). Almost a year later, another American journalist, Steven Sotloff, and American humanitarian aid worker Peter Kassig, were also kidnapped by ISIS. All of the Americans were publicly beheaded by ISIS in 2014.⁷ Mr. Cantlie remains missing to this day. Kayla Mueller, a 26-year-old American humanitarian worker was also held hostage by ISIS and was killed in January 2015.⁸ The crisis extended beyond Syria and Iraq. In late 2014, British-American photojournalist Luke Somers was killed with South African Pierre Korkie in Yemen during a failed rescue attempt to free them from al-Qaeda in the Arabian Peninsula (AQAP).⁹ Warren Weinstein, another brave American kidnapped by al-Qaeda, was accidentally killed along with Giovanni Lo Porto, an Italian aid worker, by a U.S. drone strike against the Haqqani Network in Pakistan in January 2015.¹⁰

Following these horrific incidents, President Obama introduced a series of reforms designed to establish a new policy on how the U.S. government responds to hostage cases and improve its effectiveness in bringing American hostages home. On June 24, 2015, President Obama issued Executive Order (EO) 13698, “Hostage Recovery Activities,”¹¹ and Presidential Policy Directive 30 (PPD-30) “U.S. Nationals Taken Hostage Abroad and Personnel Recovery Efforts,”¹² setting forth a renewed, more agile U.S. government response to hostage-takings.

EO 13698 and PPD-30 reshaped the way the U.S. government was organized to handle hostage-takings, placing a particular emphasis on improving its ability to support the families of U.S. hostages. EO 13698 directed these changes by establishing the Hostage Recovery Fusion Cell (HRFC), Family Engagement Coordinator (FEC), the Office of the Special Presidential Envoy for Hostage Affairs (SPEHA), the Hostage Response Group, chaired by the National Security Council Staff, and an Issue Manager for Hostage Affairs within the Intelligence Community. These structural and organizational changes were created to ensure that the government was organized to take rapid, coordinated action in response to a hostage-taking event.¹³

According to PPD-30, the U.S. government defines hostage-taking as “the unlawful abduction or holding of a person or persons against their will in order to compel a third-person or governmental organization to do or abstain from doing any act as a condition for the release of the person detained.”¹⁴ While this definition of hostage-taking could be used to describe both individuals held by non-state and state actors, the U.S. government excludes those Americans held by foreign governments from the term “hostage.” PPD-30 clearly highlights this distinction by stating that the directive “does not apply if a foreign government confirms that it has detained a U.S. national.”¹⁵ Thus, in practice, the U.S. government defines those individuals held by non-state actors, such as terrorist organizations, militant and criminal groups, and pirates, as hostages and those held by state actors as detainees, and in specific cases, known as wrongful detainees.^a

^a There is one notable exception. Those Americans who have likely been detained by foreign governments, but whose detentions have not been confirmed, are known as unacknowledged detainees and are provided the same status and support as hostages. See: The White House, “Presidential Policy Directive—Hostage Recovery Activities.”

From 2019–2021, the James W. Foley Legacy Foundation (JWFLF) published a yearly assessment of the efficacy of the 2015 U.S. Hostage Policy Review and the implementation of PPD-30 and EO 13698.¹⁶ This report, an extension of those assessments, continues to examine how the U.S. government creates and implements policy in support of U.S. nationals^b taken hostage or wrongfully detained abroad as well as their families. Most importantly, this report seeks to better understand whether the new structures these policy changes have created help bring Americans home.

This report provides findings from three separate and distinct data sources. The first is a JWFLF dataset of cases of 210 U.S. nationals taken hostage by non-state groups since 2001. The second is a dataset of cases of 177 U.S. nationals wrongfully detained by a state since 2001. The third is a survey about the experiences and perceptions of family members and others closely connected to 30 cases of hostage-takings or wrongful detention.

The report includes an introduction, two distinct sections, a conclusion, and four appendices. The first section provides a detailed analysis of the hostage and wrongful detainee landscape over time, drawing from two datasets of hostage and wrongful detainee cases. The second section discusses results from the survey about perceptions of the U.S. hostage recovery enterprise from 60 people connected to 30 cases in which a U.S. national was taken hostage or wrongfully detained abroad. This includes concerns raised by former hostages and detainees along with their families, advocates, former U.S. government officials, and third-party intermediaries. Appendix A provides a list of requests for support made by participants. Appendix B discusses the recently developed hostage and wrongful detainee flag. Appendix C and Appendix D provide further detail on the survey responses for hostage case and wrongful detainee case participants respectively.

^b This report will use the term U.S. national to describe U.S. citizens, other U.S. nationals, and lawful permanent residents (LPR). While LPRs are generally not considered to be U.S. nationals, their inclusion here is based on the criteria laid out in the *Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act*, which includes lawful permanent residents. See “S.5074: Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act,” pp. 20.

Definitions, Methodology, and Limitations

Definitions

To align with the U.S. government's hostage recovery enterprise's classification and terminology more closely, this report distinguishes within its analysis the difference between hostage cases and cases of wrongful detentions.

JWFLF uses the conventional definition of a hostage as a person detained and under the threat of continued detention, injury, or death by an individual or group (but not a state) in order to compel a third party to do (or abstain from doing) any act as an explicit or implicit condition of the person's release.¹⁷ For this report, a hostage-taking event includes U.S. nationals held by non-state actors, specifically by terrorist organizations, militants, pirates, or unknown captors.

JWFLF does not include individuals who were involved in (1) kidnapping attempts resulting in the immediate death of the victim or when the victim was killed before being taken to a secondary location; or (2) if a person has been reported missing and there is no evidence, open-source reporting, or indication from family members that the individual was taken hostage by a terrorist organization, militants, criminal groups, pirates, or unknown captors.

When the actor holding a U.S. national is a state, JWFLF has included cases where the detention is considered wrongful. JWFLF considers the detention of a U.S. national to be wrongful based on criteria found in the *Robert Levinson Hostage-Recovery and Hostage-Taking Accountability Act* adopted into law on December 27, 2020.¹⁸ Cases in which a foreign government acknowledges that it has detained a U.S. national may be considered wrongful if:

1. U.S. officials receive or possess credible information indicating innocence of the detained individual;
2. The individual is being detained solely or substantially because he or she is a U.S. national;
3. The individual is being detained solely or substantially to influence U.S. government policy or to secure economic or political concessions from the U.S. government;
4. The detention appears to be because the individual sought to obtain, exercise, defend, or promote freedom of the press, freedom of religion, or the right to peacefully assemble;
5. The individual is being detained in violation of the laws of the detaining country;
6. Independent nongovernmental organizations (NGOs) or journalists have raised legitimate questions about the innocence of the detained individual;
7. The U.S. mission in the country where the individual is being detained has received credible reports that the detention is a pretext for an illegitimate purpose;
8. The individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;
9. The individual is being detained in inhumane conditions;
10. Due process of law has been sufficiently impaired so as to render the detention arbitrary; or
11. U.S. diplomatic engagement is likely necessary to secure the release of the detained individual.¹⁹

Methodology

The first section of this report is based on a JWFLF dataset of 387 Americans held hostage or wrongfully detained overseas. The hostage^c cases within the dataset were initially drawn from previous work at the Combating Terrorism Center.²⁰ This dataset was examined to ensure that all cases met JWFLF requirements for inclusion^d and were updated to reflect changes in the cases.^e JWFLF conducted additional open-source research for the timeframe after 2017 required to bring the data up to date. Hostage cases, as discussed in the definitions above, involved the abduction of U.S. nationals by non-state actors,^f including militant groups, some designated as terrorists by the U.S. government, tribal actors, groups engaged in piracy, and unknown captors.^g

Wrongful detentions included in the dataset were collected by JWFLF based on open-source research. In order to determine whether a detention was wrongful, JWFLF used the criteria provided in the *Robert Levinson Hostage-Recovery and Hostage-Taking Accountability Act* discussed above. It is important to note that this data collection and analysis is separate and distinct from the interviews conducted with hostages, wrongful detainees, and their families. None of the interviews conducted for this report were included in building the JWFLF dataset. Nothing about the first section, to include any data or cases discussed, provides any indication that an American hostage, wrongful detainee, or their families participated in this report.

The second section of this report is based on a series of 60 interviews with individuals personally connected to a case in which an American was held hostage or wrongfully detained, hereafter referred to as participants. In every hostage or wrongful detainee case, each participant was a U.S. national or lawful permanent resident.

Interviews with hostages, wrongful detainees, and their families consisted of a series of questions focused on thematic areas drawn directly from PPD-30 to provide a qualitative understanding of the experiences of hostages, wrongful detainees, and their families. Each interview also included a quantitative assessment of the effectiveness of PPD-30 by assigning a numerical value indicating the degree to which each participant agreed or disagreed with a variety of statements asked during the interview process. JWFLF sought to ensure confidentiality throughout the interview process. In an attempt to prevent bias and

^c While the term hostage can be applied to situations where the victims are held in a known location such as building (hostage barricade situations), this report uses the term hostage to specifically refer to situations where the victim is abducted and held in a secondary, largely unknown location (kidnappings). See: Brian Jenkins, Janera Johnson, and David Ronfeldt "Numbered Lives: Some Statistical Observations from 77 International Hostage Episodes;" RAND Corporation, (1977), p. 9; Jerome Corsi, "Terrorism as a Desperate Game: Fear, Bargaining, and Communication in the Terrorist Event" *Journal of Conflict Resolution*, 25:1, (1981), p. 51.

^d JWFLF excluded cases where individuals were killed during a kidnapping attempt, but who were never actually taken into custody. JWFLF also did not include cases where individuals were reported as missing, but no evidence existed to support a claim that they were abducted.

^e Data collection and updating for both JWFLF's hostage and wrongful detainee datasets closed in August 2022.

^f For the purposes of this report, abductions by Ansarallah, also known as the Houthis, and the Taliban have remained classified as hostage cases. While the general takeover of Yemen by the Houthis in 2015 and Afghanistan by the Taliban in 2022 have, on some level, moved them toward being state actors, several factors warrant their continued inclusion as hostage cases. First, the U.S. government has not recognized either the Houthis or the Taliban, limiting diplomatic engagement and preventing the negotiations between states that typify wrongful detention cases. Secondly, the U.S. government generally continues to treat these cases as hostage cases, in some instances even resorting to military action and conducting or supporting hostage rescue operations. Third, in Yemen, while the Houthis have secured control of most of the country's north, they remain engaged in a conflict with an internationally recognized government controlling the south. While the move toward state control makes classifying captivities by the groups difficult, at this point the underlying dynamics are more similar to hostage cases than wrongful detentions.

^g While it is almost certain that some of the unknown cases in the data include kidnappings by criminal groups, these types of kidnappings, when identified, were excluded. While criminal groups would fit within the framework of non-state actors, they were excluded for two reasons. First, criminal kidnappings are generally resolved quickly, oftentimes without the assistance of the U.S. government, and rarely include the types of political demands that typify the hostage-takings considered here. Second, while there are some exceptions, the resolutions of these cases are often kept private and remain unreported in the open source, preventing JWFLF from gaining a representative sample.

protect the identity of the hostages, wrongful detainees, and their families, JWFLF assigned a random six-digit serial number to each case and permanently discarded each participant's name. Analysis of each case was then carried out using the six-digit serial number.

Limitations

Studies examining hostage-taking and wrongful detentions are inherently complicated and studies involving family members require additional consideration. One challenge of this study was obtaining a consistent number of responses for every question asked during the interview process. In some cases, not all questions were applicable to each participant's experiences. In other cases, it was difficult to obtain a response to all questions because of the emotional impact of the interview question. JWFLF put the safety and emotional needs of the participants above its ability to glean information from the participant's difficult experiences. For example, participants were given the opportunity and were encouraged to refrain from answering questions that made them feel uncomfortable. In some instances, interviews were shortened, or questions were omitted at the interviewer's discretion if the participant showed signs of increased anger, stress, and/or anxiety. It was not the intent of the interviewer for the participant to relive traumatic events, but to allow each of its participants the opportunity to be heard. Many families who experience a hostage-taking or a wrongful detention find it extremely difficult to recount and are understandably unwilling to examine their trauma any further.

Another limitation of this report derives from the provision of anonymity to interviewees. All sources agreed to be interviewed on the condition they remain confidential. Specific dates and locations of interviews have been omitted from the quotes contained in the second section of this report. In addition, countries, regions, terrorist organizations, prisons, specifics on dates, and timeframes of captivity were omitted to protect the participant's and/or their respective loved one's identities.

This effort to keep interviewees confidential has its drawbacks. It may leave the reader without a clear understanding of the full context of the issues discussed in the report. In addition, only providing feedback from anonymous sources may leave the reader questioning the author's ability to access the most credible sources and to provide the most accurate and timely information on the intended subject. This places an added responsibility on the author to select sources with utmost care, all while seeking additional sources from similar high-level positions to gain well-rounded perspectives on issues discussed. Information from interviews was verified with other sources, further corroborating an accurate representation of the information gathered during each interview.

On the other hand, protecting a source's identity has many benefits. It encourages candor and allows the participant to speak more freely, it protects participant's loved ones currently held in captivity, and allows participants to advocate for hostages or wrongful detainees without repercussions from the hostage recovery enterprise. Understanding these challenges, JWFLF erred on the side of protecting the identities of hostages, wrongful detainees, and their families to promote their ability to speak freely.

Another limitation derives from the complexity of the issues involved and the speed with which conditions can change. Some of the participants were interviewed more than once as hostage or wrongful detainee issues continue to evolve at a rapid pace. While this may introduce a level of variability into their answers, it allowed participants and their concerns to be more fully heard as hostage and wrongful detainee issues continue to evolve.

Interviewed Participants

Of the 60 participants interviewed for this report, 52 were associated with a specific hostage or wrongful detention case. The remaining eight interviews were conducted with former U.S. officials. These eight interviews, including seven third-party intermediaries, were not included in the quantitative numerical rankings in Section 2 or Appendices C and D. Instead, their responses helped inform discussions about the issues discussed throughout Section 2.

Of the individuals associated with a specific hostage or wrongful detention case, four participants were either former hostages or wrongful detainees, three were advocates who dealt with both hostage and detainee cases, seven were third-party intermediaries, six were family representatives, and 32 were family members of current or former hostage and wrongful detainees.

In total, this study represents 30 individual hostage and wrongful detention cases, seven hostage cases and 23 wrongful detainee cases ([Figure 1](#)).

The cases represented in this study took place from the 2010s to the present. However, including more specific dates would have a negative impact on the participants' confidentiality. Twenty one of the 30 cases represented in this study are current cases where the loved ones of the participants were being held hostage or wrongfully detained at the time of the interview. In the remaining nine cases, the hostages or detainees in question have returned home and are no longer in captivity.

Figure 1:

INTERVIEWED PARTICIPANTS

Former Hostages and Wrongful Detainees	4
Family Members	32
Family Representatives	6
Hostage and Wrongful Detainee Advocates	3
Third-Party Intermediaries (TPIs)	7
Former U.S. Officials	8

1. The U.S. National Hostage-Taking and Wrongful Detention Landscape

with Seth Loertscher

Few situations are as complicated to resolve as when a state or non-state actor holds an American captive for political leverage. Orchestrating releases without conceding to the government or group demands is exceptionally difficult. Hostage rescue operations are complex, risky, and dangerous. Continued captivity is a tragedy for both the families and a country committed to the protection of its citizens. Each situation is different, with the context and the nuance of each case having an important impact on shaping the outcomes. At the same time, much can be learned from looking at the phenomenon broadly and, despite the importance and impact of the hostage-taking and wrongful detentions,^b they are generally poorly understood on this broad level.

While there is some research that discusses hostage-taking globally,²¹ the taking of Western hostages,²² hostage-taking by specific groups,²³ or specific issues like negotiations or concessions,²⁴ research specifically focused on the dynamics of hostage-taking incidents involving Americans remains limited. The research on ‘hostage diplomacy’ and ‘state hostage-taking’ is even more limited, with most analyses focusing on specific countries who engaged in the practice²⁵ or in-depth reporting on the plight of Americans detained abroad.²⁶ Empirical work on the topic is generally lacking, with the exception of a forthcoming examination of the detention of Western citizens globally by Brian Michael Jenkins.

This gap in the research means the scope of these issues is poorly understood. How often are Americans taken hostage or wrongfully detained? Where have Americans been taken captive and by whom? What has happened in these cases? How long have Americans been held? Without answers to these questions, policy and decision making is driven primarily by anecdote rather than empirical fact.

This section fills this void by providing an empirical examination of U.S. nationals who have been held hostage or wrongfully detained overseas since 2001. In doing so, it examines a database of 387 cases where U.S. nationals were held abroad as either hostages or wrongful detainees. This section also seeks to provide data useful for families, practitioners, policymakers, and academics attempting to both better understand and respond to the challenges these situations present.

It is important to note that these questions are neither academic nor theoretical. At the time this report was written, there were 67 Americans held hostage or wrongfully detained in at least 20 countries (Figure 2). JWFLF understands that each of these cases, as well as the rest of the cases that make up the data discussed below, is a tragedy and a horror for the hostage or wrongful detainee and their families. For the sake of this analysis, however, this section

^h The captivity of any country’s citizens by another country for political leverage has, and can have, a number of names. Some refer to these citizens simply as hostages and others refer to the concept as state hostage-taking or hostage diplomacy. Others will consider these detentions as examples of political prisoners or arbitrary detentions. The U.S. government has drawn a distinction between hostage-taking by non-state actors and state actors, terming the former ‘hostages’ and the latter ‘wrongful detainees.’ While the Americans detained by foreign governments for political leverage are hostages and victims of state hostage-taking, this report will refer to these instances as ‘wrongful detainees’ in order to draw the same distinctions that the U.S. government has drawn.

risers above the individual level, aggregating cases across time, geography, and by the abductors to help learn lessons that can hopefully shape the outcomes of current and future American captives. Similar to the second section of this report, these discussions have generally been crafted to avoid the mention of specific cases. When it has been necessary to highlight a case or cases in order to raise an important point, JWFLF has attempted to share the least information required and to treat the hostage, wrongful detainee, and their families with respect. This analysis is completely separate from the interviews that make up the second section of this report. JWFLF takes the anonymity of its interviewees seriously and nothing about this analysis, or the cases included therein, indicates that individuals associated with those cases participated in the interviews that form the basis of the second section of this report.

Figure 2: MAP OF COUNTRIES WHERE U.S. HOSTAGES AND WRONGFUL DETAINEES ARE CURRENTLY HELD

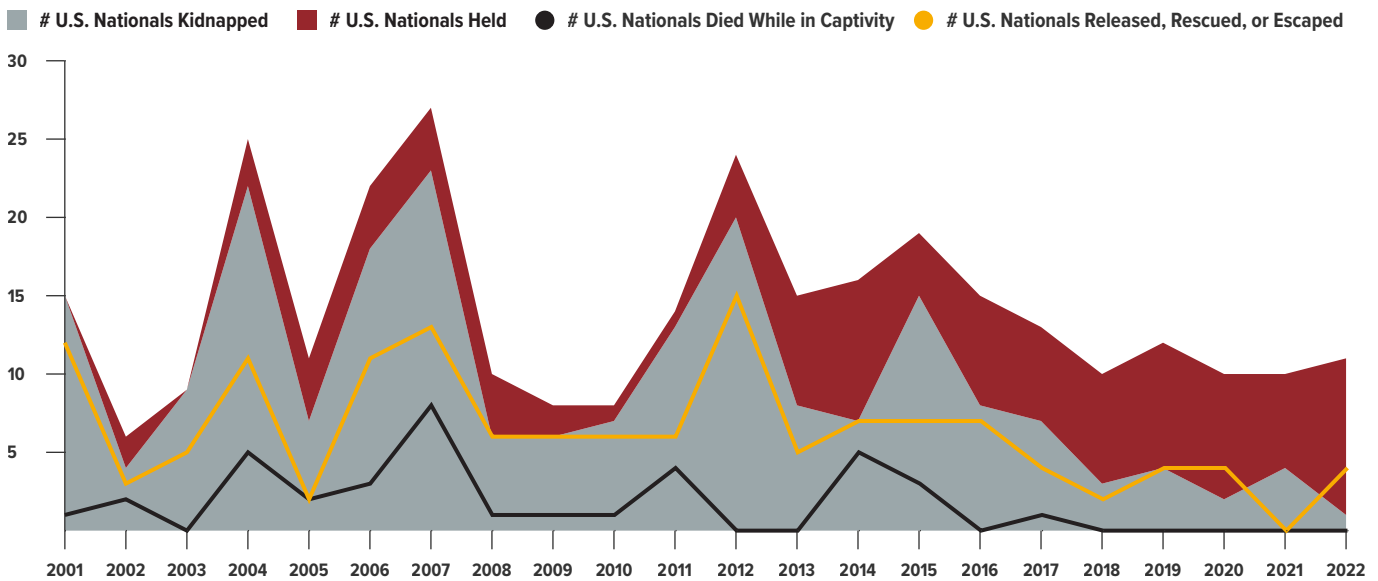


U.S. National Hostage-Takings

Since 2001, at least 210 Americans have been taken hostage by non-state actors overseas. Hostage-taking is largely cyclical,²⁷ as can be seen in Figure 3. While these numbers are driven by many factors, conflicts in Iraq and Nigeria help account for the spikes of cases in 2004, 2006, and 2007. By the same token, civil wars in Syria and Yemen help explain the spikes in 2012 and 2015. While the taking of Americans hostage may vary from year to year, it remains an enduring problem. Since 2002 at least six Americans have been either kidnapped or held by non-state actors each year, creating trauma for hostages and their families and crises for the U.S. government.

Figure 3:

INCIDENTS OF U.S. NATIONALS KIDNAPPED AND HELD AT THE BEGINNING OF EACH YEARⁱ



According to the data, there are indications that the number of Americans taken hostage has decreased. Using 22 years of data, JWFLF compared the number of hostage-takings across the two eleven-year blocks from 2001–2011 and 2012–2022. From 2001–2011, 130 U.S. nationals were taken hostage, an average of 12 Americans per year. From 2012–2022, this number decreased to 79, an average of 7 U.S. nationals each year.

While a decrease in the number of hostage-takings of roughly one-third is encouraging, it should be treated with caution for two reasons. First, in 2020, only two U.S. citizens were taken hostage, a record low!^j This, however, also came at a time when overseas travel was severely limited by the COVID-19 pandemic.

Second, over the past several years, there has been a decrease in the territory controlled by terrorist organizations as Western-led counterterrorism efforts in the Middle East and Africa pushed back the boundaries of terrorist group control.²⁸ By December 2017, for instance, the Islamic State, which once controlled huge swaths of territory across Iraq and Syria, had lost 95% of its territory.²⁹ As militant groups control less territory and have less freedom to maneuver, there is less opportunity for them to kidnap U.S. nationals. Where terrorist groups still control territory, however, as in parts of Africa, the risk of kidnapping remains.

Neither of these trends is likely durable. As COVID-19 pandemic restrictions lessens and governments and the public become more comfortable with mitigation, travel has and likely will continue to increase. With the withdrawal of Western-led counterterrorism operations, the potential for a resurgence of terrorist control increases, as witnessed in both Afghanistan and Africa.³⁰

ⁱ Cases where the outcome of a U.S. national's kidnapping is unknown are not counted as held in this figure.
^j Thus far in 2022, there has only been one U.S. national taken hostage overseas. If this number holds, it will become the new record low.

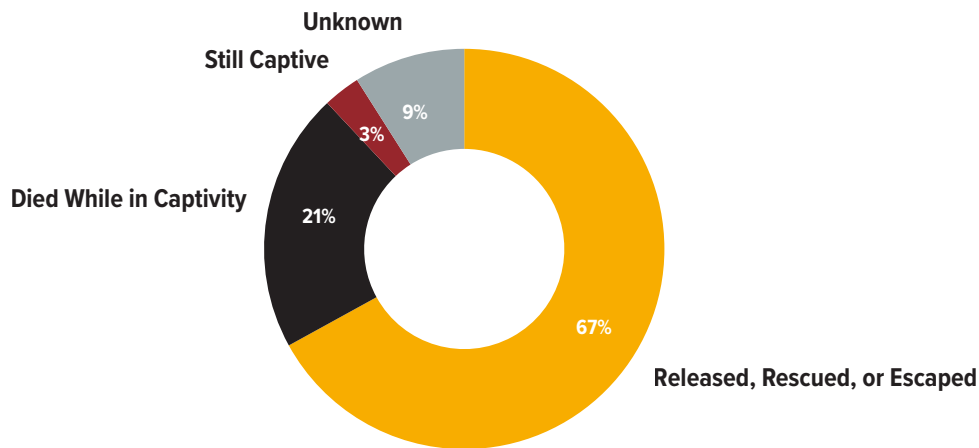
In addition to these concerns, data indicates the number of abductions should not be viewed as the only marker of success. Over the past ten years, the number of Americans held hostage has increased, indicating that captivities are becoming longer. From 2001–2011, an average of two Americans were held each year. From 2012–2021, this increased to approximately seven. From 2001–2011, the average length of captivity for an American hostage was approximately 120 days; however, from 2012–2021 this number increased to 335 days, an increase of approximately 60%.^k

Outcomes of U.S. National Hostage-Takings

It is important to also examine the outcomes of hostage-takings. In general, two-thirds (67%) of U.S. nationals taken hostage have survived their captivity, either by being released, rescued, or having escaped (Figure 4). Tragically, however, more than one in five (21%) have not, either by being murdered by the group responsible for their abduction, dying from poor treatment, or being killed during a failed rescue attempt. Three percent of U.S. nationals kidnapped by non-state actors are still being held, while in nearly 10% of the cases, the outcome of the hostage-taking is unknown.

Figure 4:

OUTCOMES OF U.S. NATIONAL HOSTAGE-TAKINGS



Of those U.S. nationals who survived their kidnappings, 81% were released by their captors, 13% were rescued, and 6% escaped. Of those who did not survive, 89% were killed by their captors, 7% died from the poor conditions during their captivity, and 5% died during rescue attempts.

Most of the deaths of U.S. nationals have occurred either during or shortly after spikes in the number of U.S. nationals taken hostage (Figure 3). The groups holding U.S. nationals hostage play an important role in determining the outcomes of a kidnapping or hostage-taking.³¹ These dynamics will be further examined in the section discussing the groups who have taken U.S. nationals hostage.

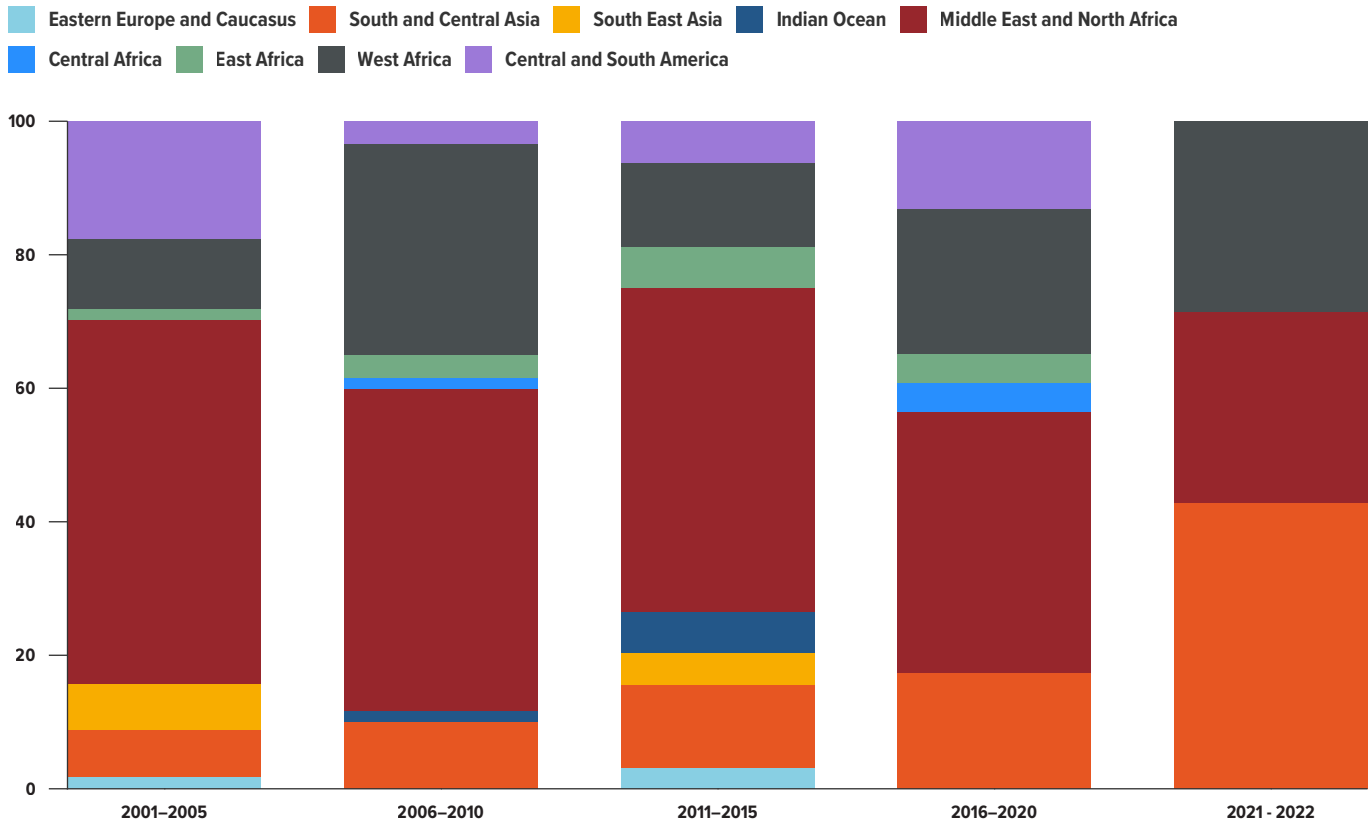
^k It is possible that the increase in the duration of hostage captivities is due to a decrease in the number of hostages who died during their captivities. While there was a 10% in the number of U.S. hostages who died while being held from 2012–2022, the average duration of the captivities of those who did die also increased. From 2001–2011, those who died were held, on average, for approximately 83 days. From 2012–2022 this increased to an average captivity of 219 days, an increase of 62%.

Geographic Trends in U.S. National Hostage-Takings

Almost half (48%) of the kidnappings involving U.S. nationals have taken place in the Middle East and North Africa. With the exception of 2021 and 2022, this has remained the largest region for the kidnapping of U.S. nationals, though the percentage has slightly decreased across each of the five-year blocks (Figure 5).¹ South and Central Asia, accounting for 12% of the overall kidnappings, driven primarily by Afghanistan, has seen minor increases across each of the five-year blocks. West Africa, where 19% of the total kidnappings of U.S. nationals have taken place, has also generally seen an increase in the percentage of cases across each of the five-year blocks. Kidnappings in West Africa significantly increased from 2006–2010 due to a spat of abductions of oil workers in Nigeria from 2006–2007, somewhat disrupting the trend, but the region has been one of the top three regions in each of the five-year blocks. Kidnappings in West Africa significantly increased from 2006–2010 due to a spat of abductions of oil workers in Nigeria from 2006–2007, somewhat disrupting the trend, but the region has been one of the top three regions in each of the five-year blocks. While data from 2021 and 2022 are too limited to make significant claims, the Middle East and North Africa, South and Central Asia, and West Africa have all been regions where U.S. nationals have been kidnapped the past two years. It is highly likely that all three will remain regions of concern in the short term.

Figure 5:

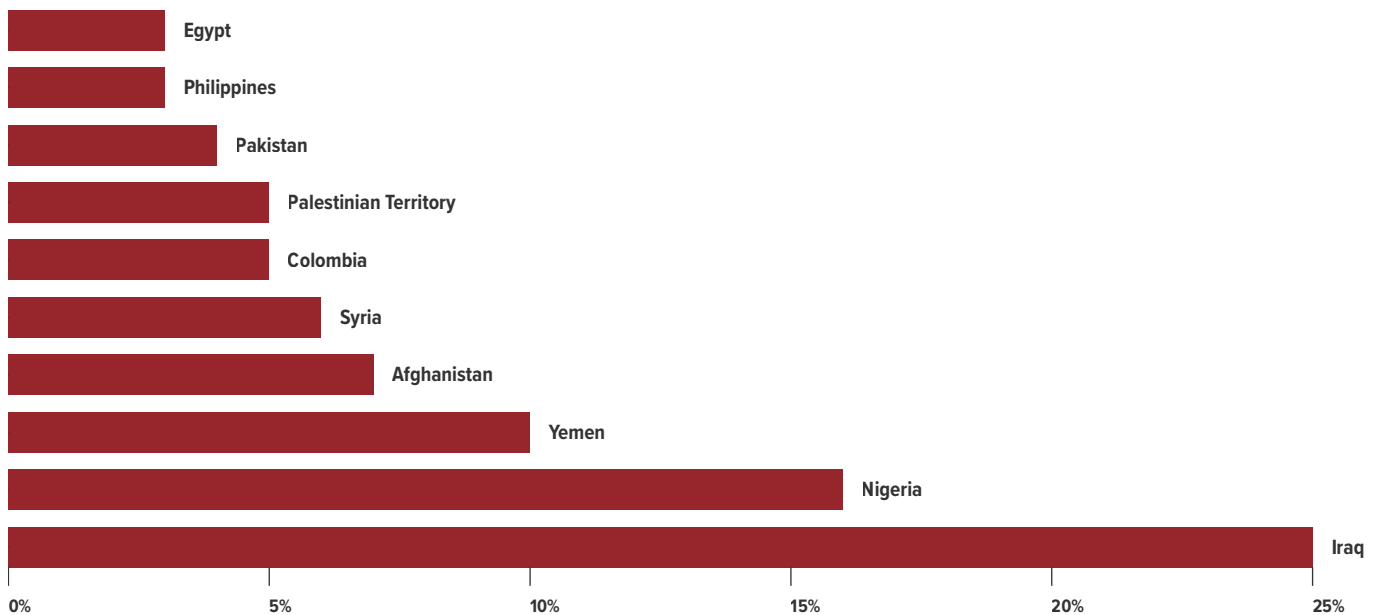
PERCENTAGE OF U.S. NATIONAL HOSTAGE-TAKINGS BY REGION OVER TIME



¹ From 2001–2005 54% of American hostages kidnapped were taken in the Middle East and North Africa, from 2006–2010 that percentage dropped slightly to 48%, where it stayed from 2011–2015, before decreasing from 2016–2020 39%. In 2021 and 2022, the Middle East and North Africa accounted for only 29% of American kidnappings, but these represent incomplete data, and few assumptions should be drawn from this number.

When examined by country (Figure 6), the data shows the outsized impact that Iraq has played in the contemporary hostage-taking of U.S. nationals. Starting in 2004, an unprecedented spate of kidnappings of foreigners ripped across war-torn Iraq.³² In the 12 months after April 2004, when the surge of abductions began, over 200 civilians from 36 countries were kidnapped.³³ During 2004 alone, 20 U.S. nationals were kidnapped in Iraq, accounting for just under 10% of all American abductions since 2001. The string of kidnappings in Iraq lasted until 2007, with 44 U.S. nationals kidnapped in Iraq from 2004–2007. It would be inaccurate, however, to say that U.S. nationals are no longer being kidnapped in Iraq. Since the end of this spate of abductions in 2007, eight U.S. nationals have been kidnapped in Iraq, the most recent occurring in 2019. The majority of these U.S. nationals were taken hostage by Shia militia groups,^m a trend not solely limited to U.S. nationals.³⁴ All told, kidnappings in Iraq have accounted for almost 25% of all abductions of U.S. nationals by non-state actors.

Figure 6: TOP COUNTRIES WHERE U.S. NATIONALS HAVE BEEN TAKEN HOSTAGE



Nigeria, the country where the second largest number of U.S. nationals have been taken hostage, experienced a similar—if less intense—surge in kidnappings. In 2006 and 2007 the abduction of foreign oil workers in the Niger Delta surged.³⁵ This was in part because militant groups like the Movement for the Emancipation of the Niger Delta (MEND) sought to raise attention to the situation of the local populace living in the Delta, to pressure the Nigerian government to share more oil revenues locally, and highlight the environmental damage associated with the extractive industries, as well as a number of militants engaging in the behavior for strictly financial reasons.³⁶ In 2007, kidnappings in Nigeria accounted for 16%

^m While the captors in the two of the cases were unknown, the Promised Day Brigade, Saraya al-Salam (Peace Brigades), and Asa'ib Ahi al-Haq were responsible for six of the post 2008 abductions.

of global hostage-taking by militant groups.³⁷ Fifteen U.S. nationals were kidnapped in 2006 and 2007 in Nigeria, almost half (45%) of the total number of U.S. nationals taken hostage by non-state actors in Nigeria. While a few aid workers and missionaries have been kidnapped in Nigeria, the majority (82%) of U.S. nationals abducted in the country were either oil workers, sailors, or businessmen associated with the oil industry in the Niger Delta.

Yemen, Afghanistan, and Syria account for the remaining top five countries. While tribal groups and AQAP have taken U.S. nationals hostage in Yemen, most abductions of U.S. nationals within the country have been conducted by the Houthis. The majority of American kidnappings in Yemen occurred in 2015 in the aftermath of the Houthi seizure of Yemen's capital of Sanaa and the expansion of the group's territorial reach.³⁸ While the number of abductions has decreased from its 2015 high, the abduction of and holding of U.S. nationals in Yemen remains a continued threat. Unlike Iraq, Nigeria, and Yemen, kidnappings of U.S. nationals in Afghanistan have been less concentrated in time, with the threat of kidnapping representing an enduring threat to those U.S. nationals in the country. In Syria, kidnapping became a threat to U.S. nationals after the outbreak of the country's civil war, with the majority of U.S. nationals kidnapped in the country being abducted in 2012 and with kidnappings continuing until 2016.

The ten countries listed in Figure 6 account for 83% of the countries where U.S. nationals have been taken hostage by non-state actors. In all, however, U.S. nationals have been kidnapped in 30 countries. While a smaller number of U.S. nationals are taken hostage in the other 20 countries, each individual American kidnapping and hostage-taking can have tremendous impacts both for the U.S. government and the families of the hostage. These impacts make mitigating and preventing the kidnapping of U.S. nationals incredibly important.

The ubiquity of the tactic, however, makes prevention exceptionally difficult. The data indicates that certain contexts have a high likelihood of American hostage taking occurring, such as conflict areas where U.S. troops are actively involved (Iraq and Afghanistan, for example) or other areas with local conflicts where U.S. nationals are present, such as the Niger Delta. In some cases, general warnings can be provided where conditions indicate an increased threat of U.S. nationals being taken hostage,ⁿ but the employment of hostage-taking in so many countries make specific warnings incredibly difficult.

ⁿ The State Department, for instance, updates their travel advisories to indicate increased risk of kidnapping and, in April 2019, the Department of State added a "K" designator to denote specific countries with a high risk of kidnapping. Upon its initial release, the "K" designator was applied to 35 countries. See Jessica Donati, "State Department Indicator Flags Countries with High Risk for Kidnapping," *Wall Street Journal*, April 9, 2019. [wsj.com/articles/state-department-indicator-flags-countries-with-high-risk-for-kidnapping-11554858636](https://www.wsj.com/articles/state-department-indicator-flags-countries-with-high-risk-for-kidnapping-11554858636)

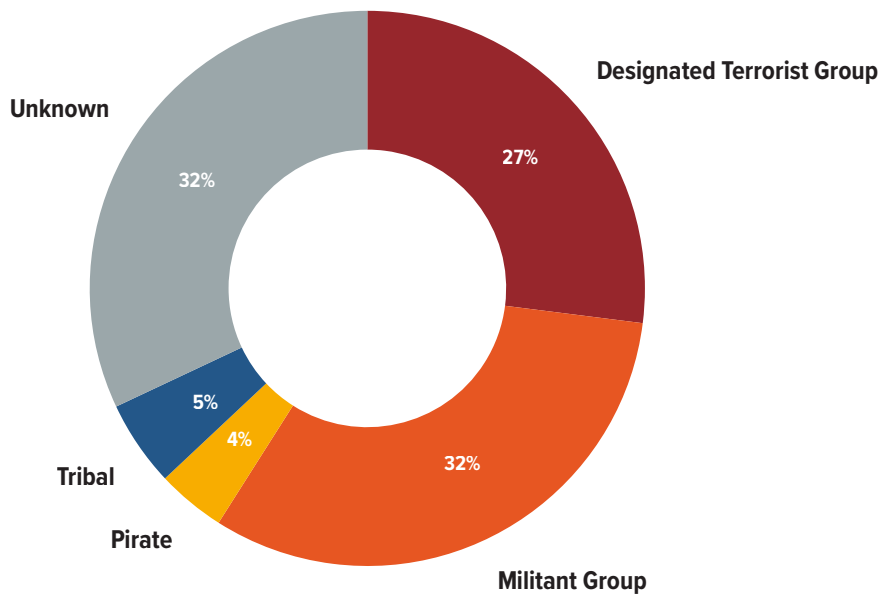
Group Trends in U.S. National Hostage-Takings

As seen in the discussion above, understanding the threat to U.S. nationals from kidnapping and hostage-taking based on geography alone is often insufficient. Understanding the groups involved in the abduction of U.S. nationals is also of critical importance. Towards this end, JWFLF coded the groups as those designated as terrorist groups by the U.S. government,^o other known militant groups,^p groups engaged in piracy,^q or instances where there was evidence of kidnapping, but the groups were unknown.^r

Designated terrorist groups and other known militant groups, combined, account for over half (58%) of the kidnappings of U.S. nationals (Figure 7). The percentage of U.S. nationals kidnapped and held hostage by designated terrorist groups (27%) and other militant groups (31%) is almost even. In just under one-third of the cases (31%) the identities of the captors are largely unknown. U.S. nationals are taken hostage far less often by tribal groups (5%) or groups engaged in piracy (4%).

Figure 7:

TYPES OF GROUPS RESPONSIBLE FOR U.S. NATIONAL HOSTAGE-TAKINGS



^o This includes groups either designated as Foreign Terrorist Organizations (FTO) or Specially Designated Global Terrorist (SDGT) by the U.S. government. FTOs are designated by the Department of State under authority provided by the Antiterrorism and Effective Death Penalty Act of 1996, while groups can be designated as SDGT entities by the Department of State or Department of Treasury through Executive Order 13224. See Seth Loertscher, Daniel Milton, Bryan Price, and Cynthia Loertscher, *The Terrorist Lists: An Examination of the U.S. Government's Counterterrorism Designation Efforts* (West Point, NY: Combating Terrorism Center, 2020), pp. 5–9; 25–30. ctc.usma.edu/the-terrorist-lists-an-examination-of-the-u-s-governments-counterterrorism-designations-efforts

^p Groups with names or discernible leaders whose ideology, political behaviors, and militant activity can be identified as being dedicated to the use of armed force toward the achievement of a political objective were coded as militant groups.

^q Groups that conducted seaborne kidnappings of U.S. nationals have been coded as pirates. Land-based kidnappings by identified pirate networks are also coded as pirates.

^r Where there was no identifiable group conducting the hostage-taking, the were coded as unknown. While this group likely contains criminal kidnappings, these were discarded from the dataset if identified.

TERRORIST AND MILITANT GROUP TRENDS

In coding the data, JWFLF coded groups as designated terrorist groups only if they were so designated at the time of the kidnapping for which they were responsible. In eight of the hostage-takings of U.S. nationals, however, the three groups responsible were later designated as a Foreign Terrorist Organizations by the Department of State.^s

These abductions seem to have had an impact on the future designation of these groups. In two of these cases, that of Asa'ib al-Haq and the Palestinian group Army of Islam, the kidnappings of U.S. nationals were explicitly mentioned in the press releases announcing their designations.³⁹ In the case of the Haqqani Network, a much more politically complicated designation,⁴⁰ the kidnapping of an American was not mentioned in the press releases accompanying the designation.⁴¹ Despite this, the abduction was used as evidence in the SDGT designation of Badruddin Haqqani, a senior leader in the Haqqani Network, which occurred four months prior to the group's FTO designation.⁴² There were no cases in which a group was delisted as an SDGT or FTO and then took a U.S. national hostage.

Afghanistan and Colombia have seen the largest number of kidnappings of U.S. nationals (11 each) conducted by designated terrorist organizations due to the activity of the Taliban and Haqqani Network in Afghanistan and Revolutionary Armed Forces of Colombia (FARC)^t and National Liberation Army (ELN) in Colombia. Iraq and Syria each account for nine of the hostage-takings of U.S. nationals by designated terrorist organizations, driven primarily by the Islamic State and its predecessor organizations.^u Iraq (20), Yemen (16), and Nigeria (12) are the three countries where most U.S. nationals have been kidnapped by militant groups, although U.S. nationals have been taken hostage by militant groups other than designated terrorist organizations in 14 countries around the world.

While the number of U.S. nationals kidnapped by designated terrorist organizations and other types of militant groups are roughly equal, their experiences in captivity are not. On average, those U.S. nationals taken hostage by designated terrorist organizations have longer captivities and are less likely to survive their captivities than those taken by other types of militant groups.

The majority (63%) of U.S. nationals taken hostage by militant groups are held for thirty days or less, whereas less than half (40%) of those U.S. nationals kidnapped by terrorist groups are held for less than a month. In most cases (92%), militant groups do not hold U.S. nationals longer than a year.^v In contrast, one-third (33%) of the U.S. nationals kidnapped by terrorist groups have been held for a year or longer. Whether they were released, killed,

^s While the Houthis were designated as a FTO in 2021, they are not included in this number, due to the limited nature of their designation. The listing occurred in the closing hours of the Trump administration and the designation's effects were paused six days after it went into effect by the incoming Biden administration. The Houthis were delisted less than a month later. None of the U.S. nationals were taken hostage in the approximately one month that the group was designated. See Lucy van der Kroft, "Yemen's Houthis and the Terrorist Designation System," International Centre for Counter-Terrorism, June 2021. icct.nl/app/uploads/2021/06/Houthi-Terrorist-Designation-Policy-Brief.pdf

^t All the U.S. nationals taken hostage by the FARC were abducted prior to the group being delisted as an FTO in 2021. See Anthony J. Blinken, "Press Statement: Revocation of the Terrorist Designations of the Revolutionary Armed Forces of Colombia (FARC) and Additional Terrorist Designations," U.S. Department of State, November 30, 2021. state.gov/revocation-of-the-terrorist-designations-of-the-revolutionary-armed-forces-of-colombia-farc-and-additional-terrorist-designations/#:~:text=The%20Department%20of%20State%20is,13224%2C%20as%20amended.

^u Asa'ib al-Haq's abductions are not taken into account because they were not designated at the time of the hostage-takings. If, however, these hostage-takings are included, Iraq's total rises to 15, surpassing both Afghanistan and Colombia.

^v The four cases in which Americans have been held by militant groups other than terrorist organizations have all occurred in Yemen and been the responsibility of the Houthis. These four cases lasted, on average, 544 days or 1.5 years. JWFLF decided not to include the Houthis as a designated terrorist group based on the brief nature of its designation as an FTO and the fact that no U.S. nationals were taken hostage while the group were designated. If, however, the Houthis were classified as a designated terrorist group in the analysis, then no captivity conducted by a militant group would have lasted more than a year.

rescued, or escaped, these long-term terrorist captivities of U.S. nationals have had a variety of endings and the longest of these cases involve U.S. nationals that are still being held by terrorist groups. While terrorist groups with various ideologies have kidnapped U.S. nationals, the majority of the terrorist groups responsible for these long-term captivities have been jihadi groups.

Terrorist hostage-takings are also more likely to end in the hostage's death than those conducted by other militant groups (Figure 8). Among U.S. nationals kidnapped by terrorist organizations, 37% have ended with the death of the hostage at the hands of the group holding them, due to the harsh conditions of their captivities, or during an attempted rescue. For other militant groups, 24% of U.S. nationals have met this same tragic fate.^w

Figure 8:

RESULTS OF U.S. NATIONAL HOSTAGE-TAKINGS BY GROUP TYPE^x

GROUP TYPE	RELEASED, RESCUED, OR ESCAPED	DIED WHILE IN CAPTIVITY
Designated Terrorist Group	54%	37%
Militant Group	73%	25%
Pirate	56%	44%
Tribal	100%	0%
Unknown	92%	6%

In almost three quarters of the kidnappings by militant groups, American hostages have either been released, rescued, or escaped. In the majority of cases (65%), the American hostage is released. Escapes (3%) and rescues (6%) are less frequent. By contrast, American hostages held by designated terrorist organizations escape (9%) and are rescued (12%) somewhat more often. Presumably, this is because the hostages and the government both recognize the danger represented by the captivity, increasing the willingness of the hostage to risk escape and the government to conduct rescue attempts. In 33% of the cases where U.S. nationals have been taken hostage by terrorist groups, the American hostages have been released, the smallest percentage of releases for any of the group types.

Due to their relative infrequency, releases by designated terrorist organizations bear closer examination. The majority of the releases (58%) have occurred in Central or South America at the hands of the United Self-Defense Forces of Colombia, FARC, or ELN. The other U.S. nationals released were freed by the Taliban, Haqqani Network, Abu Sayyaf Group, the then-al Nusra Front, or the Mujahideen Shura Council.^y These releases seem to have had a variety of causes. In some cases, the United States consented to an exchange of prisoners. In other cases, a ransom appears to have been paid. Still other U.S. nationals were released seemingly without

^w If the groups later designated as terrorist organizations are excluded from the militant group category, this number drops to 18% of Americans held by militant groups being killed.

^x Totals do not equal 100% due to cases with unknown outcomes or where hostages are still being held hostage.

^y The Mujahideen Shura Council (MSC) was an umbrella organization of jihadi groups active in 2006 in which al Qa'ida in Iraq under Musab al Zarqawi played a leading, if unofficial, role. See, Tore Hamming, "The Hardline Stream of Global Jihad: Revisiting the Ideological Origin of the Islamic State," CTC Sentinel, 2019, 12:1, p. 5. ctc.usma.edu/hardline-stream-global-jihad-revisiting-ideological-origin-islamic-state

conditions. In at least one case, the group appears to have wanted the released hostage to carry a favorable message to the wider world. In other cases, the groups seem to have sought to improve—or at least not worsen—their relationships with the United States. The significant gap between the number of U.S. nationals released by designated terrorist groups and other types of militant groups bears highlighting. Twice as many U.S. nationals are released by other militant groups (40 U.S. nationals) than by designated terrorist organizations (19 U.S. nationals).

The other types of militant groups that have released U.S. nationals are varied, spanning Europe, Africa, the Middle East, and South and Southeast Asia. The causes of these releases are difficult to know. It is likely that in some of these cases ransoms were provided, while in others the United States or local governments are likely to have negotiated some other terms for the release of the American hostages. How these releases are secured, the data indicates that they are more easily resolved. While more than half (58%) of the designated terrorist group releases have involved captivities of more than 30 days, 61% of the U.S. nationals released by other militant groups were released in 30 days or less. These shorter durations of American captivities indicate that securing a resolution with a militant group that has not been designated as a terrorist organization is a less complicated feat than dealing with a group that has received such a designation.^z

PIRATE, TRIBAL, AND UNCLEAR GROUP TRENDS

In some cases, U.S. nationals are also kidnapped by groups engaged in piracy (4%), local tribal groups (5%) or by groups whose identities are unclear (31%). In kidnappings by local tribal groups, the data show U.S. nationals have generally been released within three days of their abductions. In most cases, this seems to be the result of intervention and negotiation by the local government or other tribal groups. Abductions by groups engaged in piracy have had mixed resolutions, with 33% being released, 22% rescued, and 44% executed by the group holding them, though this is primarily driven by a single event.^{aa} They are, on average, longer than tribal kidnappings, highlighting the difficulty of their resolution.

The cases where the abductors are unknown are more difficult to understand. The majority of these abductions occurred in Iraq and Nigeria, indicating that when U.S. nationals find themselves in the midst of a conflict between rebel or insurgent groups and the local government, the likelihood that, should U.S. nationals be kidnapped, the identities of their captors will remain unclear increases. This may be because the parties to the conflict are poorly understood or unidentifiable. It may also be because small groups of militants decide to use the conflict as an opportunity to seize U.S. nationals and attempt to secure a ransom. The majority of these unknown cases (92%) end with the rescue, release, or escape of the kidnapped American. In most cases, the unknown groups released the American after no more than a week.

^z While the legal implications of negotiating with a U.S. government terrorist designation certainly contribute to the difficulty mentioned, it is not clear from this data that—barring this designation—the captivities of U.S. nationals would be shorter, given the antipathy between these groups and the United States. For one perspective, see for example, Joel Simon, “The business of kidnapping: inside the secret world of hostage negotiation,” *The Guardian*, January 25, 2019. [theguardian.com/news/2019/jan/25/business-of-kidnapping-inside-the-secret-world-of-hostage-negotiation-ransom-insurance](https://www.theguardian.com/news/2019/jan/25/business-of-kidnapping-inside-the-secret-world-of-hostage-negotiation-ransom-insurance)

^{aa} While the execution of Americans by pirate groups is all associated with a single event, it highlights the unpredictability of these kidnappings and the potential for them to end violently.

Trends in Occupations of U.S. Nationals Taken Hostage

In addition to understanding where U.S. nationals are taken hostage and who kidnaps them, it is important to better understand which U.S. nationals are most at risk. To this effect, JWFLF examined the occupations for each of the American hostages, focusing on what activity took them into the region from where they were kidnapped.

For many U.S. nationals (31%) the primary driver seems to have been work. Nineteen percent of those U.S. nationals kidnapped were engineers, technicians, or managers engaged in their work when kidnapped (Figure 9).^{ab} A further six percent of U.S. nationals were businesspeople engaged in a variety of sectors. Another six percent of U.S. nationals were contractors engaged in security work, transportation, or other work in support of the U.S. government or United Nations.

Travel and studying overseas resulted in 19% of the U.S. nationals taken hostage. American aid workers, missionaries, and employees of non-governmental organizations made up 16% of the American hostages, while journalists accounted for another 16%. Relatively few government officials (3%) or members of the U.S. military^{ac} (6%) have been abducted by non-state actors. Those members of the military who were kidnapped were taken in either Afghanistan or Iraq, while government workers have primarily been kidnapped outside warzones.

Figure 9: OCCUPATIONS OF U.S. NATIONALS TAKEN HOSTAGE

OCCUPATION	PERCENTAGE
NGO	16%
Contractor	7%
Corporate	6%
Family	1%
Government	3%
Journalist	16%
Military	6%
Resident	1%
Sailor	2%
Skilled Worker	19%
Travel/Student	19%
Unknown	5%

^{ab} It is worth noting that the majority of these U.S. nationals (60%) were kidnapped in Nigeria, primarily in the Niger Delta.

^{ac} Some might argue that U.S. servicemen and servicewomen could be considered 'prisoners of war.' They are included in this data, however, because of their abduction by non-state actors.

^{ad} Totals do not equal 100% due to cases with unknown outcomes or where hostages are still being held hostage.

Those U.S. nationals working as aid workers, missionaries, or as employees for other non-governmental organizations are at risk of being kidnapped in the largest number of countries. While the largest percentage of NGOs were kidnapped in Afghanistan (21%), at least one American working with an NGO has been kidnapped in 17 countries around the globe. The wide reach of international aid organizations and the ubiquity of hostage-taking make protecting these aid workers and missionaries a difficult, but important task.

Those U.S. nationals traveling abroad for tourism, to visit families, or to study abroad have been kidnapped in 14 different countries by non-state actors, with Colombia, Egypt, and the Philippines each accounting for 15% of the abductions. Journalists, like NGO employees and travelers, are also kidnapped in a wide variety of countries—primarily conflict zones. Journalists have been kidnapped in ten countries with Iraq (33%) and Syria (24%) representing the greatest percentages of American journalist abductions. In addition to Iraq and Syria, the countries where journalists have been abducted have all had active conflicts including, Afghanistan, Yemen, Somalia, and Ukraine. This highlights the importance of preventive measures, especially for journalists traveling to conflict regions.^{ae}

There seem to be few clear trends in the occupations of the hostages and the types of groups who abduct them. Terrorist organizations appear to kidnap tourists (25% of their abductions), journalists (21%), and aid workers or missionaries (21%) with the most frequency. While they are responsible for over half (54%) of the abductions of American servicemen and servicewomen, other militant groups and unknown groups have also taken members of the military hostage. The single largest occupation represented in the kidnappings by other types of militant groups are skilled workers, but this largely reflects kidnappings in the Niger Delta. Like terrorist groups, U.S. nationals working for NGOs (14%) or journalists (12%) are the next most prevalent occupations kidnapped by militant groups.

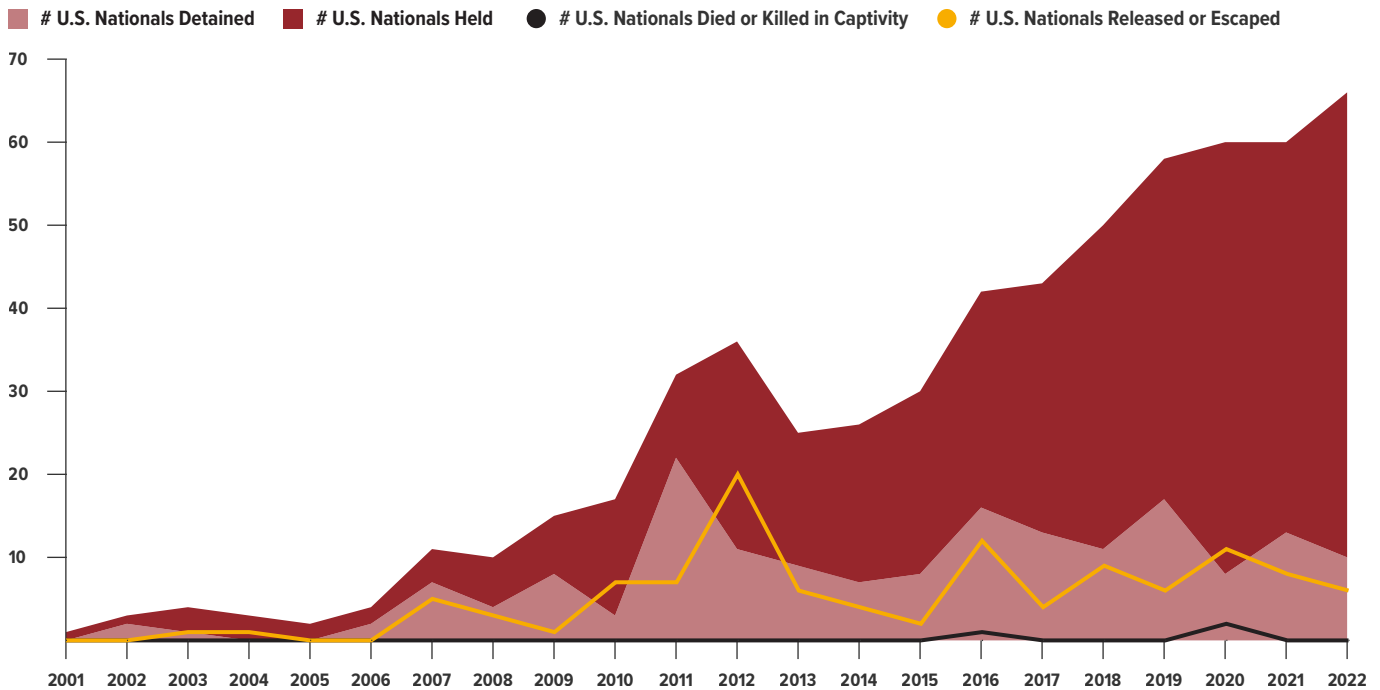
U.S. National Wrongful Detentions

Since 2001, there have been at least 177 U.S. nationals wrongfully detained by state actors, with approximately seven U.S. nationals detainees detained per year (Figure 10). Unlike hostage-taking, which has, despite fluctuations, seen a general decrease over the past eleven years, wrongful detentions have increased. From 2001–2011, 49 U.S. nationals were wrongfully detained, an average of approximately 4 U.S. nationals per year. From 2012–2022, the number of U.S. nationals wrongfully detained increased to a total of 123 held by state actors, with 11 U.S. nationals, on average, being detained each year. While the possibility exists that this increase could be explained as a result of underreporting of state level hostage-takings from 2001–2011, it is unlikely that this explains the 150% increase in wrongful detentions since 2012.

^{ae} For example, Dr. Thomas Durkin, JWFLF's Education Program Director, has developed both a Journalist Safety Curricula for undergraduate and graduate schools in order to better prepare journalists for their future professions and a risk assessment tool for journalists and newsroom managers. More information about these resources can be found at jamesfoleyfoundation.org/journalist-safety.

Figure 10:

U.S. NATIONALS WRONGFULLY DETAINED AND HELD



With the rise in the rate of U.S. nationals wrongfully detained by state actors, there has also been an increase in the number of U.S. nationals held overseas. Since 2013, the number of U.S. nationals who remained in captivity the year after their initial detention, hereafter held, cumulatively increased until 2020. A number of releases in 2020 and 2021 helped break this trend, but continued detentions have grown the number of those held to an all-time high in 2022.^{af}

The number of U.S. nationals held as wrongful detainees each year has increased dramatically in the past 11 years. From 2001–2011, there were an average of nearly five U.S. nationals wrongfully held by state actors annually. From 2012–2022, this number increased by 580% to approximately 34 U.S. nationals held by foreign states per year.

While the number of U.S. nationals held as wrongful detainees increased significantly over time, the number of wrongful detentions remained relatively consistent every year since 2012.^{ag} As shown in Figure 12, the number of releases generally corresponds with the number of wrongful detention incidents since 2012. However, in the last ten years, 2012 and 2020 were the only years where more U.S. nationals were released than detained. With the exception of 2017-2018 and 2019-2020, the number of U.S. nationals held each year increased by three to five U.S. nationals. Only in the year 2020-2021 was there a decrease in the number of U.S. nationals held (Figure 12).

^{af} The year 2022 includes less than five Americans whose cases were brought to JWFLF's attention this year, but who were detained previously. However, the date these individuals were detained was not available. JWFLF was given permission to include them in the number of U.S. nationals held overseas.

^{ag} The sharp increase of wrongful detention incidents in 2011 are a result of 16 U.S. nationals wrongfully detained in a single event in Egypt.

These findings highlight something Western governments are beginning to realize: Wrongful detentions are an increasing problem. Indeed, high-profile cases in the United States, Canada, and the United Kingdom have increased attention on the phenomenon in Washington, Ottawa, and London.⁴³ In February 2021, both the United States and United Kingdom endorsed a Canadian-launched declaration against “arbitrary detentions,”⁴⁴ joining 55 other countries^{ah} in condemning the “arbitrary arrest or detention of foreign nationals to compel action or to exercise leverage over a foreign government.”⁴⁵ This declaration, reaffirmed in the G7 Foreign and Development Minister’s Meeting in London in May of the same year,⁴⁶ also contained a Partnership Action Plan designed to increase cooperation among the signing countries on wrongful detentions.⁴⁷ A month before the Canadian government announced the declaration, two Canadian advocacy organizations, the Canadian Coalition Against Terror (C-CAT) and the Macdonald-Laurier Institute (MLI), proposed new legislation to deal with Canadians held hostage or wrongfully detained.⁴⁸

Wrongful detentions have also received more focus in the United Kingdom. In 2019, the UK’s then-Foreign Secretary, Jeremy Hunt, commissioned Dame Judith MacGregor, a former Head of Mission in the Diplomatic Service to examine the “policy and handling of complex Consular cases.” Her findings, known colloquially as the “MacGregor Report,” discussed a number of improvements the Foreign Commonwealth Office (FCO) could make to better recognize and handle these cases, as well as improve relationships between the British government and families.⁴⁹ In March 2020, the Foreign Affairs Committee in UK’s Parliament initiated an inquiry to examine the relationship between the United Kingdom and Iran. The inquiry, which also focused on Iran’s arbitrary detention of UK citizens, found that “the framework within which action over arbitrarily detained nationals can be taken is severely limited” and that “the range of tools [the FCO can employ] is entirely ineffectual and requires revision.”⁵⁰ Following on these findings the Foreign Affairs Committee called for another inquiry in early 2022 to examine “state level hostage situations.”⁵¹ While expert witnesses were called in meetings in May and July,⁵² the report and findings from this inquiry are still being drafted.

In December 2020, the United States passed the *Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act*, codifying EO 13698 as well as creating a list of criteria for determining whether a U.S. national’s detention abroad is considered wrongful. In July 2022, the Biden administration, building on EO 13698 and the Robert Levinson Act, issued EO 14078, “Bolstering Efforts to Bring Hostages and Wrongfully Detained United States Nationals Home.”⁵³ This executive order elevated wrongful detention cases to the same status as hostage cases, providing mechanisms for increased interagency coordination, support for families and information sharing. EO 14078 also created a framework to sanction foreign individuals found to be “responsible for or complicit in, to have directly or indirectly engaged in, or to be responsible for ordering, controlling, or otherwise directing, the hostage-taking of a United States national or the wrongful detention of a United States national abroad.”⁵⁴

While the effectiveness and sufficiency of these governmental actions are open for debate, they are indications that wrongful detentions are both increasing in number and are of increasing concern to Western governments whose citizens are being wrongfully held.

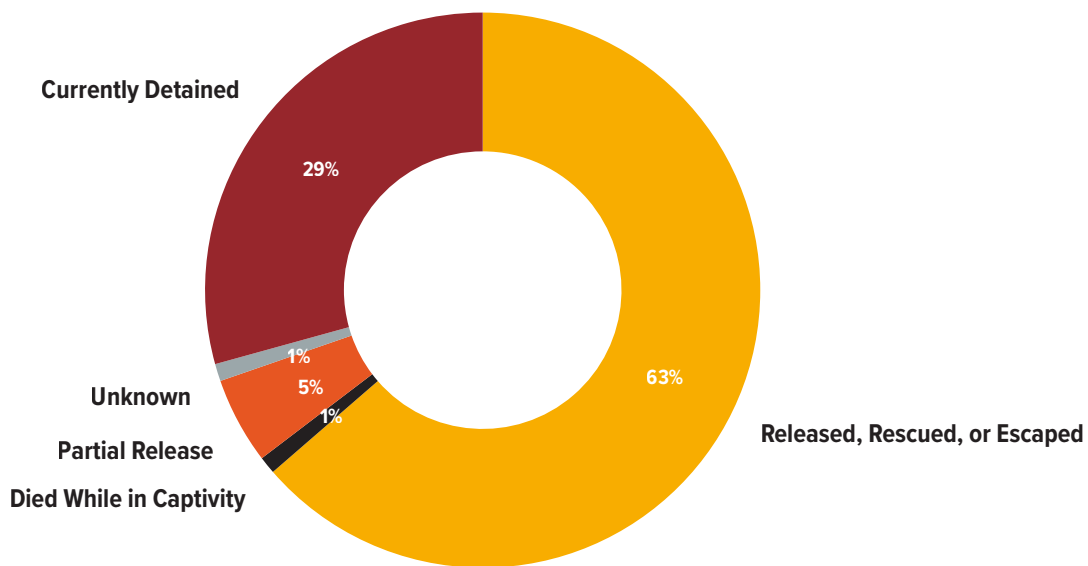
^{ah} On March 21, an additional 11 countries signed onto the Declaration, bringing the total number of endorsing countries to 69. For a complete list of these countries see, “List of endorsements in the Declaration Against Arbitrary Detention in State-to-State Relations,” Government of Canada, international.gc.ca/world-monde/issues_developpement-enjeux_developpement/human_rights-droits_homme/arbitrary_detention-detention_arbitraire.aspx?lang=eng#a1.

Outcomes of U.S. National Wrongful Detentions

Of the cases in the JWFLF dataset, most wrongful detentions (63%) have ended with the release, rescue, or escape of the U.S. national detained, with releases representing the overwhelming majority of these successful outcomes (Figure 11). In 5% of the cases, there have been incomplete releases, with the U.S. nationals remaining in the detaining country either on house arrest, out on bail, or on a travel or exit ban. For the cases that have been resolved, most U.S. nationals (94%) are released. In a few tragic cases (1%), U.S. nationals have either died while in captivity or been executed by the states holding them. In short, while tragedies do happen, when cases are resolved most U.S. nationals who are wrongfully detained are released.

Figure 11:

OUTCOMES OF U.S. NATIONAL WRONGFUL DETENTIONS



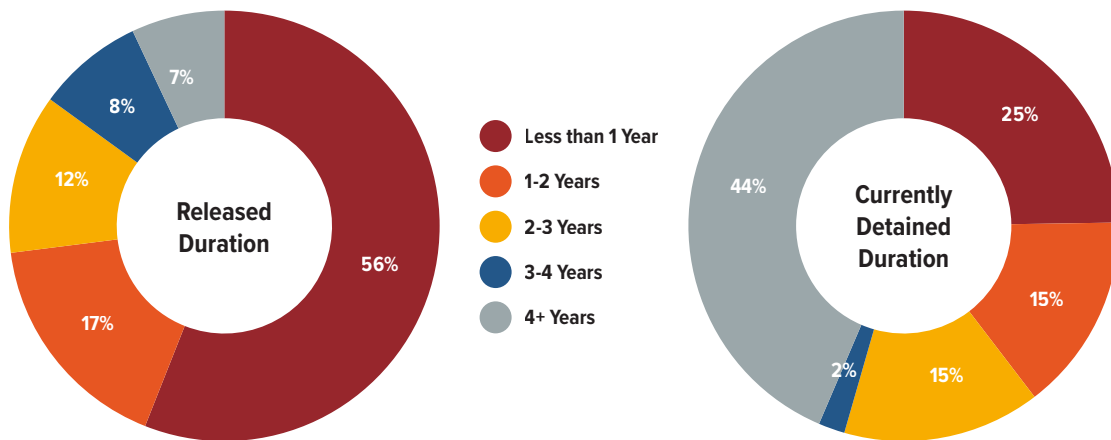
The percentage of releases, and—unlike hostage incidents—relatively few deadly outcomes, hides a different sort of tragedy. In almost one-third of the cases within the JWFLF data (29%), U.S. nationals are still being detained. As mentioned in the previous discussion, the number of U.S. nationals being held overseas is increasing dramatically. While these cases have generally ended in release, these detentions are often grueling for U.S. nationals held overseas by foreign governments who often experience torture, poor conditions, and abuse. The continued detention of so many U.S. nationals is a tragedy.

Duration of U.S. National Wrongful Detentions

Not only are many U.S. nationals still being held, but these wrongful detentions have also generally been long-term detentions. Of the current cases for which duration could be ascertained,^{ai} most U.S. nationals (44%) have been detained for more than four years. According to the data, most cases (45%) are resolved within the first year, but the next largest percentage of cases (21%) lasts more than four years.^{aj} These two time periods represent significantly different outcomes. For cases lasting a year or less, 78% have ended in release. For U.S. nationals detained over four years, this number drops to 22% of the cases ending in a release. Over half (58%) of the cases lasting more than four years involve U.S. nationals who are still detained and 6% of these cases ended in the death of the detainees.

Figure 12:

DURATIONS OF U.S. NATIONAL WRONGFUL DETENTIONS



When viewed by the status of the U.S. national detainee (Figure 12), these same dynamics are seen. For those U.S. nationals who are currently detained, 44% have been held for more than four years. For those U.S. nationals whose cases ended in release, 56% had detentions lasting a year or less, while only 7% of the cases ending in release have lasted more than four years.

To be clear, this does not mean the plight of U.S. nationals held for longer than four years is hopeless—22% of those cases have ended in release. In addition, with the relatively small number of detentions that have lasted more than four years, cases changing from current detentions to additional releases will shift this percentage significantly. What the data does seem to indicate, however, is that the longer a wrongful detention lasts, the more difficult the case is to resolve. This data suggests that the current tools the U.S. government employs to release U.S. nationals are not effective and indicates a need to strengthen efforts to secure the release of U.S. nationals wrongfully detained abroad.

ai The duration of 92% of the American wrongful detentions was identifiable. In 8% of the cases, however, information about the specifics of the case was inadequate to determine the duration of the case.

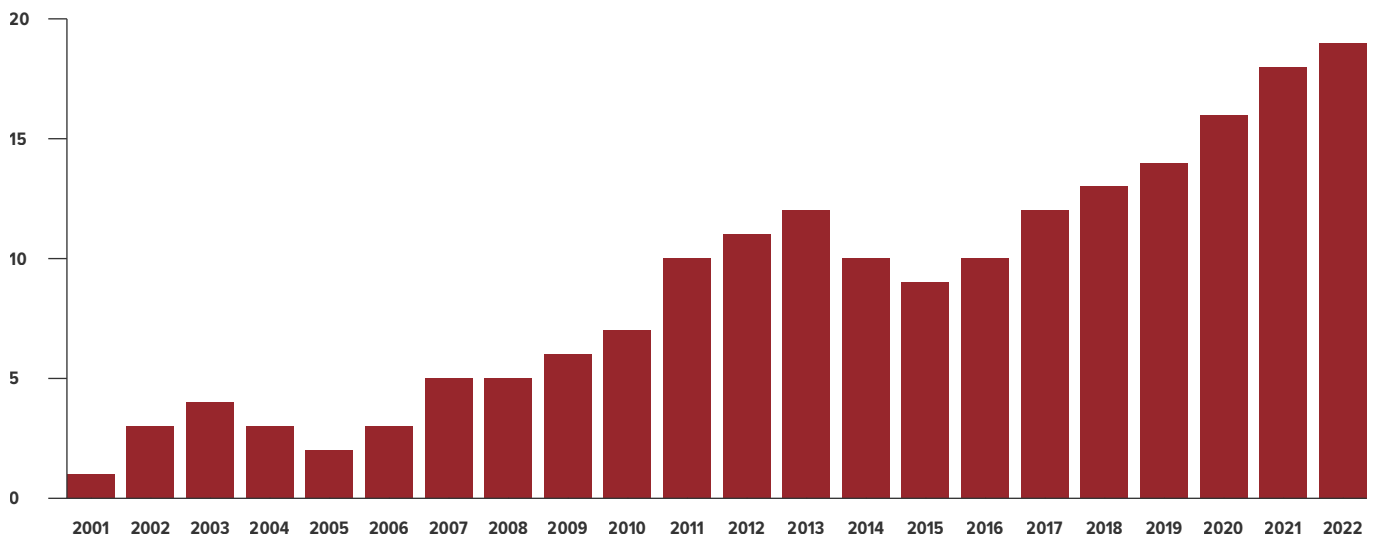
aj The remainder (35%) of U.S. national wrongful detentions have lasted between one and four years. Cases lasting for between 1 and 2 years account for 14% of the data, cases that last 2–3 years, 13% and cases from 3–4 years, 8%.

Geographic Trends in U.S. National Wrongful Detentions

As important as the results and duration of U.S. national detentions are the countries where they are wrongfully detained. Since 2001 there has been a near linear growth in the number of countries that have either wrongfully detained or held a U.S. national (Figure 13). From 2001–2005 only four countries were wrongfully detaining U.S. nationals. Aside from brief decreases in 2004–2005 and 2014–2015, this number has grown each year to 19 countries that have either wrongfully detained or held a U.S. national in 2022. The number of countries that have wrongfully detained U.S. nationals has varied over time, with a total of 27 countries having done so from 2001–2022. The increase in the number of countries wrongfully detaining U.S. nationals, alongside the increase in the number of U.S. nationals being wrongfully detained and held in captivity, is a worrisome trend.

Figure 13:

NUMBER OF COUNTRIES WRONGFULLY DETAINING OR HOLDING U.S. NATIONALS OVER TIME

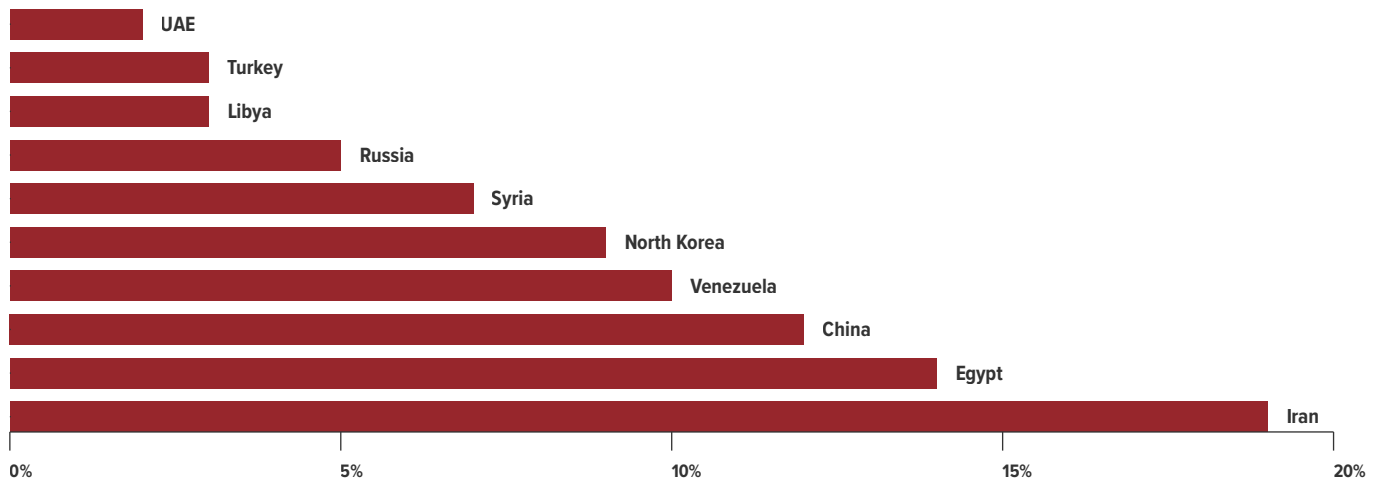


Many of the countries that have wrongfully detained large numbers of U.S. nationals are countries with whom the U.S. has strained or adversarial relations. Of the ten countries that have detained the most U.S. nationals (Figure 14), the U.S. government has extensive, active sanctions programs against six^{ak}: Iran, China, Venezuela, North Korea, Syria, and Russia.⁵⁵ These six countries combined account for more than half (62%) of all U.S. national wrongful detentions. Barring North Korea, these countries account for 75% of the U.S. nationals currently wrongfully detained. Wrongful detentions, however, do not only occur in countries with strained relations with the United States. As can be seen in Figure 14, U.S. nationals have also been wrongfully detained by countries the U.S. views as allies or strategic partners, making the resolution of those cases potentially more complex diplomatic issues.

^{ak} While the U.S. government has an active sanctions program against Libya, it was excluded from the list due to the fact the program, while initially targeting the regime of Colonel Muammar Qadhafi, has shifted to target those contributing to ongoing violence in Libya that threatens the “peace, security, stability, democratic transition, and territorial integrity” of the country. See Executive Order 13566 of February 25, 2011, “Blocking Property and Prohibiting Certain Transactions Related to Libya,” Federal Register, Vol. 76, No. 41, Wednesday, March 2, 2011, [home.treasury.gov/system/files/126/2011_libya_eo.pdf](https://www.federalregister.gov/documents/2011/03/02/2011-libya_eo.pdf); Executive Order 13726 of April 19, 2016, “Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya,” Federal Register, Vol. 81, No. 77, Thursday, April 21, 2016, [home.treasury.gov/system/files/126/libya_eo_20160419.pdf](https://www.federalregister.gov/documents/2016/04/21/2016-libya_eo_20160419.pdf).

Figure 14:

TOP COUNTRIES WHERE U.S. NATIONALS HAVE BEEN WRONGFULLY DETAINED



WRONGFUL DETENTIONS OF U.S. NATIONALS IN IRAN

Of all the countries that have wrongfully detained U.S. nationals since 2001, Iran has detained the most (Figure 14), accounting for almost 20% of all U.S. nationals wrongfully detained. With a long history of participating in the hostage-taking and detention of U.S. and Western nationals, Iran has consistently used the tactic to try to gain leverage against Western countries,⁵⁶ with one recently released research effort indicating that Iran has detained at least 66 foreign nationals since 2010.⁵⁷ “Iran,” write the authors, “has sought to use [the] detainees’ foreign citizenship to gain leverage in disputes or negotiations with the relevant country, as well as to discourage Iranians from engaging with the West.”⁵⁸

At least four U.S. nationals have been either wrongfully detained or held in Iran each year since 2007 (Figure 15), when several U.S. nationals were detained just as the U.S. and Iran were engaging in the first bilateral talks between the two countries in 30 years.⁵⁹ In 2009, a number of U.S. nationals were detained in the wake of the contested presidential election as the U.S. Congress voted to condemn Iran’s crackdown on protesters and President Obama warned Tehran the world was watching the Iranian response to the unrest.⁶⁰ In 2015 and 2016, the detention of U.S. nationals again spiked as Iran’s Islamic Revolutionary Guards Corps (IRGC) began a surge of arrests of dual-nationals, many of whom held citizenship in Western countries.⁶¹

The arrest of dual nationals in Iran has been a significant issue for Western countries.⁶² Of the U.S. nationals being held in Iran, 75% have been dual nationals, whose U.S. citizenship the Iranian government does not legally recognize.⁶³ Iran has routinely prevented detained U.S. nationals access to consular support.⁶⁴ Several Western countries, including the United States, have issued travel advisories for their citizens, particularly those with Iranian citizenship, warning about the risk of detention in Iran and recommending they avoid travel to the country.⁶⁵ Iran has also been designated with the “D” indicator, a recent Department of State initiative to highlight countries engaged in the wrongful detention of U.S. nationals.⁶⁶

In November 2021, the Iranian government announced its intention to launch an online service to help dual nationals “check their legal records” in advance of travel to Iran.⁶⁷ The new service, the Iranian Foreign Minister announced, would help ensure that dual nationals have “no problem[s] for entry and return” and that problems arising with the system would be the responsibility of the Foreign Ministry, who would “guarantee” their resolution.⁶⁸ The Foreign Minister went on to call for the Iranian parliament to introduce new laws on the treatment of dual nationals and commented that the detentions of dual nationals has caused “unwanted consequences” for Iran.⁶⁹ Families and advocates for those Westerners wrongfully detained expressed the view that the announcement was a scheme to lure Westerners to Iran and highlighted the Iranian failure to release those already being held in the country.⁷⁰

The large number of U.S. nationals who have been detained in Iran, combined with Iran’s history of wrongfully detaining Westerners, indicate that wrongful detentions in Iran are likely to remain a threat in the near future.⁷¹

WRONGFUL DETENTIONS OF U.S. NATIONALS IN EGYPT

While Egypt has engaged in the detention of U.S. nationals, its placement as the country with the second most wrongful detentions of U.S. nationals (Figure 14) is largely due to a single event. In December 2011, 16 U.S. nationals along with 26 Egyptians and Westerners working for Western pro-democracy groups were arrested during a period of protests against the Egyptian military’s role in the Egyptian government.⁷² The detainees were charged with using foreign funds to “foment unrest” in Egypt and the U.S. nationals, who were later convicted in absentia, were allowed to exit the country after U.S. Congress members threatened to cut off \$1.3 billion in military aid.⁷³ This case represents the largest number of U.S. nationals detained overseas in a single incident and can generally be seen as an outlier in the data.^{al}

Despite being an overall outlier, the 2011 case highlights a general trend of U.S. national wrongful detentions in Egypt; U.S. nationals are generally wrongfully detained during times of political unrest (Figure 15). Other wrongful detentions of U.S. nationals have occurred in 2013 and 2014, as Egyptian security forces engaged in a “surge of arbitrary arrests” in the wake of the Egyptian army’s ouster and arrest of then-President Mohamed Morsi.⁷⁴ Other U.S. nationals have been arrested in 2018 and 2019, as President Abdel Fattah el-Sisi continued to crackdown on dissent even as he won reelection with an alleged 97% of the vote.⁷⁵ In its 2020 World Report, Human Rights Watch wrote that in 2019, Egyptian authorities showed “utter disregard for the rule of law” and that the security forces had “unchecked powers.”⁷⁶ The Department of State’s travel advisory for Egypt warns of this trend and cautions that “being near anti-government protests can draw scrutiny from Egyptian police forces and security forces.”⁷⁷

Since 2013, all the U.S. nationals arrested in Egypt have been dual nationals. The Department of State’s travel advisory recommends that U.S. nationals reconsider travel to Egypt, but the country has not been provided the “D” indicator highlighting it as a country of concern for wrongful detentions. The travel advisory does, however, note the fact that Egyptian law does not recognize U.S. citizenship for dual citizens and considers them to be Egyptian citizens. The advisory further warns that the U.S. Embassy may have a “limited ability to provide consular services to dual U.S.-Egyptian citizens.”⁷⁸

^{al} The removal of these 16 cases would drop Egypt to seventh on the list of countries responsible for the wrongful detentions of U.S. nationals, with fewer cases than Russia and more than Turkey.

WRONGFUL DETENTIONS OF U.S. NATIONALS IN CHINA

China was one of the first foreign governments to employ the tactic of wrongfully detaining U.S. nationals within the JWFLF data and U.S. national wrongful detentions in China account for 12% of all wrongful detentions of U.S. nationals. Since 2002, China has wrongfully detained or held at least one U.S. national (Figure 15). Since 2012 the number of U.S. nationals wrongfully detained or held in China has generally increased, with the largest increase coming in 2019, as U.S. and Chinese relations soured. Despite some releases in 2020 and 2021, China has continued to hold and detain both American citizens and other Westerners.

The wrongful detentions of U.S. nationals in China are typically lengthy. Only 14% of the cases having been resolved in the first year, while 38% of U.S. national wrongful detentions in China have lasted four or more years.

The wrongful detention of Westerners in China increasingly has been tied to attempts to pressure foreign countries. “Beijing doesn’t have any one go-to tool for statecraft,” one regional expert commented in an interview discussing the arrest of foreign nationals in China, “but hostage diplomacy is clearly part of its repertoire now.”⁷⁹ In addition to the detentions themselves, China has also used harsh sentencing, including the death penalty, for Westerners previously arrested as an apparent means of pressuring foreign governments.⁸⁰ Like Iran, China has been flagged as a country with an elevated risk of wrongful detentions and been designated with a “D” indicator on its travel advisory.⁸¹

In addition to arresting U.S. nationals, China has also engaged in the use of exit bans, which prevents foreign nationals from leaving the country as a means of exacting pressure on foreign individuals and governments.⁸² In 2018, the Department of State’s travel warning for China was expanded to highlight the country’s “coercive” use of exit bans.⁸³ The current travel advisory, which encourages U.S. nationals to “reconsider travel” to the country, warns that “so-called” exit bans can be used to compel the detainee to support Chinese government investigations, pressure family members to return to China, resolve civil disputes, or gain leverage against foreign governments.⁸⁴

Many of the U.S. nationals who have been detained in China are either dual nationals (24%) or U.S. citizens with family in China, but the Chinese government does not recognize dual nationality. Unlike Iran and Egypt, who do not recognize the foreign state’s citizenship, China’s nationality law states that Chinese nationals who acquire foreign nationality voluntarily will “automatically lose Chinese nationality.”⁸⁵ In recent years, the Chinese government has cracked down on dual nationals, encouraging citizens to report those holding dual passports and denying foreign consulates access to dual nationals in detention.⁸⁶ The State Department’s Travel Advisory for China advises of this threat, warning that dual U.S. and Chinese citizens or U.S. citizens of Chinese descent may experience “additional scrutiny and harassment” and that the Chinese government “may prevent the U.S. Embassy from providing consular services.”⁸⁷

WRONGFUL DETENTIONS OF U.S. NATIONALS IN VENEZUELA

Venezuela's wrongful detentions of U.S. nationals, like those of Iran and China, also seems driven by political purposes or attempts to pressure the United States. The first detention of a U.S. national occurred in April 2013 (Figure 15), a month after Nicolás Maduro assumed the presidency after the death of then-President Hugo Chávez. Just prior to announcing the President's death, then-Vice President Maduro appeared on national television alleging the President's cancer was the result of an "enemy attack" and announced the expulsion of a U.S. military attaché from Venezuela.⁸⁸ A few days later, the U.S. expelled two Venezuelan diplomats.⁸⁹ In mid-April, Maduro was announced the winner of a disputed special election and, in his acceptance speech, announced that there was an "international operation to attack Venezuelan democracy," and that claimed he would show "no weakness" when dealing with "those who meddle with this country's sovereignty."⁹⁰ Ten days later, a U.S. filmmaker was arrested on charges of espionage and "fomenting post-election violence," an arrest that President Maduro claimed to have personally ordered.⁹¹ Since that arrest and detention, Venezuela has either detained or held a U.S. national each year.

Many of the wrongful detentions of U.S. nationals that occurred early on in Maduro's regime seem to have been connected to his consolidation of power and to attempts to paint domestic dissent as being influenced by foreign powers, specifically the United States. Where there was unrest, whether in the wake of the special election in 2013, as part of student protests in 2014, or connected to an effort to recall Maduro in 2016, U.S. nationals have been found, arrested, and implicated in inciting unrest. Where there have been allegations of corporate corruption, U.S. nationals have been blamed and arrested.

Despite these local political purposes, the timing of the wrongful detentions of U.S. nationals has often been closely tied to U.S. actions against Venezuela. Within a few weeks of Senator Robert Menendez's introduction of legislation in Congress to both authorize a \$15 million to support democratic civil society in Venezuela and impose sanctions on individuals involved in human rights violations within the country,⁹² a U.S. national was wrongfully detained. Within weeks of then-Secretary of State John Kerry's announcement of bilateral talks between the U.S. and Venezuela,⁹³ U.S. nationals were again wrongfully detained. The detention of six U.S. nationals in 2017 came months after the U.S. government personally sanctioned President Maduro, freezing any assets he had in the U.S. and prohibiting U.S. nationals from doing business with him.⁹⁴

Rather than arresting U.S. nationals for political purposes or as a response to U.S. actions, there are now concerns that Venezuela is actively targeting U.S. nationals in an attempt to gain more leverage against the United States.⁹⁵ The March 2020 release of two U.S. nationals detained in Venezuela raised hopes for a lessening of tensions and more U.S. national releases, but the detentions of more U.S. nationals have continued. Several U.S. nationals have since been detained along the Columbia-Venezuela border, prompting the U.S. Department of State to issue a warning highlighting the risk of detentions in the region.⁹⁶ According to some, there are indications that these most recent detentions have been targeted and U.S. nationals have been lured across the border and promptly arrested by Venezuelan security forces.⁹⁷

Like in China, the wrongful detentions of U.S. nationals in Venezuela are often lengthy, with 41% of the Venezuelan cases lasting more than four years. Their resolution has been extremely difficult to resolve. Similar to countries like Iran and Syria, the lack of a U.S. Embassy hampers U.S. access to U.S. nationals detained in Venezuela. The Department of State's travel advisory

warns of both these challenges, stating that “regime aligned security forces have detained U.S. citizens for long periods” and cautions that the regime neither notifies the U.S. of the detention of U.S. nationals, nor grants access to them.⁹⁸ Venezuela, like Iran, has been designated with the “D” indicator highlighting its wrongful detention of U.S. citizens and the Department of State warns U.S. nationals not to travel to the country.⁹⁹

WRONGFUL DETENTIONS OF U.S. NATIONALS IN NORTH KOREA

North Korea, responsible for 9% of the wrongful detentions of U.S. nationals, is the only country of those within this analysis that is no longer holding a U.S. national, according to the public and private information used to construct the JWFLF data (Figure 15).^{am} If true, it is unclear if this is because of a decision by the government of North Korea to eschew the tactic, a reduction in U.S. nationals traveling to the country, or for other reasons.

There is some evidence to support the idea that it was a calculated decision by the North Korean government. Research by the Center for Strategic and International Studies examining periods of U.S.-North Korea negotiations and North Korean provocations found an inverse relationship between the two, indicating that during periods of bilateral or multilateral negotiations with the United States, the North Korean regime was less likely to engage in nuclear provocations.¹⁰⁰ Wrongful detentions of U.S. nationals appear to have occurred during the timeframes with the lowest rates of diplomatic engagement between the two countries.

From January 2009, when President Obama took office, to December 2011, when North Korean leader Kim Jong-il died, there were only three bilateral engagements between the U.S. and North Korea, while North Korea engaged in 17 provocative events, including missile launches and a nuclear test.¹⁰¹ During this timeframe North Korea detained five U.S. nationals. The first of these detentions in mid-March 2009 coincided with North Korean announcements of planned missile test-fires and Kim Jong-il’s apparent dissatisfaction that engagement with North Korea was not higher on the Obama administration’s agenda.¹⁰²

From December 2011, with Kim Jong-Un’s ascension to power, to December 2016, at the end of the Obama administration, there were only two official negotiations and 63 provocation events.¹⁰³ This time period also saw the detention of eight U.S. nationals, one coinciding with North Korea’s January 2010 testing of a nuclear device.¹⁰⁴ In the first year of the Trump administration, relations between the two countries were exceptionally tense with no official negotiations between the U.S. and North Korea and at least 24 missile tests and one nuclear test.¹⁰⁵ The next year, however, saw a period of rapprochement between the two countries, with three U.S. nationals released in advance of a summit between President Trump and Kim Jong-Un. The only U.S. national detained in 2018 was released a month later amid speculation that North Korea wanted to prevent a backslide in U.S.–North Korea relations.¹⁰⁶

Despite North Korea no longer holding U.S. nationals, the Department of State warns U.S. nationals not to travel to the country due to the “continuing serious risk of arrest and long-term detention of U.S. nationals.”¹⁰⁷ The country was also designated with a “D” indicator for the threat of wrongful detention of U.S. nationals.¹⁰⁸

^{am} Buttrressing this argument is that fact that, while Department of State travel advisories for other countries all state that “the Department has determined that at least one U.S. national is wrongfully detained” by the government in question, this statement is missing from North Korea’s travel advisory.

WRONGFUL DETENTIONS OF U.S. NATIONALS IN SYRIA

The wrongful detention of U.S. citizens in Syria began with the political turmoil inside the country with the protests, unrest, and ultimately the Syrian civil war. Since the first wrongful detention of U.S. nationals in 2011, the Syrian government has detained or held a U.S. national each year for the past 12 years (Figure 15). Both dual nationals and U.S. nationals with only U.S. citizenship have been wrongfully detained in Syria.

The resolution of U.S. national wrongful detentions is exceptionally complicated due to the U.S. opposition to the Assad regime's conduct in the civil war, its human rights record, and its use of chemical weapons on the Syrian people.¹⁰⁹ In addition, the U.S. Embassy in Damascus closed in February 2012, evacuated diplomatic personnel, and suspended embassy operations,¹¹⁰ complicating efforts to gain access to U.S. nationals wrongfully detained by the Assad regime. U.S. interests in Syria are currently being supported by the Government of the Czech Republic through its embassy in Damascus.¹¹¹ Further complicating issues is the continued presence of U.S. troops on Syrian soil who are supporting local U.S. partners in the fight against the Islamic State.

The Department of State's travel advisory warns U.S. nationals not to travel to Syria due to the risk of both kidnapping and unjust detention, specifically highlighting that U.S. nationals may be targets of "abduction and/or unjust detention by the Syrian government."¹¹² Surprisingly, despite the long-term wrongful detention of U.S. nationals, the country was not one of these designated with the "D" indicator for concerns about wrongful detentions of U.S. nationals.

WRONGFUL DETENTIONS OF U.S. NATIONALS IN RUSSIA

The first cases of the Russian government's wrongful detention of U.S. nationals within the JWFLF dataset appear in 2017. Since that time, the detentions have continued, with Russia detaining or holding at least one U.S. national in each of the six years since.

The Department of State has advised U.S. nations not to travel to Russia.¹¹³ While Russia, like Iran and Egypt, may not recognize a dual national's U.S. citizenship and deny them access to U.S. consular support,¹¹⁴ most of the U.S. nationals detained in Russia have not been dual nationals. Rather most U.S. nationals wrongfully detained in Russia have been U.S. nationals without Russian citizenship. Despite this, the Russian government has still attempted to deny or unreasonably delay U.S. consular assistance even for U.S. nationals.¹¹⁵ The Department of State has designated Russia with the "D" indicator highlighting the risk of wrongful detentions inside Russia.¹¹⁶

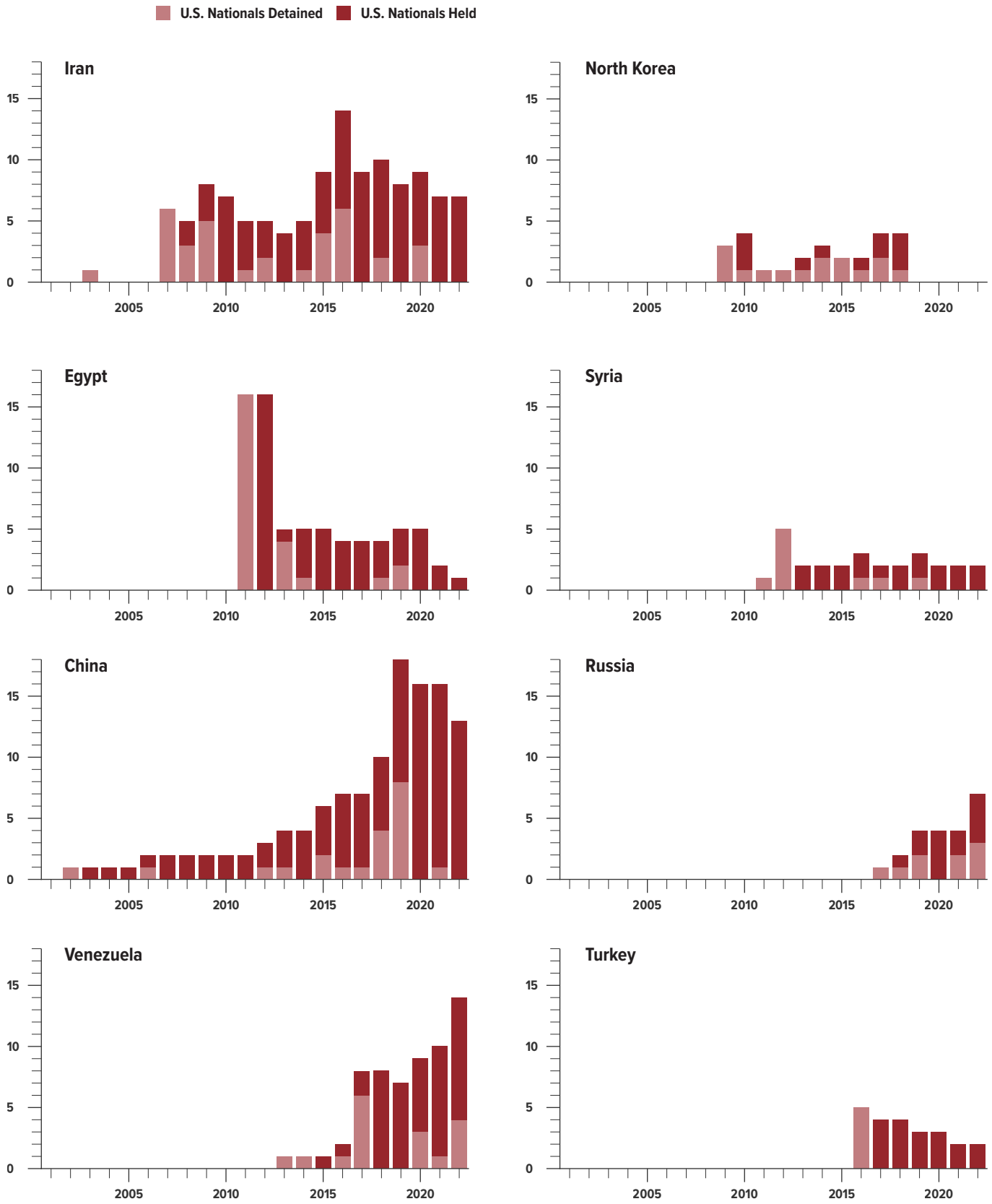
The wrongful detentions of U.S. nationals in Russia are, in many cases, complicated to define because they often involve U.S. nationals who have been arrested for some criminal offense. In some cases, those charges are spurious; in others, they appear to be based in legitimate offenses. Once in the Russian justice system, however, U.S. nationals are often denied fair trials, convicted without the presentation of credible evidence, and disproportionately sentenced. The detentions of U.S. nationals in some cases may initially not be wrongful, but ultimately become so based on the U.S. national's treatment in the Russian justice system or as a result of Russian overtures for prisoner exchanges.¹¹⁷

WRONGFUL DETENTIONS OF U.S. NATIONALS IN TURKEY

The detentions of U.S. nationals in Turkey primarily took place in July and August 2016 (Figure 15), just after a failed coup attempt that the Turkish government blamed on the United States.¹¹⁸ The wrongful detentions also came at a time of heightened tensions between the U.S. and Turkish governments over U.S. support of the Syrian Democratic Forces (SDF) as a partner in the campaign to defeat the Islamic State. The largest contingent of the SDF is made up of the Kurdish People's Protection Units (YPG), a Kurdish military force. Unlike the U.S., Turkey does not distinguish the YPG from the Kurdistan Workers Party (PKK), a U.S. designated terrorist organization with a long running conflict with the Turkish state,¹¹⁹ leading Turkey to view U.S. support for the SDF as support for "terrorism."¹²⁰ Weeks after the detention of the U.S. nationals, Turkey initiated Operation Euphrates Shield, the first of what would become four Turkish incursions into northern Syria to act against the Islamic State and, more importantly, prevent Kurdish groups from establishing 'safe havens' along the Turkish border.¹²¹

The Department of State warns U.S. nationals to exercise increased caution when traveling in Turkey, citing the risk of arbitrary detentions, and stating that U.S. citizens may be detained "for alleged affiliations with terrorist organizations based on scant or secret evidence and grounds that appear to be politically motivated."¹²² The Department of State has not designated Turkey with the "D" indicator, likely in part due to the fact that, despite Turkey's continued detention of a U.S. national, no additional U.S. nationals have been wrongfully detained since 2016.

Figure 15: U.S. NATIONALS DETAINED AND HELD, BY COUNTRY



Conclusion

Many U.S. nationals travel overseas. Whether for business, tourism, educational opportunities, seeking to provide humanitarian assistance, or visiting family overseas, millions of U.S. nationals travel internationally every month.^{an} While the vast majority of travel ends without incident, a minority of those traveling abroad are taken hostage by non-state actors or wrongfully detained by foreign governments, creating crises for these hostages, wrongful detainees, their families, and the U.S. government.

While some countries are more likely than others to detain U.S. nationals and there are contexts where hostage-taking is more likely, these tactics are used widely, with U.S. nationals either wrongfully detained or taken hostage in at least 47 countries around the world. While warnings and preventive measures are likely to help mitigate the number of wrongful detentions and hostage-takings, the number of U.S. nationals traveling abroad, and the ubiquity of these tactics make complete prevention implausible.

This section of the report examines the hostage-takings and wrongful detentions of U.S. nationals since 2001 in order to provide data useful for families, practitioners, policymakers, and academics attempting to both better understand and respond to the challenges these situations present.

The data indicate that hostage-taking remains an enduring threat to U.S. nationals. While the number of hostage-takings decreased from 2012–2022, the conditions have contributed to this decrease are not durable and may be poised to change. Not only that, but the duration of American hostage situations has increased during this timeframe, with U.S. nationals being held hostage, on average, 60% longer from 2012–2022 than from 2001–2011.

The data also indicate that the threat of wrongful detention for U.S. nationals is increasing. During the same time periods discussed above, wrongful detentions have increased by 150% with a 580% increase in the average number of U.S. nationals wrongfully held in captivity by foreign countries annually. In addition, since 2012, the number of U.S. nationals wrongfully detained each year has outpaced the number of releases, resulting in a cumulative increase in the number of U.S. nationals who remained wrongfully held.

Not only that, but an increasing number of foreign countries are wrongfully detaining U.S. nationals. From 2001-2005 only four countries were wrongfully detaining U.S. nationals. This number, however, has steadily increased and in 2022 at least 19 countries had either wrongfully detained or continued to wrongfully hold a U.S. national in captivity. In addition, countries with strained or adversarial relations with United States have been responsible for more than 60% of the wrongful detentions of U.S. nationals, raising concerns about the increased use of the tactic for political leverage. Currently, Iran, China, Venezuela, Syria, and Russia account for 75% of those U.S. nationals still wrongfully detained.

^{an} In July of 2019, prior to the COVID pandemic, 10.8 million Americans traveled overseas. See Laura Silver, “Most Americans have traveled abroad, although differences among demographic groups are large,” Pew Research Center, August 12, 2021. [pewresearch.org/fact-tank/2021/08/12/most-americans-have-traveled-abroad-although-differences-among-demographic-groups-are-large](https://www.pewresearch.org/fact-tank/2021/08/12/most-americans-have-traveled-abroad-although-differences-among-demographic-groups-are-large)

In short, U.S. nationals continue to be taken hostage and wrongfully detained, but, according to the data, they are increasingly held longer, indicating that releases are becoming more difficult to secure. This raises the following questions about the ability of the U.S. government to secure the release of its citizens when they are held by state and non-state actors: Are the tools the U.S. government employs sufficient? Should other options be considered? Do the tools the U.S. government currently employ require refinement?

Answers to these questions are beyond the scope of this analytical section, but current trends indicate that these questions must be considered. If recovering U.S. nationals held hostage has become more difficult in the past eleven years, a time period where Western militaries and intelligence agencies have still been investing in global counterterrorism operations, how much more difficult will recoveries be as Western forces wind down counterterrorism campaigns in places like Mali and Afghanistan? If securing the release of U.S. nationals from foreign governments has been challenging when relations with countries like Iran, China, Russia, and Venezuela have been strained, what will happen if relations further deteriorate with these countries? While this section has provided an overview of the data related to the hostage-taking and wrongful detention of U.S. nationals, more work must be done to help find answers to these critical questions.

2. Perception of the U.S. Government's Hostage Enterprise

Building upon the 2019, 2020, and 2021 *Bringing Americans Home* reports, this report continues JWFLF's efforts to provide a nongovernmental assessment of the implementation of EO 13698 and PPD-30.¹²³ While the previous section drew upon JWFLF's dataset on U.S. national hostage and wrongful detainee cases to discuss the landscape of the issue, this section focuses on analyzing the efficacy of EO 13698 and PPD-30 by drawing upon interviews conducted with and survey responses from:

- Former hostages and wrongful detainees
- Family members of current and former hostages and wrongful detainees
- Hostage and wrongful detainee advocates
- Family representatives
- Third-party intermediaries
- Former U.S. officials

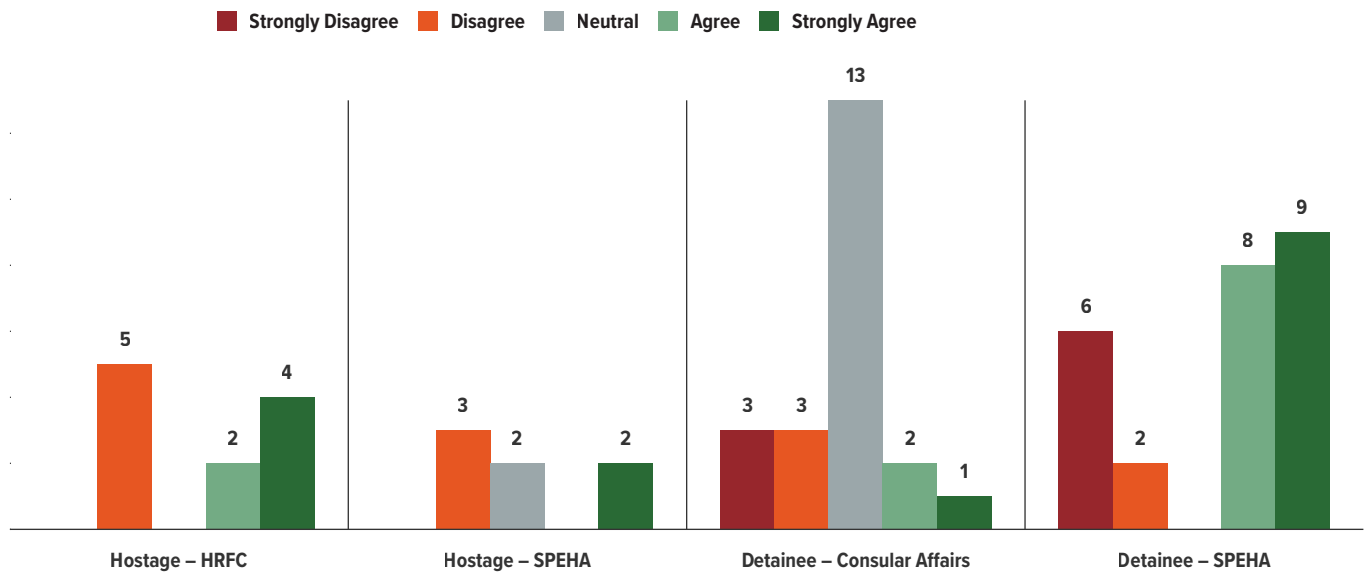
This section will use these interviews to discuss a number of aspects of the U.S. government's hostage and wrongful detainee enterprise, including how accessible the agencies and offices that make up the enterprise are to the families of hostages and wrongful detainees and how well the U.S. government shares information with these families. In addition, this section will discuss the partnership between families and the U.S. government for recovery efforts, and the priority that families perceive the U.S. government assigns to their cases. Each of these discussions will address the perspectives of both hostage participants and wrongful detainee participants.

Access to the U.S. Government's Hostage Enterprise

JWFLF asked its participants to what degree the HRFC, the State Department Bureau of Consular Affairs (hereafter Consular Affairs), and SPEHA's office was accessible to them after learning of their loved one's captivity. Half of the hostage participants agreed that the HRFC was accessible whereas the other half disagreed, showing a sharp decline from the previous *Bringing Americans Home* report.¹²⁴ Fewer hostage participants were successful in gaining access to the SPEHA's office, a similar finding to that of the 2021 *Bringing Americans Home* report.¹²⁵ Wrongful detainee respondents were mixed. The majority reported gaining access to the SPEHA's office, while the remaining cases were either waiting for or were recently denied wrongful detention determinations. Of the wrongful detention cases working with Consular Affairs, the majority shared less favorable responses regarding their access to Consular Affairs. Overall, the majority of JWFLF participants expressed a deep desire for interaction from the White House, specifically with the National Security Advisor and President of the United States.

Figure 16:

ACCESSIBILITY OF U.S. GOVERNMENT ORGANIZATIONS



Hostage Case Participant Responses

The responses from hostage participants varied. Five participants disagreed, two agreed, and four strongly agreed that the HRFC was accessible to them. When asked about their ability to access the SPEHA’s office, three participants disagreed, two participants strongly agreed, and two participants neither agreed nor disagreed that the SPEHA’s office was accessible to them (Figure 16).

While the slight majority agreed they had access to the HRFC, there were five participants who expressed frustration with their level of access to the HRFC. At the time of their interviews, the only interaction the five participants had with the HRFC was with their family engagement team. The interaction with their engagement team was not a negative one, nor were they dissatisfied with their team. Rather, their frustration was over the lack of engagement with the Director and operational staff of the HRFC. One of the participants shared, “Over the past two years, I’ve only engaged with [the Director] once. I can’t even tell you who he is or what he even looks like.”¹²⁶ Whether the lack of interaction with the Director or operational staff of the HRFC was due to delegatory processes, participants shared that it left them with the impression that the remaining part of the Cell was “not interested in knowing them,” and “didn’t seem to care” to interact with them.¹²⁷ One participant, whose case overlapped with other Directors, was disheartened with the minimal engagement, but remained hopeful that the HRFC was doing all that was necessary to bring their loved one home.¹²⁸

Similar to the 2021 *Bringing Americans Home* report, hostage families reported not having enough access to the SPEHA's office.¹²⁹ While participants recognized the need to have a single entity lead their case, participants expressed the importance of interacting with the SPEHA in order to develop deeper diplomatic networks to 1) increase information flow, 2) generate intelligence, 3) create additional contacts, and 4) create more opportunities to facilitate the release of their loved ones or to reclaim their loved one's remains.

Two participants made several requests to engage with the SPEHA's office that went unanswered for "several months."¹³⁰ Since the time of their interview, however, the participants reached back out to share that they have since been notified that they "will be meeting with the SPEHA soon."¹³¹ As a result, their responses shifted from strongly disagree to neither agree nor disagree, reflected in Figure 16. Despite being grateful to have finally gained access to the SPEHA's office, they felt strongly that "it shouldn't have been that difficult of a process."¹³² The same participants shared concerns that their attempt to access the SPEHA's office was "blocked"¹³³ by other departments within the State Department who hold different equities and priorities.

Wrongful Detainee Case Participant Responses

The responses about their level of access from wrongful detainee participants who interacted with Consular Affairs varied. The majority (13), neither agreed nor disagreed, three strongly disagreed, three disagreed, two agreed, and one participant strongly agreed that Consular Affairs was accessible (Figure 16). When asked about their ability to access the SPEHA's office, the majority of the participants strongly agreed (nine) or agreed (eight). The remaining eight participants either strongly disagreed (six) or disagreed (two), that the SPEHA's office was accessible (Figure 16).

Having access to the SPEHA's office is critical for wrongful detainees and their families. There are several reasons for this. There are lawful detention cases that occur in other countries, where the probability that the offense can be fairly adjudicated through the foreign government's judicial system is relatively high. In wrongful detention cases, the detainees are far less likely to receive either due process or a fair trial, making Consular support less effective and requiring the support of the SPEHA's office. In addition, wrongful detentions typically occur in countries where the foreign government's posture toward the U.S. government is generally more hostile. This can have two important effects. First, U.S. embassies in the country may be closed or the foreign government may constrain Consular access to American detainees. Secondly, Americans are often held for the purpose of affecting a change in U.S. policy and/or its national security decision making processes, to force prisoner exchanges, and/or extract other forms of concessions from the United States. For these reasons, wrongful detention cases "must receive high-level U.S. government engagement because they require more diplomacy and engagement with top-level government officials, something that Consular Affairs does not do."¹³⁴

The participants who neither agreed nor disagreed that Consular Affairs was accessible expressed frustration over the generality of the question because they felt that, even though they had access to Consular Affairs, that access failed to achieve anything impactful regarding their loved one's case. "Yes, Consular Affairs is responsive. Sometimes. But they don't provide anything substantial or even adequate information to our help us with our case."¹³⁵ Another participant also expressed significant frustration working with Consular Affairs. "Before being taken under the wings of the SPEHA office," the participant commented, "working with Consular Affairs was absolutely awful. In fact, they made a mistake that took us months to correct. It was a mistake that could have been avoided if they spoke directly to us."¹³⁶

PRIVACY ACT WAIVER CONCERNS

The frustration some wrongful detainee families expressed about communication with Consular Affairs may have bureaucratic foundations. The Privacy Act of 1974 may be one reason for challenges in communication between Consular Affairs and families. In accordance with the Privacy Act passed by Congress in 1974, a U.S. Consular Office “cannot release any information regarding [U.S. nationals] without [their] written consent.”¹³⁷ According to the Department of State’s foreign affairs manual (FAM) which lays out the Department’s policy on Consular Affairs (7 FAM: Consular Affairs), Consular Affairs officers are “not permitted under the Privacy Act to release information about an arrested and/or convicted U.S. citizen,” unless (1) the arrest or conviction are “matters of public knowledge”, (2) the release of information falls under one of the “exceptions” or “exemptions” to the Privacy Act or (3) the U.S. national has provided “written permission.”¹³⁸

In general, the information required by families about their loved one’s case from Consular Affairs is not the information that would be considered a “matter of public knowledge.” The exceptions included in the Privacy Act are limited when it comes to sharing information outside the U.S. government. While information may be shared inside a U.S. government department or agency,¹³⁹ for “routine use” within the U.S. government,¹⁴⁰ or with law enforcement agencies,¹⁴¹ congress,¹⁴² or pursuant to court orders,¹⁴³ there is only one exception allowing information to be shared outside the U.S. government without a U.S. citizen’s written permission. This exception, the “Health or Safety Exception,” which is often more difficult to obtain, allows for information to be shared without a written waiver if “compelling circumstances affecting the health or safety of an individual” are present.¹⁴⁴ These circumstances include saving a U.S. national’s life, removing them from harm’s way, and/or safeguarding the physical or mental welfare of a U.S. national.¹⁴⁵ In these circumstances information may be shared with “any person who can reasonably be expected to assist the individual whose health or safety is at risk.”¹⁴⁶

While this exception may initially seem well suited to allow Consular Affairs officers to share information with the families of wrongful detainees, the guidance provided to consular officers makes it clear this should not be used to sidestep the protections of the Privacy Act and can only be used in case of emergency. “You should not use this exception as a catchall to release information when it seems ‘expedient’ or the ‘right’ thing to do,” the document explains. “In most instances, an individual’s privacy must be safeguarded.”¹⁴⁷ In order to protect the privacy of U.S. nationals, consular officers are given several considerations to apply, as well as significant reporting requirements when applying this exception.¹⁴⁸

With information families require falling outside of the public domain and the most relevant exception to the protections of the Privacy Act requiring exceptional circumstances, this increases the importance of Americans held abroad signing a Privacy Act Waiver, which provides the written consent required for Consular Officers to share information with their families and friends, Congressional representatives or their staffs, the media, the general public, and/or the individual’s employer.¹⁴⁹ Unfortunately, if the document is not signed or the individual does not annotate their willingness to have information shared with any of these groups, U.S. government employees cannot discuss the case with them.

In cases where Americans are being wrongfully detained, however, getting a Privacy Act Waiver signed is not always easy. One former U.S. official pointed out the challenges of getting an administrative document signed when Americans are being held in captivity by a hostile government where their basic human rights have already been denied. “If you think about it, if

you're a wrongful detainee, you're already undergoing interrogations, being placed in solitary confinement, some get tortured, electrocuted, put in stress positions etc. to force them to make a false statement or confession. Are these governments going to allow us to walk in there and hand over a piece of paper to get signed by the prisoner? Sometimes, but sometimes no. Or it takes a while to get it done."¹⁵⁰

In some cases, Americans who have been wrongfully detained do not understand the importance of the document. According to one participant, "Consular is not doing a good enough job explaining the Privacy Act Waiver." "They tend to just hand the waiver to [our loved one's] lawyer who doesn't...speak English," the participant explained, "and [our loved one] who doesn't know any better, doesn't check any of the boxes that could actually end up helping [them]. Nobody is telling [our loved one] what the implications are if they don't check each specific box. You have to imagine the stress they are under and anticipate that they want to play it safe, they're not going to give access to private information without understanding all that is happening to them. Especially, if nobody is speaking English to them."¹⁵¹

Another participant echoed these concerns, wondering if Consular Affairs took the time to make sure that the waiver was adequately explained. "Did Consular explain what the implications were if [my loved one] didn't check the correct boxes? In our case, even though we're family, the State Department was not allowed to speak to us because nobody from Consular provided [our loved one] a list of family members that they were allowed to speak to. This caused serious communication gaps and delays in our case."¹⁵²

Another participant shared similar frustrations over the implications of not having a signed waiver. "We very rarely spoke to Consular because of the privacy waiver issue," the participant stated. "They were very unhelpful! Luckily, we worked through the privacy waiver issue but with no help from Consular [Affairs]. Now we have regular contact with the SPEHA office."¹⁵³

While the importance the U.S. government places on protecting the privacy of U.S. citizens is critical, the impact it can have on the ability of the Department of State's consular officers to engage with the families of wrongful detainees is significant. From the interviews conducted for this report, it seems clear that either Consular Affairs needs to be more aggressive about ensuring foreign countries provide the opportunity to get the Privacy Act Waivers signed and explaining its implications to those Americans held abroad, or the Department of State needs to reexamine its exceptions, either providing for a verbal waiver of the Privacy Act or establishing a 'wrongful detainee' exemption within 7 FAM: Consular Affairs.

WRONGFUL DETENTION DETERMINATION CONCERNS

Another deep frustration amongst wrongful detainee families involved trying to elevate their case out of Consular Affairs and into the SPEHA's office. "It's no simple feat,"¹⁵⁴ shared one participant. "It was essential for us to get letters from our Representatives and Senators for support."¹⁵⁵ "Providing timelines, documentation, and a letter to Secretary Blinken was the most important part of our progress to get to the SPEHA's office," they continued. "We had to push them every week and ask, what's the problem? What's the hold up?"¹⁵⁶

Another participant who was initially denied wrongful detention status, but after further insistence was able to obtain the wrongful detention determination, shared their frustration with the process. "When we were denied, we asked why, and we received a lot of fuzzy

answers...it's not clear, we don't have this...We personally feared that the State Department did not want to make the determination because it would have put them at risk of other equities [in the country where my loved one is currently held].¹⁵⁷

What remains unclear to the JWFLF participants is who within the Department of State is making determinations about their loved one's wrongful detention status. According to the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, signed into law December 2020, the Secretary of State is the determining authority. The act clearly states that "the Secretary of State shall review the cases of United States nationals detained abroad to determine if there is credible information that they are being detained wrongfully."¹⁵⁸ Of the JWFLF participants who did not receive wrongful detention status after submitting a request, none of the participants received an official response from the Secretary of State or SPEHA's office. According to the interviews, these individuals were only verbally notified by Consular Affairs that their case was not being given wrongful detention status. From some JWFLF participant perspectives, it is unclear if Consular Affairs is "blocking"¹⁵⁹ these cases from reaching the Secretary of State's office, in effect making the determinations on its own level. "We believe what we're seeing is Consular denying these cases before they can get a determination,"¹⁶⁰ voiced a participant. Another participant also expressed concerns saying that if Consular Affairs is preventing these cases from reaching the Secretary of State's office, it is "not only is it morally wrong, it's against the law."¹⁶¹

Another participant shared their story highlighting both their frustrations with the process and the impact of a wrongful detainee determination. This participant received a response from Consular Affairs, informing them their loved one's case had been denied wrongful detention status, and rather than taking action on the case, Consular Affairs was going to monitor it through the American Citizens Services side of the State Department. The SPEHA's office, the office within the State Department mandated by PPD-30 and the Robert Levinson Act to handle wrongful detention cases, was not consulted on the case prior to Consular Affairs determining the case was not a wrongful detention. Due to the relentless persistence of the family, they were able to achieve the wrongful detention status. Soon after, their case was able to access the SPEHA's office and their loved one is home today. Unfortunately, an American citizen remained wrongfully imprisoned for almost an extra year because of Consular Affairs' unwillingness to hand the case over to the SPEHA's office.

"When we switched over to SPEHA, it was a dramatic change," the participant commented, highlighting the impact of the determination.¹⁶² "Not only was there a shift in level of responsiveness, but the attitude was less [of my loved one] being treated as a criminal. SPEHA's office showed a level of empathy and compassion that was not exhibited before by Consular Affairs."¹⁶³ Typically, Consular Affairs is responsible for doing wellness checks and providing updates on U.S. nationals detained overseas, many of whom are guilty of crimes. The SPEHA office's engagement with the Consulate in the country where the participant's loved one was held, was designed toward advocating their innocence and developing different strategies to facilitate the release of the participant's loved one. From the participant's perspective, the overseas consular officer "respond[ed] very differently" to the SPEHA's office then they had to Consular Affairs.¹⁶⁴

Other JWFLF participants raised concerns about Consular Affairs hanging onto cases that could have been classified wrongful detention cases. One participant noted that one reason may be due to Consular Affairs having different regional equities. Classifying a case as a wrongful detention might be at odds with the agency's other interests, namely "preserv[ing] the ability to conduct diplomatic relations with other foreign countries."¹⁶⁵ The participant

shared concerns that “Consular is making decisions based on its own equities because they represent other interests from other departments inside the State Department.”¹⁶⁶ The State Department, in this participant’s opinion, did not want to tell “friendly” foreign government, or a strategically important government, that they were “politically prosecuting Americans.”¹⁶⁷

Compared with the 2021 *Bringing Americans Home* Report, more JWFLF participants this year continued to share their frustrations over the length of time it takes for their cases to get elevated out of Consular Affairs and into the SPEHA’s office.¹⁶⁸ This frustration is magnified by the fact that other cases seem to obtain the wrongful detention classification within weeks of the onset of their detention. In one instance, it took eight months of “arguing back and forth with Consular Affairs asking them to push our case up to SPEHA.”¹⁶⁹ “They think that [my loved one] is a criminal!”¹⁷⁰ Another participant expressed frustration that it took 287 days to receive a wrongful detention determination after filing their initial request. In addition, the same participant was never put in touch with Consular Affairs for regular update calls until 146 days after filing their original request for wrongful detention status.¹⁷¹ When Consular Affairs was confronted about the delay months after it was received, a senior Consular official claimed that they had not seen the family’s Levison Act request even though they were copied on the email when it was submitted. The family commented that Consular Affairs “seemed indifferent”¹⁷² to it because they were not being ordered to read the request.¹⁷³ Another participant has been waiting in limbo for over two years. They still have not received any information on whether their case meets wrongful detention criteria, the status of their case, or where the case sits within the State Department.¹⁷⁴ “We’re left reading between the lines. We were told that it was going to be a SPEHA case, which was before COVID, but since then, we keep getting non-committal responses from ACS [American Citizens Services, State Department], and have yet to hear anything from the SPEHA’s office. We don’t even know where our case sits. It’s been over two years!”¹⁷⁵ Other participants who have received recent wrongful detention status rejections did not receive an explanation or any guidance as to why they were rejected. “We were told to file again,” said one participant, “That’s it.”¹⁷⁶

It became even clearer that many of the participant’s frustrations began well before attempting to gain access to the SPEHA’s office. One participant shared, “We didn’t really know where to go or who to talk to. We didn’t know where to go for information until we spoke to an NGO. It was an NGO who told us about SPEHA, and it was that same NGO that helped us get access to the SPEHA office. Until the NGO, we never even heard of the SPEHA office from the State Department, [even] after interacting with a Consular officer several times.”¹⁷⁷

Another participant shared a similar experience, “Consular Affairs, ideally, when we first interacted with them should have advised us on what to do, where to go, and what steps to take. None of that happened.”¹⁷⁸ Similar frustrations were echoed in other interviews with another participant who expressed the same concern, “They [Consular Affairs] don’t offer any guidance. They don’t offer any information of where to go or what to do. If you ask a question, they’ll answer it. Maybe. But, they are not free or willing to tell you where to go to look for information.”¹⁷⁹ The comments continued. Another participant, who was familiar with PPD-30 and the fact that resolving cases or getting Americans out of prisons is not the remit of Consular Affairs, said, “Consular looked at [our loved one] as if they were their domain.”¹⁸⁰

While all but four participants shared that the State Department categorized their case as a wrongful detention, many participants shared that they have yet to receive official documentation from the State Department stating that their loved one was wrongfully detained. As mentioned in the previous *Bringing Americans Home* report, not having official documentation adds a level of uncertainty to the validity of the status of their case.¹⁸¹ In one

case, wrongful detention status was removed from a participant's loved one's case, highlighting the ambiguous nature of the current process. Based on the current approach, some families are nervous that the support they receive from the SPEHA's office is not necessarily permanent.

Not only does such documentation give wrongful detainees families the support they need to expedite their cases, it also assists returning detainees with the following:

- The right mental and physical support
- Leverage with the IRS regarding unpaid taxes and accrued fines
- An explanation to creditors and/or debt collectors after defaulting on payments or loans while being unjustly held in captivity
- Support to regain academic scholarships and/or reverse failing grades due to unintended absence; and
- Support to gain future employment—records just show the individual was in prison serving time under trumped up and bogus charges

ACCESS TO U.S. OFFICIALS IN THE WHITE HOUSE

“We need decisions [coming] out of the White House. Not more process.”¹⁸² A common theme during this year's interviews was the repeated requests made by several families for meetings with National Security Advisor Jake Sullivan, White House Chief of Staff Ron Klain, Secretary of State Antony Blinken, and President Joe Biden. Of the JWFLF participants interviewed for this report, 84% of hostage and wrongful detention participants believed that their cases could only be resolved by the influence and authority given to the National Security Advisor, Secretary of State, and the President of the United States.

One former U.S. official shared, “The structures put into place in 2015 that formed the Hostage Enterprise—the Hostage Recovery Fusion Cell, the Office of the Special Presidential Envoy for Hostage Affairs, and the Hostage Response Group—all seem to be working fine for the most part, just as they should be. The problem is, is that these cases have gone on for so long and they're all in late stages of negotiations. It's too late to offer simple gestures here and there to bring resolution to these cases. It's way too late for that. It's time for tough decisions to be made.”¹⁸³

We see similar requests across the hostage and wrongful detainee community. The website for Bring Our Families Home, a campaign that consists of “concerned family members of American hostages & wrongfully held detainees campaigning for their immediate release,”¹⁸⁴ includes the following statements:

- “Several of these innocent Americans could come home to their families immediately with one tool—the strategic trade of foreign nationals incarcerated in the US. In other cases, it may take a combination of tools or a different tool entirely. Without a final decision from the White House to put these tools to use, our loved ones are left to rot in foreign jails with no end in sight.”¹⁸⁵
- “We need the White House to use all the tools on the table to bring our family members home.”¹⁸⁶

This is another example of families seeing the need for White House interaction to bring resolution to their loved one's cases. Overall, as frustrations continue to grow, and as U.S. nationals continue to be held longer, family member's desperation and impatience grows as well.

Consistency, Accuracy, and Coordination of U.S. Government Briefings

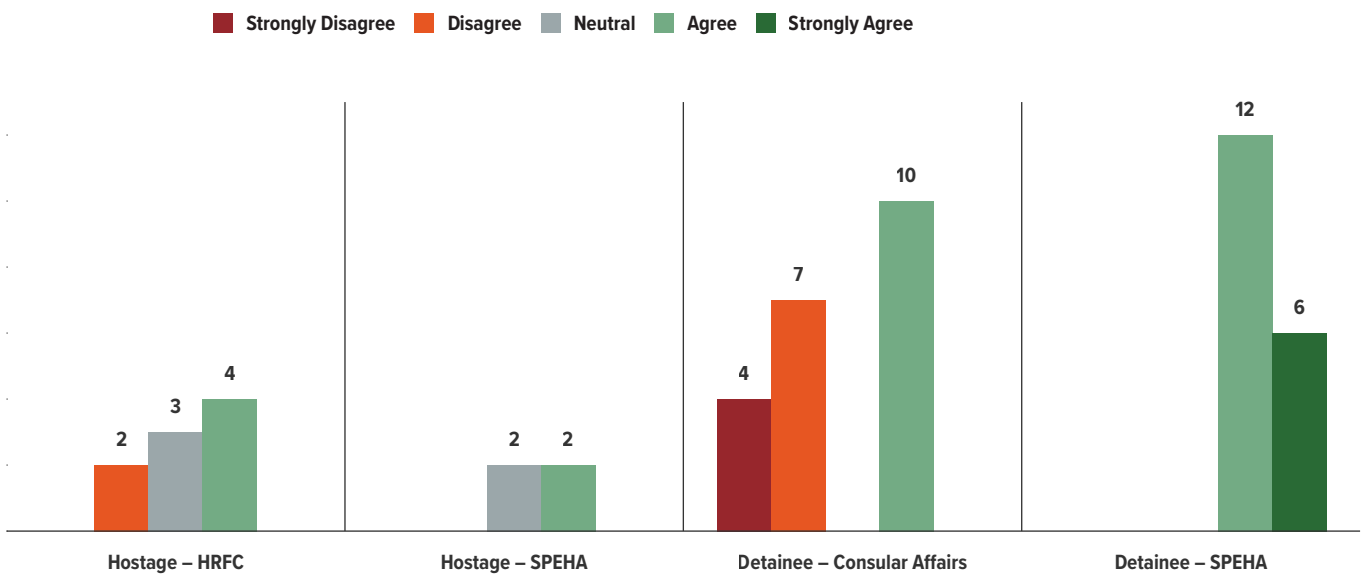
JWFLF also asked participants if they agreed or disagreed with the following statement:

“Coordination of meetings and information received during meetings and briefings was consistent and accurate.” This constituted a common concern among families.

Participants emphasized the importance of remaining in constant communication to receive updates, and the well-coordinated flow of information across the different agencies and third-party intermediaries. During interviews for this report, there were a variety of responses, both favorable and unfavorable, regarding the consistency and accuracy of information shared during meetings and briefings with some U.S. government entities. Less favorable responses tended to emphasize a lack of coordination and a complete lack of communication regarding some wrongful detention cases.

Figure 17:

CONSISTENCY, ACCURACY, AND COORDINATION OF U.S. GOVERNMENT BRIEFINGS



HOSTAGE CASE PARTICIPANT RESPONSES

Both hostage participants who had access to the SPEHA’s office agreed that they provided well-coordinated and informative briefings. The other two hostage participants who only recently had been notified that they would soon gain access to SPEHA’s office neither agreed nor disagreed (Figure 17). Both participants who had access to the SPEHA’s office were satisfied with the briefings they receive on a regular basis. One participant shared, “I know I can’t meet with Roger every time, but I think they do a good job balancing out when we meet with him and other members of his team. Everyone seems dedicated to [our loved one’s] case.”¹⁸⁷ While another participant agreed that their meetings are usually well coordinated and that they receive regular briefings from their contact, they did express that there are times when their contact will reach out and say, “Hang tight, I’ll have information for you tomorrow...That doesn’t fly with us. Do we want [our contact] to not say anything to us at all and wait until they can reach us? No. But, it shouldn’t matter when you talk to us. If it’s 3:30 in the morning and you have news, I’ll gladly pick up the phone. Don’t tell us to wait. They have no idea how unnerving it is to wait. Especially, when there’s news.”¹⁸⁸

Of the participants interacting with the HRFC, four agreed, three neither agreed nor disagreed, and two disagreed that the HRFC provided well-coordinated and informative briefings (Figure 17). “I don’t have any problems with my family engagement team. They’re extremely helpful and have supported me in many ways. But I don’t meet with anyone else in the Fusion Cell. I’d like to, but I guess they don’t have any news for me.”¹⁸⁹ Another participant shared a similar statement, “Our interaction with our [family engagement] team is great. They answer our questions and assist us with things, but that’s about it...We’d like to have more meetings with the folks working on [my loved one’s] case...to hear how that’s going.”¹⁹⁰

WRONGFUL DETAINEE CASE PARTICIPANT RESPONSES

When asked about their interactions with Consular Affairs, ten participants agreed that U.S. officials communicated clearly and were well coordinated during meetings and briefings, seven disagreed and four respondents strongly disagreed (Figure 17). With regard to the SPEHA’s office, the majority of respondents either agreed (12) or strongly agreed (six) that U.S. officials communicated clearly and were well-coordinated during meetings and briefings (Figure 17).

The majority of JWFLF participants responded negatively regarding information received during briefings. One participant shared, “Getting information from Consular was useless.”¹⁹¹ Another participant shared, “Not only were they not helpful, they wouldn’t explain anything to us because of the Privacy Act. Like nothing. We didn’t even know about the Privacy Act and once we found out, we couldn’t even ask if they administered the damn thing properly. Did [my loved one] receive it? I didn’t know. The whole process is utterly ridiculous, and that’s to say it kindly.”¹⁹² In addition, another participant shared, “The issue with the Privacy Act Waiver was a complete screw up...Getting the Privacy Act Waiver problem solved took months of work [on our end].”¹⁹³

Not all of the problems revolved around the Privacy Act. Other JWFLF participants shared that they would have to be the ones to initiate calls with the Consular Affairs officer regarding their loved ones’ cases. “If I hear one more excuse about COVID... Not only that, I haven’t heard anything about [my loved one] in over eight months! Nobody has done a wellness check! [My loved one] is just sitting there rotting away in a [country’s name] prison... who’s helping [my loved one]? [My loved one] is going die in there if nobody is going to get [them].”¹⁹⁴ Another participant shared, “I don’t understand it, [my loved one] is a wrongful detainee and Consular acts as if [my loved one] is some criminal.”¹⁹⁵

While the more negative responses to this question veered off in the direction about the condition in which their loved ones were being held, it is not difficult to see that without regular contact and meetings with Consular officer who are supposed to conduct wellness checks on Americans held abroad, families are left constantly worrying about the safety and condition of their loved ones.

Those participants who interacted with the SPEHA’s office had favorable perspectives of their correspondence with their team and with Ambassador Carstens. Several participants shared that Ambassador Carstens was available, including one who stated, “[Ambassador Carstens] is available to us...we can call him on the phone...he’s come to visit us.”¹⁹⁶ However, one participant made an interesting observation, “Unless Roger is on the call, all of the flow of information is in one direction, from us to them.”¹⁹⁷ Another participant shared their

satisfaction with the SPEHA’s scheduling of meetings. “Since we’ve been under SPEHA, we have not had any issues with any cancellations of meetings,” they said. “We’ve been visited by the SPEHA and have had several meetings in DC with Roger. The only time a meeting has been cancelled is if we ourselves cancelled it. They’ve been very good with keeping with the meetings scheduled.”¹⁹⁸

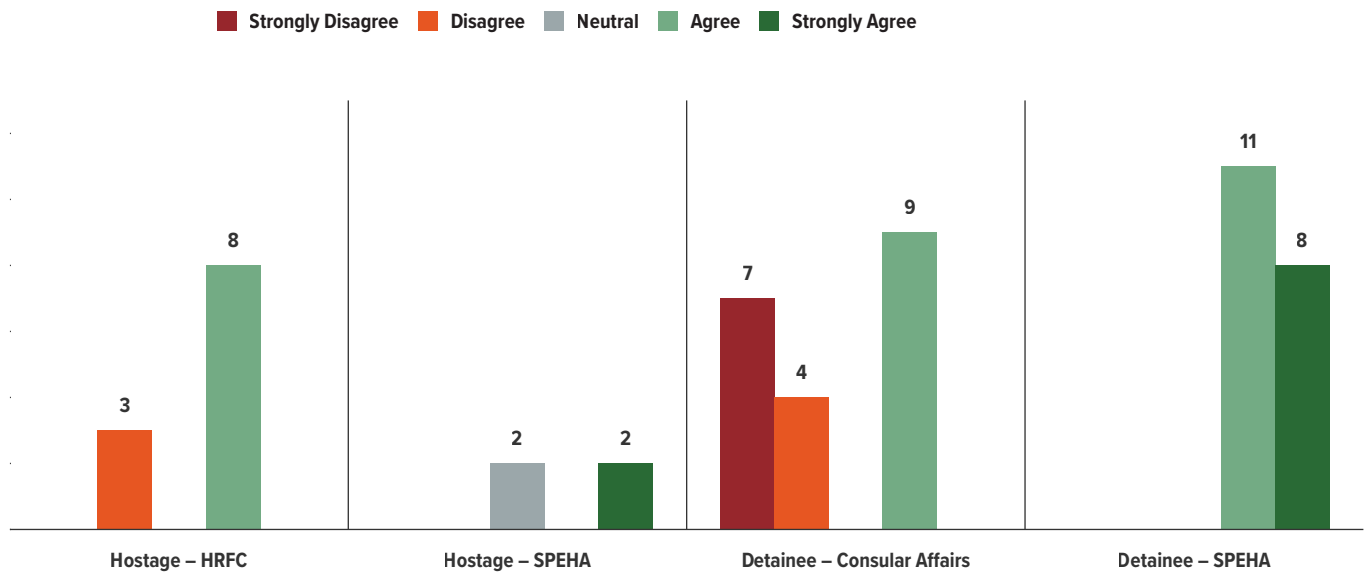
Information Sharing

EO 13698 mandates the HRFC to “provide a forum for intelligence sharing and, with the support of the Director of National Intelligence, coordinate the declassification of relevant information.”¹⁹⁹ Further, PPD-30 directs the Director of National Intelligence to “provide for centralized management of hostage-related intelligence in order to coordinate the Intelligence Community’s efforts on hostage-taking and provide synchronized intelligence support to the HRFC.”²⁰⁰

JWFLF asked its participants if they agreed or disagreed with the following statement: “I received a steady flow of information regarding my loved one’s case.” Contrasting with more negative responses given in the 2019, 2020, and 2021 *Bringing Americans Home* reports,²⁰¹ and except for Consular Affairs, participants generally had positive perceptions of the level of information being shared with families regarding their loved one’s case. One reason for this improvement may be the perception of increased coordination efforts and direct engagements with family members, as well as a coordinated effort led by the HRFC to create a similar position at the SPEHA’s office.

Figure 18:

INFORMATION SHARING



HOSTAGE CASE PARTICIPANT RESPONSES

The majority (eight) of hostage participants who interacted with the HRFC agreed that they received a steady flow of information regarding their loved one's case, while three participants disagreed. Of the participants who interacted with the SPEHA's office, two participants agreed and two participants neither agreed nor disagreed that they received a steady flow of information about their loved one's case (Figure 18).

In general, JWFLF's participants felt that the HRFC was sharing information with them, at least to the best of their knowledge. Apparent within the participants' responses was that issues stemmed less from what was not being shared in meetings, but over details on the recovery process. Specific concerns revolved around how the U.S. government is responding to the demands of their loved ones' captors. For example, one participant shared, "What's not being shared is what the captors want and what it is that we're prepared to give them. The biggest frustration is that we know what the captors want and if the U.S. government isn't going to concede to their demands, we have no way of knowing what alternative solutions the U.S. government is considering to get my loved one out. Don't they owe us an explanation what the next plan is?"²⁰²

Other participants shared frustrations over not understanding who the HRFC and other government officials were speaking to regarding their case. "We don't know who the U.S. government is speaking or engaging with regarding who is holding our loved one."²⁰³ In addition, the same participant shared, "We think things are getting to the next level, but they're not telling us who they're speaking to or what their ranks are. It's all classified. I feel like they're just telling me what I'd like to hear. So, I really don't know what's going on and I'm left reading the news to find out."²⁰⁴

WRONGFUL DETAINEE CASE PARTICIPANT RESPONSES

The responses from wrongful detainee participants who interacted with Consular Affairs varied. The slight majority of participants 11 either strongly disagreed (seven) or disagreed (four) whereas nine participants agreed that they received a steady flow of information about their loved one's case from Consular Affairs. All participants either agreed (11) or strongly agreed (eight) that they received a steady flow of information from the SPEHA's office (Figure 18).

Most participants were generally satisfied with the information they received when it came from the SPEHA himself, but had concerns when it came to other members of the office. One participant shared, "We fully realize that [the SPEHA's office] can't share everything. However, unless we're in direct contact with the SPEHA, we get virtually no information. Nobody within the SPEHA's office seems to give us much information and we're not sure if it's because they don't have the authority to share anything. Regardless, it leaves us with a very large information gap."²⁰⁵

The same concerns were raised by another participant, "When we have a question and have to contact the SPEHA's office and speak to a case officer, we generally don't get many answers to our questions. We understand that Roger is busy and is working several cases, but we feel that the questions that we have can most certainly be answered by other staff within the office."²⁰⁶

Overall, every wrongful detention participant shared that they were satisfied with the information they received from Ambassador Carstens. Most family members appreciated his “straightforwardness,”²⁰⁷ “accessibility,”²⁰⁸ “empathy and compassion,”²⁰⁹ and overall, “energized willingness”²¹⁰ to do what it takes to get their loved ones home.

Recovery Efforts Shared with Hostage and Wrongful Detainee Participants

While complex, the critical need to recover hostages and wrongful detainees requires high-level decision-making, prioritization, and coordination across the U.S. government, and the willingness to work with partners, such as negotiators, NGOs, and other third parties to bring Americans home. Even with the current structures in place, prioritizing the recovery of a hostage or wrongful detainee remains a challenge.

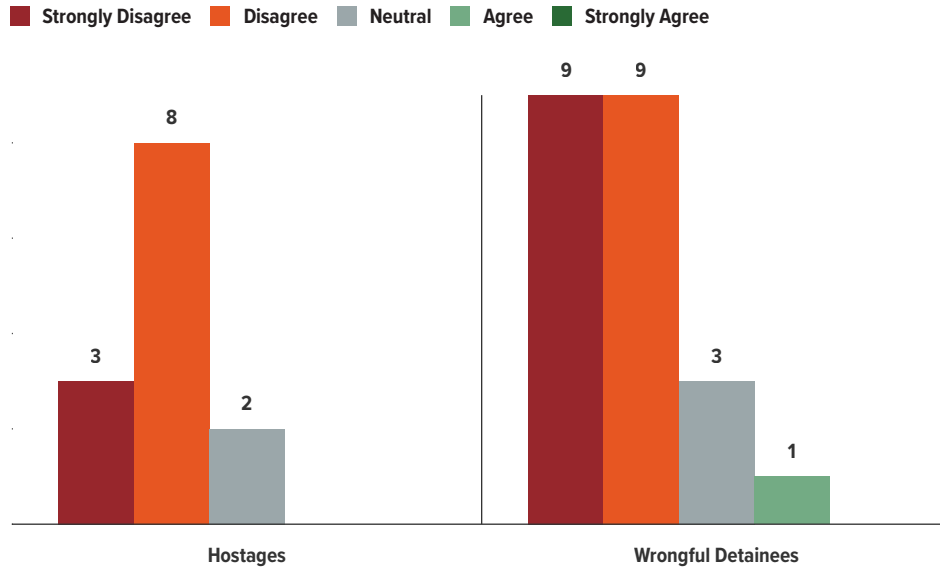
JWFLF asked its participants if they agreed or disagreed with the following statement: “Candid assessments to recover your loved one were/have been shared with you by the U.S. government.” Similar to the 2020 and 2021 *Bringing Americans Home* reports,²¹¹ this year’s respondents were also in disagreement over whether the U.S. government was willing to share recovery options regarding their loved one’s case. In some cases, efforts to recover their loved ones were underway. While they were not privy to the specific details of these efforts, they were grateful for the U.S. government’s willingness to engage with the captors holding their loved ones. However, the majority of hostage and wrongful detainee participants shared similar concerns about the U.S. government’s ability to negotiate effectively. One participant shared, “There’s no negotiation expertise.”²¹² In essence, the consensus of some participants was a concern that policy makers were setting the conditions for or stalling negotiations by including other U.S. interests in conjunction with recovery efforts. Whether these actions or inactions were intentional, participants felt that progress to bring U.S. nationals home was stymied. One participant shared, “In what world does it make sense to have policy makers negotiating with captors?”²¹³

Another participant shared similar concerns over the U.S. government’s lack of having a “centralized negotiation strategy.”²¹⁴ “There’s a lot of confusion [and it seems like] nobody knows who’s in charge.”²¹⁵ Their concern was eerily similar to a 2014 headline, “‘No One’s Really in Charge’ in Hostage Negotiations.”²¹⁶ After the public beheadings of James Foley and Steven Sotloff, Peter Kassig’s family was pleading with ISIS to spare their son’s life before he suffered the same fate as Mr. Foley and Mr. Sotloff. In the 2014 article, an individual who was deeply involved in negotiations for Peter Kassig, and at the time, an unnamed female held hostage by ISIS who is now believed to have been Kayla Mueller, said the same thing, “No one’s really in charge.”²¹⁷ Eight years later, the same issues are still relevant.

In addition, there were many disputes in 2014 over the United States’ stance on negotiation policies, which include ransom payments, as well as the “absence of a coherent strategy about how to win the Americans’ release.”²¹⁸ Today, the arguments are the same. Meanwhile, at least 67 Americans wait to be recovered by their government.

Figure 19:

RECOVERY OPTIONS SHARED WITH HOSTAGE AND WRONGFUL DETAINEE FAMILIES



HOSTAGE CASE PARTICIPANT RESPONSES

The majority of hostage participants (eight of 10) either disagreed (five) or strongly disagreed (three) about the lack of recovery plans being shared regarding their loved one’s case. The other two participants neither agreed nor disagreed that the U.S. government shared candid recovery assessments regarding their loved one’s case (Figure 19).

While it would be inappropriate to discuss hostage recovery details shared by JWFLF participants, this report is able to discuss challenges and hindrances that may prevent U.S. nationals from being recovered. According to JWFLF’s hostage data described in Section 1, there are a number of current hostage cases lasting over 2,000 days—over three administrations. In general, while hostage-taking events are exceptionally difficult to resolve, it is important to evaluate if the current structures in place are helping or hindering the progress of recovering U.S. nationals held hostage abroad. While the changes made to the structure of the U.S. government’s hostage and wrongful detainee enterprise seem to have helped coordinate across the government and support families, there are indications that the tools the HRFC and SPEHA’s office have access to are insufficient to achieve the release of U.S. nationals held overseas.

One participant said bluntly, “We’re stuck, and we’ve been stuck for months just sitting here waiting for [the U.S. government] to make a decision...or to break through and engage with the captors and address what they want.”²¹⁹ Another JWFLF participant, who was familiar with the many challenges that go into recovering American hostages, simply stated, “The current structure is not efficient, there is too many bureaucratic red tape.”²²⁰ Another participant echoed similar concerns, “The interagency process is not working as it should be... there’s a lack of cooperation and plans are taking months to initiate.”²²¹ The same concerns were repeated by another participant, “Everyone is waiting for people to make decisions that

can take months, which can then leads to years...Also, there seems to be a lot of confusion going on, and it appears like nobody knows who's in charge. Additionally, "we have an entity with no capabilities. It's time to do an assessment of the whole enterprise."²²²

These types of challenges led one JWFLF participant to share, "We need to update the current structure of the Cell, make it more operational, fund it, and have rotating leaders from every agency. Most importantly, it needs to operate in an independent location."²²³ Additionally they urged, "Make the cell more operational, independent, regardless of what agency it sits under. One concept to consider is to model the Cell after the Joint Terrorism Task Force."²²⁴

Challenges in coordinating U.S. governmental responses to hostage-takings are not new. The U.S. government has long struggled to coordinate activities conducted across the interagency, especially in the face of issues of emerging importance. In addition, the HRFC was designed to function primarily as a dedicated interagency organization outside of other departments and agencies. While the HRFC is currently housed within FBI headquarters, decisions and plans to recover hostages face bureaucratic challenges across other departments and agencies within the FBI.

While the position of HRFC Director continues to sit under (in increasing order of authority) the Deputy Assistant Director of the Counterterrorism Directorate, Assistant Director of the Counterterrorism Directorate, Executive Assistant Director, National Security Bureau, FBI Deputy Director, and finally, FBI Director, elevating recovery options to the Hostage Response Group at the National Security Council, remains a challenge. Essentially, the HRFC Director's tone shifts from "you will" to "you should."²²⁵ Therefore, recommendations made by the HRFC Director HRFC must acquiesce around other priorities and internal policies of other FBI Directorates.

In turn, the HRFC Director has more difficulty exercising decisions and/or having the authority to make recommendations due to the lack of support and unaligned priorities from the other Directorates within the FBI. One participant said, "We need to find ways to give [the HRFC] some level of authority."²²⁶ Currently, they're a clearing house for information and ideas, [which was] great in the beginning when the policy was new, but they're not effective now."²²⁶ Another concern from the same participant was that "other departments and agencies don't necessarily see the value of the Fusion Cell and what they can bring to the table."²²⁷

When PPD-30 was issued, the expectation of the HRFC was to "coordinate diplomatic, intelligence, law enforcement, and military components of hostage recovery efforts."²²⁸ Specifically, the HRFC's Director was envisioned as serving "as the federal government's primary operational coordinator for responding to overseas hostage-takings."²²⁹ There continues to be concerns that both the HRFC's placement at the FBI and the lack of authority given to the HRFC Director creates challenges for his or her ability to effectively coordinate the U.S. government's hostage related activities.²³⁰

²²² While this was described from a hostage participant's perspective, wrongful detainee participants expressed a similar concern regarding the HRFC's ability to act as an independent interagency. From a wrongful detention perspective, and with wrongful detainee cases on the rise, the Department of Justice has increasing equities regarding bringing resolution to wrongful detention cases. The HRFC needs to have the ability to provide its best advice to the interagency without being encumbered by the Department of Justice's equities.

In addition to internal bureaucratic challenges, other JWFLF participants raised concerns over policymakers, lawyers, and law enforcement taking the lead on hostage cases. “Policymakers are not operational people,”²³¹ said one participant. Another participant shared, “Does it make sense to have law enforcement lead negotiations with terrorists and militant groups...Is that the best approach?”²³² Also, when lawyers get involved, there tends to be “more correcting and overthinking.”²³³ In several hostage examples, stated one participant, “American subjects are held closely to their captors. Would you rather have intelligence or law enforcement leading the case?” they asked, referring to the significant intelligence support required to locate hostages in such circumstances.²³⁴

WRONGFUL DETAINEE CASE PARTICIPANT RESPONSES

JWFLF asked wrongful detainee participants if the U.S. government shared candid recovery assessments with them and if they felt like they were partners during the recovery phase of their loved one’s case. The majority of JWFLF participants either strongly disagreed (nine) or disagreed (nine). Only one participant agreed, and three neither agreed nor disagreed that the U.S. government shared candid recovery assessments with them (Figure 19).

In general, most participants were glad to see the SPEHA’s office taking steps to bring their loved one’s home, but they still felt in the dark on what plans and strategies were being implemented to facilitate the release of their loved ones. One participant shared, “We’ve asked several times for some sort of plan to get [our loved one] out...I would like them to tell us, ‘Here is a spectrum of options that we’re looking at and here are the problems.’ [In addition], we’d like to have a better understanding of why some options might work and which ones might not. There’s nothing worse than being in our position and not being told anything, it’s just a horrible, horrible position to be in.”²³⁵

Most of the frustrations voiced by participants seemed to stem from issues with the White House and Department of Justice impeding progress to recover their loved ones. For example, one participant stated, “We believe that the resistance to get [my loved one] out, lies at the very top of our government,”²³⁶ Another participant shared, “One roadblock that we perceive, is Roger not having sufficient support to do his job in an effective and efficient manner. There’s a lack of cooperation across the interagency. Specifically, the Department of Justice. They have shown no desire, no inclination, no willingness to participate in the recovery of hostages or wrongful detainees.”²³⁷ Another participant believed that it was necessary to “ensure that someone in the White House is laser focused on bringing Americans home and that they are provided the time, space, and resources to get the job done.”²³⁸

For some participants, they believed that the “challenge is to get the regional side within the National Security Council to prioritize wrongful detention cases.”²³⁹ One participant shared, “Building regional partnerships across the NSC [National Security Council] is essential while working to prioritize the recovery of wrongful detainees...While regionals are focused on the current policy the administration has put forward, there needs to be good relationships with them to prioritize these cases.”²⁴⁰ Another participant essentially made a similar comment, “Partner building is really important to focus on and to ensure that [regionals] understands hostage and wrongful detainee issues.”²⁴¹

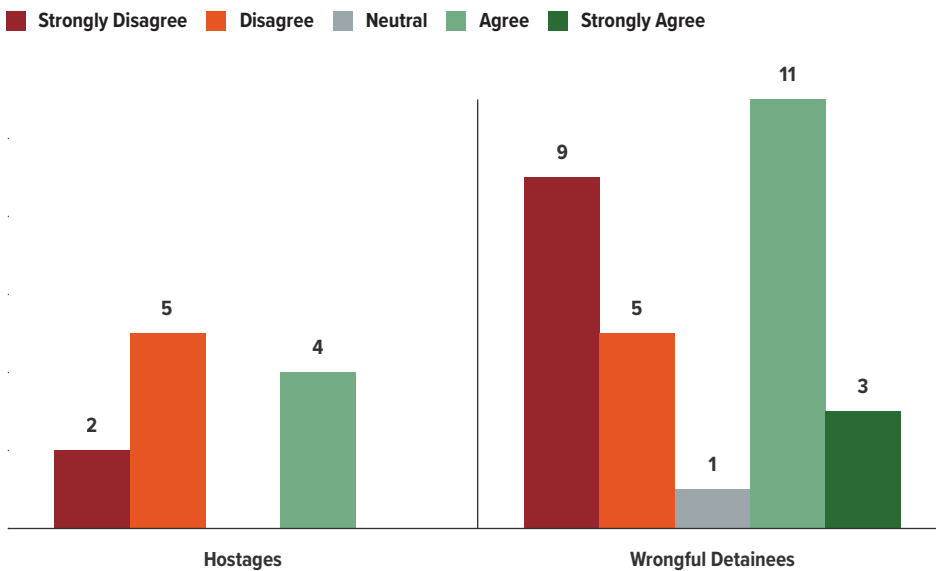
Prioritization of Hostage and Wrongful Detainee Cases

With revolving national security concerns and differences in equities and regional interests within the U.S. government, making decisions to recover hostages or wrongful detainees continues to be a challenge. “We need champions in our government to prioritize bringing our Americans home now,” said one participant.²⁴² “We need people who truly care,” said another.²⁴³ “We need more savvy and shrewd negotiators working to free our Americans,” said still another.²⁴⁴

JWFLF asked its participants if they agreed or disagreed with the statement: “Your return or the return of your loved one was/is a priority of the U.S. government.” In past reports, the discussion of whether hostages, wrongful detainees, and their families perceived that their case was a priority of the U.S. government revealed mixed responses.²⁴⁵ In the 2020 report, hostage participants generally agreed that the U.S. government considered their case a priority, whereas in 2021 and 2022, there has been a decline in participants who agreed that the U.S. government prioritized their case. In the 2020 report, almost two thirds (64%) of wrongful detainee participants disagreed that the U.S. government prioritized their case in 2020.²⁴⁶ In 2021, the majority (80%) of wrongful detainee participants, agreed that the U.S. government prioritized their case.²⁴⁷ This year, wrongful detainee results were split, with half agreeing that the U.S. government prioritized their loved one’s case and half disagreeing.

Figure 20:

PRIORITIZATION OF HOSTAGE AND WRONGFUL DETAINEE CASES



HOSTAGE CASE PARTICIPANT RESPONSES

The majority (seven out of 11) of hostage participants said that they disagreed (five) or strongly disagreed (two) that their loved one was a priority of the U.S. government. Four respondents agreed with the statement that they perceived that their loved one's case was a priority of the U.S. government (Figure 20).

Unlike the 2020 and 2021 *Bringing Americans Home* reports,²⁴⁸ most hostage participants disagreed that the U.S. government prioritized their loved one's case. One participant shared, "We need decisions out of the White House, not more processes. They keep killing us with process."²⁴⁹ Another participant expressed other frustrations saying, "They're not making these decisions in a timely manner. Decisions seem to go up, but they don't get acted on."²⁵⁰

Other participants were left pondering whether if the President was even receiving options to recover their loved ones with one participant asking, "Where's the stopgap? Because we're not seeing a lot of action."²⁵¹ Frustrated by the inaction of the administration, one of the participants concluded that, "It must not be a high enough priority to bring Americans home."²⁵² Another participant asked, "Where are the high-level U.S. officials prioritizing hostage issues?"²⁵³

Prioritizing hostage cases requires a continuation of productive relationships inside the administration, with a strong focus on regional counterparts at the State Department, National Security Council, and up to the National Security Advisor level. "Without those relationships and the ability to find common ground, it becomes more difficult to prioritize [hostage cases]," said one participant. In addition, according to those interviewed for this report, there is a constant struggle between prioritizing hostage cases and other national security interests and foreign policies, as well as a struggle to manage what and how information gets conveyed to the National Security Advisor and the President.²⁵⁴

Most participants believe the key actors whose focus is required for their loved ones' cases are the President, Secretary of Defense, Secretary of State, National Security Advisor, and Director of the Central Intelligence Agency. "Without having their buy in, it will be more difficult to solve these cases,"²⁵⁵ shared one participant. To participants, finding ways to get U.S. officials personally involved is most impactful. "When [U.S. officials] have that connection with a family or a hostage brought back, they immediately get connected."²⁵⁶

WRONGFUL DETAINEE CASE PARTICIPANT RESPONSES

About half of the respondents (14 of 29) either strongly disagreed (nine) or disagreed (five) that their loved ones were a priority of the U.S. government. The remaining participants either agreed (11), strongly agreed (3), and one participant neither agreed nor disagreed that the U.S. government prioritized their loved one's case (Figure 20).

JWFLF participants recognized that prioritization for wrongful detention cases requires support from across the U.S. government. Specifically, wrongful detainee participants believe that prioritization is necessary from Congress, State Department, SPEHA's office, Department of Justice, and the White House. In the words of one participant, a failure to prioritize the return of American citizens "degrades the value of the lives of American citizens wrongly held abroad."²⁵⁷

Another participant shared their frustration over the Department of Justice not prioritizing their case. "We've watched opportunities that the Justice Department could have participated in to help bring [our loved one] home, [but now] those opportunities are gone now. They're off the table."²⁵⁸ Another participant shared a similar concern about the Department of Justice, stating, "The Justice Department could have made something happen if they were willing to participate...They should have been looking for an opportunity to bring people home and willing to do so without being told."²⁵⁹

Several other participants shared that they did receive regular support from their Congressional Representatives and Senators. Often, many of the participants use the support of their constituents to not only advocate for their loved one's release, but to also support recovery strategies that the SPEHA's office puts forward. It is important for not only the SPEHA's office to have Congressional support, but also the administration knowing that they're not going to receive political backlash from their own party.

Earlier in 2022, there was an effort to free Americans who were wrongfully detained abroad. Due to other national security and foreign policy interests in the country where the Americans were being held, several politicians from both sides of the political aisle provided press releases stating their position was against all engagement with the foreign country. The negative comments conflicted with the efforts of the SPEHA's initiative, negotiating the release of Americans wrongfully detained, and criticized the administration, delaying further negotiations to release Americans wrongfully detained abroad. While it is completely acceptable to hold firm positions within U.S. national security and foreign policy interests, it should not impede efforts to secure the release of hostages and wrongful detainees. Therefore, when possible, it is important to disentangle or deconflict hostage and wrongful detainee recovery efforts from other foreign policy and national security objectives. It is possible to stand firm against U.S. engagement on a policy initiative, but also be in support of facilitating the release of an American. Most importantly, political actors should not criticize the administration or SPEHA for prioritizing the release of Americans held hostage or wrongfully detained abroad.

One participant shared, "One indicator for us to signal that the U.S. government is prioritizing [my loved one's] case is to go and meet with [the foreign government] holding [my loved one]."²⁶⁰ In another interview, the participant shared, "We believe if any progress was being made, the SPEHA would be visiting [the foreign country] and engaging at a diplomatic level to facilitate [the release of my loved one]."²⁶¹ Engagement with foreign leaders and officials is expected.

Support for Returning Hostages, Wrongful Detainees, and Their Families

The 2021 Bringing Americans Home report discussed several challenges returning hostages and wrongful detainees face after returning home from captivity.²⁶² Sadly, many of the same challenges remain. Specifically, returning hostages and wrongful detainees face many of the following difficulties:

- Finding employment upon returning, leading to difficulties affording housing and medical insurance
- Ruined credit due to unpaid debts and fines from loans or credit cards that went unpaid while in captivity
- Penalties from the IRS stemming from unpaid taxes and fines accrued during their time in captivity
- Mental health issues due to the physical and psychological torture they experienced while in captivity
- Homelessness due to not being able obtain or hold a job

Mental health issues may be one of the most challenging reintegration issues for returning hostages and wrongful detainees. Not only do many returning hostages and wrongful detainees experience survivor's guilt, they face challenges learning how to readjust to returning to their old lives. One former captive said that home had a "different feel...in a funny and distorted way, it's not home anymore even though it is."²⁶³ One participant shared that their experience changed them in a way where they can not quite articulate the "internal battle going on inside [their] head."²⁶⁴ Except that it feels like having an "out of body experience," where intellectually they know they are home, but "everything feels different... there's a disconnect between how my body feels and what my mind is telling me. I don't feel comfortable because nothing seems and at the same time my mind is telling me it should."²⁶⁵

Another participant said their experience in captivity haunts them to this day. They went on to share how they were forced to stay in a small cell with several black trash bags stacked up against the wall. Not knowing what the contents were at first, the wretched odor, which is still seared in their memory, finally gave it away. The bags contained deceased bodies and remained stacked against the wall until there were so many that they reached the top of the ceiling. Only then would someone come to remove the bags. They would soon get replaced, stacking up to the ceiling again and again.²⁶⁶ In addition to the bags, the former captive is left with the haunting image of the piles and piles of empty shoes.²⁶⁷

Another participant shared that the physical torture they endured led to permanent deformities on their feet and hands. They were beaten so often during interrogations because their captors were trying to force a false confession, hoping they would admit to being a spy for the United States. They were not. Other family members reported that their loved ones had experienced electrocutions and other forms of torture, again in attempt to force false confessions.

These types of horrific events are still happening to Americans today. Americans are targeted by terrorists in order to leverage the United States to either change its policies or national security decision making process, force prisoner exchanges, extract some form of concessions, or simply punish a U.S. citizen for holding a blue passport.²⁶⁸ These are innocent Americans being used as geopolitical pawns who are ultimately paying the price for policy decisions made by the United States.²⁶⁹ These cases require high levels of U.S. government engagement

to facilitate their releases. “It must and should be the sole duty of the United States to utilize all tools necessary to facilitate their releases and bring the sons and daughters, mothers and fathers, brothers and sisters, and friends and colleagues home, said one family member.”²⁷⁰

In addition to challenges returning hostages and wrongful detainees face, family members currently advocating for the release of their loved ones face challenges themselves. For example, many wrongful detainee families lack support from the U.S. government where they would be able to benefit from the Victims of Crime Act, which assists individuals associated with a crime. Since it is not a crime to arrest and detain an American overseas, these families are not entitled to the same level of support. The type of support necessary for wrongful detainees and their families include the following:

- Travel expenses for wrongful detainee families to travel to Washington, D.C. (similar to funds provided by the Victims of Crime Act of 1984 for hostage families) to advocate for the release of their loved one;
- Funding to support a hostage or wrongful detainee’s flight home and any medical treatment received on the flight;
- Support to provide immediate support for returning hostages or wrongful detainees for essential needs that arise upon recovery, such as clothes and temporary housing;
- Support for wrongful detainee families during a detention for expenses such as lawyers and translators overseas;
- Financial support for wrongful detainee families to pay costs related to the ongoing imprisonment of their loved one, e.g., food, water, bedding, medicine, and other basic necessities; and
- Post-captivity physical, medical, or psychiatric support for a minimum of two years for returned hostages and wrongful detainees.

In order to support the needs listed above, it is important to highlight there are no dedicated resources to fund wrongful detainees and their families. Pursuing congressional funding may be the best way to ensure that these families and their loved ones receive the proper support.

Conclusion

This report examined the support provided to American hostages, wrongfully held detainees, and their families through interviews with 60 individuals either personally connected with these cases or who were active and former U.S. officials with experience in dealing with hostage-takings and wrongful detentions. One of the major findings of this report, as in the 2021 report, is the durability of the changes made to the hostage recovery enterprise enacted by EO 13698 and described in PPD-30. Seven years after the directive’s issuance and three presidential administrations later, the entities and processes created to synchronize the interagency’s efforts to recover U.S. nationals held hostage overseas and to engage with and support their families remain intact. However, even with the implementation of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act and codifying PPD-30, Americans are still not coming home.

This report also explored data associated with 387 U.S. nationals taken hostage and wrongfully detained abroad. The data indicate that hostage-takings of U.S. nationals appear to be becoming more difficult to resolve. Most of the U.S. nationals still held hostage have been

held for more than five years. Additionally, while the number of U.S. nationals taken hostage has decreased over the past ten years, the number of U.S. nationals being held hostage each has increased, indicating that releases are becoming more difficult to achieve. The average duration of a U.S. national's captivity when taken hostage has increased by approximately 60% over the past ten years.

While the number of U.S. nationals taken hostage overseas by non-state actors has decreased by approximately 40% over the past ten years, this is likely not based on durable trends and increases in hostage-taking are likely in the near future. The Middle East, Central Asia, and West Africa are likely to remain regions where U.S. nationals are taken hostage. While both designated terrorist groups and other types of militant groups take U.S. nationals hostage, their captivities are not similar. Those U.S. nationals taken hostage by a designated terrorist organization have, on average, longer captivities and a greater likelihood of death.

While the U.S. government has made strides in the last seven years to address the problem of wrongful detentions of U.S. nationals and support families, the tools the U.S. government is currently employing to achieve their releases appear to be inadequate. Over the past 11 years, the number of U.S. nationals wrongfully detained by foreign countries have increased by 150%, with a seven-fold increase in the number of U.S. nationals held each year.

Additionally, more countries are engaging in the wrongful detention of U.S. nationals, raising concerns that Americans are being increasingly targeted for detention in order to secure leverage against the United States. From 2001-2005 only four countries were wrongfully detaining U.S. nationals. However, this number has steadily increased and, in 2022, at least 19 countries had either wrongfully detained or continued to hold a U.S. national in captivity. In addition, countries with strained or adversarial relations with the United States have been responsible for more than 60% of the wrongful detentions of U.S. nationals. Currently, Iran, China, Venezuela, Syria, and Russia account for 75% of those U.S. nationals currently wrongfully detained.

As previously noted, when this report was written, at least 67 U.S. nationals were currently held hostage or wrongfully detained abroad. Over 90% of those cases are wrongful detentions. On average, these 67 U.S. nationals have been held for 4.5 years. This report shows that fewer U.S. nationals wrongfully detained are being released while the number of detentions continues to remain relatively steady since 2011. While there are fewer hostage takings, the length of their captivity remains high, with some over 2,000 days.

While PPD-30 and the Levinson Act have established mechanisms to increase the priority of hostage and wrongful detainee issues, the administration must prioritize hostage and wrongful detainee recovery and enable interagency leadership in order to be effective. In spite of progress made, U.S. nationals are not coming home.

Appendix A: Recommendations and Requests Made by Hostage and Wrongful Detainee Participants

This appendix provides a list of recommendations and requests made by the families of hostages and wrongful detainees in the course of the interviews conducted for this report.

- For families to keep detailed records and timelines to make a more rapid impact with the SPEHA process.
- SPEHA must report directly to the President of the United States.
- Find a way to make things happen. The Levinson Act is good, but it currently has no teeth.
- The team at the National Security Council lacks professional negotiating skills—bring skilled negotiators in at the National Security Council.
- Families need more assistance with negotiations.
- The HRF and SPEHA need to report to the President.
- We need an operational Cell that can utilize all tools to be able to engage hostage-takers and foreign government official in regions that are hostile to the U.S. government.
- Evaluate the hostage enterprise—create a panel to organize the new construct of what the hostage enterprise should look like.
- More information for families regarding NGOs able to help.
- For the U.S. to join the International Criminal Court (ICC), established in 1998 by the Rome Statute, to hold hostage-takers accountable.
- More resources available from the SPEHA's office.
- SPEHA's office needs to do more research.
- The opportunity to meet with the President of the United States and National Security Advisor
- Bring professional negotiators in to advise the National Security Council members making decisions.
- Empower and give the SPEHA the authority to negotiate.
- Negotiate on humanitarian and not political grounds.
- Punish and hold individuals in rogue regimes accountable for wrongfully detaining Americans.
- Additional tools other than ransom payments, sanctions, or swaps to bring Americans home.
- Moving our case from CA required support from an NGO and for us to write and submit a letter to Secretary Blinken. Within that letter, we had to match criteria that we found from the Levinson Act, and I would encourage all families detailed records and detailed timelines if you want to make a more rapid impact with the wrongful detention process.
- Access to pro bono lawyers to assist families in understanding international laws.
- Funds to support families of wrongful detentions legal fees from overseas.

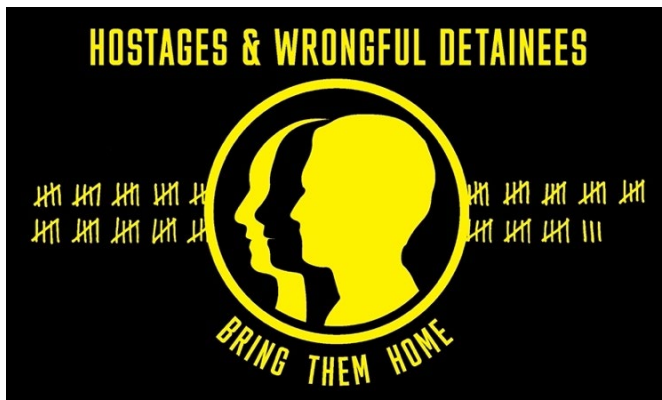
Appendix B: The Hostage and Wrongful Detainee Flag

Similar to the POW/MIA flag, some hostages and wrongful detainees and their families have proposed the use of an official flag to illustrate and remind American citizens of the plight of Americans held hostage or wrongfully detained abroad.

Overall, the objective is to codify the Hostage and Wrongful Detainee Flag into law. The goal is fly this flag underneath the POW/MIA and American flag to represent the solidarity of American people who have lost, survived, and/or support hostages and wrongful detainees held captive abroad.^a

Five elements of the Hostage and Wrongful Detainee Flag:

- Title: “Hostages and Wrongful Detainees” is in compliance with the legal terms determined by Congress under the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act;
- Counting-sticks symbol: Emphasized by the families as a central attribute of their struggle;
- The three-profiles: Demonstrating the individual struggle, while representing gender, racial and ethnic diversity;
- The call to action: Bring Them Home; and,
- The color themes: Yellow and black, resembles the yellow ribbons used during the 1979 Iranian Hostage Crisis.



^a The design of the flag included the input of former hostages, wrongful detainees, and the families of current and former hostages and wrongful detainees.

Appendix C: Hostage Interview Responses

Each interview included a quantitative assessment of the effectiveness of PPD-30 by assigning a numerical value indicating the degree to which each participant agreed or disagreed with a variety of statements asked during the interview process. The number scale 1 = “strongly disagree;” 2 = “disagree;” 3 = “neither agree nor disagree;” 4 = “agree;” and 5 = “strongly agree.”

	2020 REPORT RESPONSES (RANGE; AVERAGE)	2021 REPORT RESPONSES (RANGE; AVERAGE)	2022 REPORT RESPONSES (RANGE; AVERAGE)
HRFC			
The HRFC was accessible to me.	1-5; 3.7	4-5; 4.8	2-5; 3.5
Information received during meetings and briefings was consistent and accurate.	2-4; 2.9	1-5 3.4	2-4; 3.2
I received a steady flow of information regarding my loved one’s case.	1-5; 3.6	1-5; 2.8	2-4; 3.5
SPEHA	2020 REPORT RESPONSES (RANGE; AVERAGE)	2021 REPORT RESPONSES (RANGE; AVERAGE)	2022 REPORT RESPONSES (RANGE; AVERAGE)
The SPEHA’s office was accessible to me.	2-4; 3.7	5-5; 5	2-5; 3.1
Information received during meetings and briefings was consistent and accurate.	1-4; 2.6	5-5; 5	3-4; 3.5
I received a steady flow of information regarding my loved one’s case.	1-5; 3.4	5-5; 5	3-4; 3.5
U.S. GOVERNMENT IN GENERAL	2020 REPORT RESPONSES (RANGE; AVERAGE)	2021 REPORT RESPONSES (RANGE; AVERAGE)	2022 REPORT RESPONSES (RANGE; AVERAGE)
Candid assessments to recover your loved one was/has been shared with you by the U.S. government?	2.5; 3.4	1-5; 3.1	1-3; 1.9
Your return or the return of your loved one was/is a priority of the U.S. government?	1-4; 2.1	1-5; 3.7	1-4; 2.5

Appendix D: Wrongful Detainee Interview Responses

Each interview included a quantitative assessment of the effectiveness of PPD-30 by assigning a numerical value indicating the degree to which each participant agreed or disagreed with a variety of statements asked during the interview process. The number scale 1 = “strongly disagree;” 2 = “disagree;” 3 = “neither agree nor disagree;” 4 = “agree;” and 5 = “strongly agree.”

	2020 REPORT RESPONSES (RANGE; AVERAGE)	2021 REPORT RESPONSES (RANGE; AVERAGE)	2022 REPORT RESPONSES (RANGE; AVERAGE)
DEPARTMENT OF STATE CONSULAR AFFAIRS			
Consular Affairs was accessible to me.	2-4; 3.4	3-4; 3.6	1-4; 3.2
Information received during meetings and briefings was consistent and accurate.	1-4; 2.9	2-4; 3.2	1-4; 2.8
I received a steady flow of information regarding my loved one’s case.	1-3; 2.1	2-4; 2.7	1-4; 2.6
SPEHA			
The SPEHA was accessible to me.	1-4; 3.1	2-5; 4.2	1-5; 3.4
Information received during meetings and briefings was consistent and accurate.	1-3; 2.4	2-5; 3.5	3-5; 4.2
I received a steady flow of information regarding my loved one’s case.	2-3; 2.4	2-5; 3.8	4-5; 4.4
U.S. GOVERNMENT IN GENERAL			
Candid assessments to recover your loved one was/has been shared with you by the U.S. government?	1-3; 1.4	1-2; 1.6	1-4; 1.8
Your return or the return of your loved one was/is a priority of the U.S. government?	1-2; 1.6	1-4; 3.3	1-5; 2.8

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About the James W. Foley Legacy Foundation

The James W. Foley Legacy Foundation is a nonprofit organization that honors the legacy of murdered American journalist, Jim Foley, by raising awareness of the issues facing American hostages, wrongful detainees, and developing research, education and policy solutions designed to bring Americans home safely.

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