

JAMES W. FOLEY
LEGACY FOUNDATION

BRINGING AMERICANS HOME

2023

**A REVIEW OF
THE HOSTAGE AND
WRONGFUL DETAINEE
LANDSCAPE**

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ABOUT THE AUTHOR

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ABOUT THE JAMES W. FOLEY LEGACY FOUNDATION

The James W. Foley Legacy Foundation was founded three weeks after journalist James Foley was murdered by ISIS in 2014. The Foundation 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 that, in the unlikely event that they are taken hostage or detained abroad, whether by hostage takers or governments, their safe return is a priority for the American people and the U.S. 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 advocate for freedom for all U.S. nationals wrongfully detained or held hostage abroad, to ensure government accountability to prioritize their safe return, and to educate and protect journalists and international travelers.

A NOTE FROM THE PRESIDENT AND FOUNDER

Dear Fellow Americans,

From a 2012 speech by James Foley at Marquette University: “For some reason, I have physical courage, but really when I think about it, that’s nothing compared to moral courage. I can go and get those shots, but if I don’t have the moral courage to challenge authority, to write about things that are going to maybe have reprisals on my career, if I don’t have that moral courage, we don’t have journalism.”

Jim’s words have haunted and challenged me. Do I have the moral courage to challenge the authority and priorities of our government to fight for others held hostage or wrongfully detained? Do you?

Does our government have the nonpartisan, apolitical moral compass to prioritize the return of fellow Americans?

The James W. Foley Legacy Foundation was started with the firm hope that our beloved country would commit to bringing our people home when they are taken captive abroad simply for being American citizens.

We are doing better. When four Americans, including my son Jim, were kidnapped by ISIS in 2012, our country refused to speak to their captors. We chose not to negotiate. We chose to abandon them to the terrorists, who used their horrific public executions as hate propaganda and recruitment.

Since 2014, America has chosen to do better. President Barack Obama’s Presidential Policy Directive creating the U.S. hostage enterprise in 2015, Congress’ passage of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act in 2020, leadership by both the Trump and Biden administrations, the 2022 Biden Executive Order, and committed individuals both inside and outside of government have brought more than 122 U.S. nationals home from overseas captivity. AND two of the jihadists responsible for the torture and murder of Americans have been convicted and held accountable for their acts of terror.

Unfortunately, the threat to Americans traveling or working internationally continues to grow. Americans are now increasingly targeted and wrongfully detained by other countries, particularly our adversaries: China, Iran, Russia, Syria, and Venezuela. Recent unlawful arrests in Russia of *Wall Street Journal* reporter Evan Gershkovich and Olympic athlete Britney Griner illustrate this growing challenge.

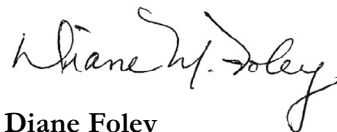
It breaks my heart to witness the ongoing anguish of families with loved ones held hostage or wrongfully detained. The desperation of ever longer imprisonment of our citizens and legal permanent residents prompted 15 families to come together in 2022 to create the Bring Our Families Home campaign and design a Hostage/Detainee flag similar to the POW flag to raise public consciousness about these issues and to personalize the impact by publicly sharing the stories of their loved ones.

We must have the moral courage to prioritize the safe return of our people. We must have the resolve to engage persistently in shrewd dialogue with our adversaries. We must have the audacity to use all tools – ransom as lure, prisoner exchanges, whatever it takes – to bring our people home and to be relentless in seeking accountability and pushing deterrence.

Today we present the fifth *Bringing Americans Home* report to update you, the American public, and to challenge the United States of America to prioritize the return of U.S. nationals taken captive abroad.

Jim aspired to be a man of moral courage. Let us be inspired by the moral courage of Jim and the other Americans killed by ISIS at the same time – Steven Sotloff, Peter Kassig, and Kayla Mueller – and aspire as a nation to make the freedom of our people our highest priority.

Sincerely,

A handwritten signature in black ink that reads "Diane W. Foley". The signature is fluid and cursive, with the first name "Diane" and the last name "Foley" being the most prominent parts.

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



AFTER BEING WRONGFULLY DETAINED FOR ALMOST FIVE YEARS, AND NOW BEING RELEASED FOR MORE THAN SIX MONTHS, I CAN ASSURE YOU THAT FREEDOM IS THE MOST PRECIOUS GIFT THAT ANY HUMAN BEING MAY HAVE.

YOU CANNOT IMAGINE THE SADNESS AND SUFFERING THIS TRAGEDY BRINGS. IT'S ONE OF THE WORST EXPERIENCES THAT A HUMAN BEING HAS TO ENDURE.

NO ONE SHOULD EXPERIENCE BEING WRONGFULLY DETAINED AND SUFFER THIS INHUMANE CONDITION.

BUT UNFORTUNATELY, AT THIS PRECISE MOMENT, THERE ARE AMERICANS WITH THEIR FAMILIES GOING THROUGH THIS TRAGEDY, SUFFERING AND IN DESPAIR.

THEY DESERVE TO BE BACK AS WELL.

TOMEU VADELL

Wrongfully detained in Venezuela from November 2017 – October 2022

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FOREWORD

BY CHRISTOPHER P. COSTA

*Former Special Assistant to the President and Senior Director for Counterterrorism
National Security Council, The White House*

In the first days of the Trump administration, before sunrise on a brisk Sunday morning at the Eisenhower Executive Office Building, I unceremoniously hung a framed copy of an 1878 painting in my office. This was the morning after Navy SEAL Ryan Owens – a trained hostage rescuer -- was killed in action in an overseas counterterrorism operation. The print I hung depicts a battle scene between pirate hostage-takers and the U.S. Navy. That print memorializes our young nation's first foray in a foreign, hostile world of hostage-taking, hostage diplomacy, terrorism, and overseas battles with bewildering enemies. That crisis tested President Thomas Jefferson's mettle and required a young country to navigate the shoals of an international crisis a long way from American shores.

For the following 200 plus years, the United States and the world would witness waves of terrorism and hostage-taking and would seek to balance national security interests with the blight of terrorism.

On Sept. 5, 1972, at the Munich Olympics, eight Black September terrorists gained entry to the Munich Olympic Village, taking 11 Israeli Olympic athletes and coaches hostage. The terrorists cruelly killed two hostages before demanding the release of more than 200 Palestinians from Israeli prisons and several Red Army Faction members held in West German prisons. The remaining nine

hostages were later killed by the terrorists during a failed rescue attempt. Captured by the world's media, the raw scenes of a live hostage-taking chillingly brought terrorism into sharp focus for some 900 million people watching the event in real time. Planned in the Middle East and North Africa and executed in Europe, the attack was a paradigm shift in international terrorism.

Munich was not just about the internationalization of terrorism, however. It also showed the routinization of hostage-taking as a preferred terrorism tactic throughout the 1970s and 1980s, as well as the challenges governments have in responding to the tactic. Terrorists took hostages on hijacked airplanes and in embassies, demanding political concessions in exchange for hostages' lives; few of the situations were easily resolved. However, counterterrorism professionals cast the current strain of international terrorism, there remains a persistent undertow of hostage-taking by terrorists and the challenges that governments will face in responding.

But in 2014, ISIS terrorists ushered in a new, nightmarish era of hostage-taking and brutality. ISIS kidnapped and savagely murdered journalists James Foley and Steven Sotloff and aid workers Peter Kassig and Kayla Mueller. The three men were horrifically killed on camera in videos posted

online. Kayla Mueller died senselessly in unknown circumstances after being enslaved by ISIS leader Abu Bakr al Baghdadi.

Their murders disappointingly revealed a low-water mark of United States hostage response. Diane Foley, in many ways the unflinching conscience of U.S. hostage issues and tireless advocate for hostage families, courageously stood up the James W. Foley Legacy Foundation in 2014, to hold U.S. officials accountable and advocate for bringing innocent Americans home from wrongful detentions abroad.

That relentless advocacy and steadfastness led to the formation of a U.S. hostage enterprise. In terms of hostage policy, from the days of Thomas Jefferson to the present-day, the United States has gone through stages of “crawl and walk.” That’s not good enough.

Now, the United States must *run*.

Hostage-taking, once a domain of pirates and terrorists, has become a tool of malign nation states, meaning wrongfully detained civilians are pawns on the world stage. As Sarah Levinson Moriarty wrote in *Bringing Americans Home 2022*, “For the most part, the hostage enterprise applied only to U.S. nationals kidnapped by terrorists, pirates, or criminal groups; not to those wrongfully detained by malign foreign governments.”

With the important Robert A. Levinson Hostage Recovery and Hostage-Taking Accountability Act, bipartisan legislation that reinforces instruments to support Americans held hostage or wrongfully detained abroad, and Executive Order 14078, “Bolstering Efforts to Bring Hostages and Wrongfully Detained United States Nationals Home,” the United States is in the “walk” stage of addressing the changing landscape of hostage-taking.

Accordingly, this report outlines the contours of a changing hostage and wrongful detainee landscape. The many professionals serving in the hostage enterprise are imbued with an ethos that recognizes the inherent right of families to hold the government to account for working to bring their loved ones home. As Special Presidential Envoy for Hostage Affairs, Ambassador Roger Carstens has said those professionals want and expect to be held accountable.

Coming full circle, *some* level of justice for victims may come only by relentlessly pursuing hostage-takers, and when possible, getting them to trial. But in the end, there’s another lesson that might help with the shifting paradigm of states wrongfully detaining more Westerners: If heads of state, diplomats, and lawmakers can come together the way that the United States has endeavored to do – with the legacy of Jim Foley and all the other victims in mind – in their commitment to build a more functional enterprise to free hostages, then perhaps crippling sanctions, global condemnation, and greater international cooperation will make hostage-taking less profitable. In the global theater of terrorists and malignant states, these officials must step up to the stage.

Lastly, as a final thought, I gave every member of my White House counterterrorism team a copy of a book on Thomas Jefferson and a young nation’s hostage-taking saga as a reminder of the consequences of policy decisions, terrorism, hostages, victims, sacrifice and *humility*. Humility, importantly, demands a recognition that we’re not doing enough until there are no Americans held hostage overseas.

Let’s run together and bring all of our fellow Americans home.

EXECUTIVE SUMMARY

This report, conducted by the James W. Foley Legacy Foundation (JWFLF), consists of two sections. The first section, “U.S. National Wrongful Detention and Hostage-Taking Landscape, 2022-2023,” used two JWFLF datasets containing information on 422 U.S. nationals held hostage or wrongfully detained abroad from January 1, 2001, through July 31, 2023, to discuss trends, releases, and detailed outcomes. The second section, “Wrongful Detainee and Hostage Perspectives,” was written by Matthew Heath and Jeffery Woodke, two former captives. Both perspectives provide ways to rethink U.S. strategy on wrongful detentions and hostage-takings. Their stories help to shed light on the toll of captivities and the importance of securing the freedom of all Americans.

KEY FINDINGS

- In 2022, **China, Iran, Russia, and Venezuela were responsible** for the majority of the U.S. nationals wrongfully detained overseas. They accounted for 79% of U.S. nationals detained in 2022.
- While China, Iran, Russia, and Venezuela were responsible for most of the arrests and continued detentions, **14 other countries either detained or wrongfully held U.S. nationals** in 2022 and 2023. They included Cambodia, the Democratic Republic of the Congo, Mozambique, Pakistan, Belarus, Cuba, Egypt, Myanmar, Nicaragua, Rwanda, Saudi Arabia, Syria, Turkey, and the United Arab Emirates.
- Since 2012, there has been a significant **rise in the number of wrongful detentions** of U.S. nationals. However, the number of U.S. nationals who continue to be held year after year decreased by 31% after August 1, 2022. This is due to the number of releases that occurred in 2022 (21) and before July 31, 2023 (4). The largest number of publicly known wrongful detention releases in one year occurred in 2022, according to JWFLF’s database.
- Of the 25 wrongful detainee releases that occurred between the start of 2022 and July 31, 2023, **17 cases were resolved through U.S. diplomatic engagement**. Of those 17 cases, 12 were resolved through U.S. diplomatic engagement with involvement from a non-governmental organization.
- Of the 25 wrongful detainee releases noted above, there were **three instances of prisoner swaps being used to secure the release of nine** of the U.S. nationals. Three releases were reportedly granted as humanitarian gestures and three releases resulted from paying a fine, the completion of a sentence, or a rescue operation. The details of 10 releases of U.S. nationals are not publicly available.
- Of the current hostage and wrongful detention cases, six U.S. nationals, including one lawful permanent resident, have been held for **over 10 years**, an average of 14 years.

- Thus far in 2023, **no U.S. nationals have been taken hostage by terrorist organizations, pirates, or militia groups**, but four U.S. nationals continue to be held hostage overseas. Overall, their captivities have lasted, on average, almost two years. Even though fewer U.S. nationals have been kidnapped in recent years, hostage-taking remains an enduring threat. Westerners are still being kidnapped by terrorist and militant groups, and the use of the tactic remains a cyclical phenomenon.
- The release in March 2023 of a U.S. national held by an al-Qa`ida affiliate in Africa marked the first time since 2011 that a **U.S. national has not been held by an al-Qa`ida or Islamic State aligned group**, with the exception of the U.S. nationals currently held by the Taliban.
- Five of the six U.S. nationals taken hostage in 2022 were, or currently are, being held **in Afghanistan by the Taliban**. These cases highlight the increasing threat of hostage-taking of Westerners in Afghanistan and the unique complexity of resolving these cases. Regardless of whether they were initially held in connection with the Taliban's return to fundamentalist policies, it seems likely that the cases of Westerners who continue to be held are increasingly likely to be tied to Taliban attempts to gain leverage against foreign governments.

RECOMMENDATIONS

The JWFLF *Bringing Americans Home* reports have included recommendations for the U.S. government's hostage enterprise drawn from the perspectives of former hostages, wrongful detainees, and their families. While this year's report has focused on the quantitative data surrounding the hostage and wrongful detainee landscape, recommendations from previous reports that are still relevant have been included.¹

1. **Conduct a comprehensive review to evaluate the efficacy of the 2015 hostage enterprise structure.**

To ensure 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 hostage enterprise given that over 90% of captors are now nation states. The current U.S. hostage enterprise structure is built upon recommendations from the 2015 National Counterterrorism Center study which were narrowly focused on hostage cases. Nation states that wrongfully detain U.S. nationals seek to directly interfere with U.S. foreign policy, our economy, and the freedoms of our people. This tactic makes negotiations to return captives more complex, requiring greater White House engagement.

2. **Develop a comprehensive, consistent strategy to deter the kidnapping or wrongful detention of U.S. nationals targeted while abroad.**

The lack of a holistic strategy of deterrence and accountability leaves the United States vulnerable to attempts by a terrorist organization or a foreign government to change

or influence U.S. policies, demand concessions, or force prisoner swaps that ultimately impact the national security, economy, and foreign policies of the United States. Our country must identify best practices or develop new approaches to deter future wrongful detentions and hostage-takings.

3. Classify U.S. nationals held in Afghanistan.

The U.S. has yet to clearly classify U.S. nationals held in Afghanistan as either hostages or wrongful detainees. This has created challenges in both classifying these cases as well as assigning them to either the Hostage Recovery Fusion Cell or the Office of the Special Presidential Envoy for Hostage Affairs. Regardless of their classification, the U.S. government needs to identify an entity to take the lead on these cases to support the U.S. nationals held by the Taliban and the families advocating on their behalf.

4. 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:

- 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 ones.
- Support for a hostage or wrongful detainee's flight home and any medical treatment received on the flight.
- Immediate support for returning hostages or wrongful detainees for essential needs that arise upon recovery, such as clean clothes and temporary housing.
- Support for wrongful detainee families during a detention for expenses such as lawyers to represent wrongful detainees 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.
- Post-captivity physical, medical, or psychiatric support for a minimum of two years for returned hostages and wrongful detainees.

5. 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.

6. 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, fully funding it, authorizing its operational capabilities, and having rotating leaders from different agencies so it can remain neutral, impactful, and influential across the interagency.

7. 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 rank. Input from external stakeholders should be solicited before an appointment is made to this position.

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.

INTRODUCTION

As of July 31, 2023, there were at least 59 known cases of U.S. nationals held hostage or wrongfully detained in at least 16 countries.² Of the current cases, over 90% are wrongful detentions that directly interfere with U.S. foreign policy, the economy, and national security. Over the past decade, there has been a 175% increase in the number of incidents of U.S. nationals taken hostage by foreign governments and a 580% increase in the number of U.S. nationals who continue to be held by foreign governments year after year.³ In addition, the average length of captivity of U.S. nationals held by state actors from 2001 to 2011 was less than one year. After 2012, the average length of captivity increased to over four years.

While the number of U.S. nationals taken hostage overseas by non-state actors has decreased over the past decade, presumably due to the impact of the COVID-19 pandemic and the temporary declines in territorial control by terrorists and other armed groups, hostage-takings of U.S. nationals have become more difficult to resolve.⁴ The average duration of a U.S. national's captivity when taken hostage from 2012-2022 increased by 60% compared with

the average duration of a U.S. national's captivity from 2001-2012.⁵

This report is part of JWFLF's *Bringing Americans Home* report series, which has provided non-governmental assessments of the U.S. government's hostage and wrongful detainee policy since 2019. The U.S. government's response to hostage-taking and wrongful detentions has evolved over time. The current hostage enterprise began to take shape in June 2015 after Executive Order 13698 and Presidential Policy Directive 30 changed the way the U.S. government organized itself on how to handle hostage-takings, placing a particular emphasis on improving its support for the families of U.S. hostages. EO 13698 established the Hostage Recovery Fusion Cell, Family Engagement Coordinator, the Office of the Special Presidential Envoy for Hostage Affairs, 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.



**THE U.S. GOVERNMENT'S
UNCLEAR AND UNCODIFIED
POSITION ON THE RAISING
AND PAYMENT OF RANSOMS
BY VICTIMS' FAMILIES
COST ME YEARS IN CHAINS.**

**DEFINITE AND ADEQUATE
LEGAL PROTECTION
SHOULD BE AFFORDED
FAMILIES AND DONORS
AS THEY ATTEMPT
TO RAISE RANSOMS
TO FREE LOVED ONES
FROM HELL.**

JEFFERY WOODKE

*Held hostage in West Africa
from October 2016 – March 2023*

Prior to PPD-30, the National Counterterrorism Center conducted a review of the U.S. government's hostage policy. The results and recommendations from that report led to the new policy directive and shaped the hostage enterprise we see today.⁶ The 2015 construct, however, has not kept pace with the increasing number of wrongful detentions. The 2019, 2020, 2021, and 2022 *Bringing Americans Home* reports have helped elevate hostage and wrongful detainee issues as they continued to evolve. In order to provide U.S. government officials, policymakers, and leaders both inside and outside the U.S. government the information they need to make data-driven policy decisions about how to support U.S. hostages and wrongful detainees, this report will build off the quantitative analysis conducted in the 2022 *Bringing Americans Home* report.

To do this, the report includes a detailed analysis of the hostage and wrongful detainee landscape currently and over time, drawing from two datasets of hostage and wrongful detainee cases. The first section discusses wrongful detention outcomes of U.S. nationals released in 2022 and 2023 as well as geographic trends of wrongful detentions in China, Iran, Russia, and Venezuela during that time period. It also discusses U.S. nationals held hostage overseas, including releases in 2022 and 2023. Finally, this section examines challenges U.S. nationals face while detained or held hostage by the Taliban in Afghanistan. The second section includes a perspective from a wrongful detainee released from Venezuela in October 2022 and a hostage released from West Africa in March 2023.

DEFINITIONS AND METHODOLOGY

DEFINITIONS

This report uses the classification and terminology of the U.S. government's hostage enterprise and distinguishes within its analysis the difference between hostage cases and cases of wrongful detention. The captivity of any country's citizens by another country for political leverage 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 U.S. nationals 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.

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.** 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 signed into law on December 27, 2020. 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.”⁷

METHODOLOGY

This report is based on a dataset of 422 U.S. nationals held hostage or wrongfully detained overseas from January 1, 2001 through today. While the term hostage can be applied to situations where the victims are held in a known location such as a building, i.e. hostage barricade situations, this report uses the term hostage to refer specifically to situations where the victim is abducted and held in a secondary, largely unknown location, and defines them as kidnappings.⁸ The hostage cases within the dataset were initially drawn from previous work at the Combating Terrorism Center (2001–2016).⁹ This dataset was examined to ensure that all cases met JWFLF requirements for inclusion and were updated to reflect changes in the cases.

JWFLF conducted additional open source research for the timeframe after 2016 to bring all hostage data up to date. JWFLF excluded cases where individuals were killed during a kidnapping attempt but were never actually taken into custody. JWFLF also did not include cases where individuals were reported missing, but no evidence existed to support a claim that they were abducted. Hostage cases, as discussed in the definitions above, involved the abduction of U.S. nationals by non-state actors,^a including militant groups, some designated as terrorists by the U.S. government, tribal actors, groups engaged in piracy, and unknown captors.^b

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. Data collection and updating for both JWFLF's hostage and wrongful detainee datasets closed on July 31, 2023.

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- a** 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.
- b** 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, often without the assistance of the U.S. government, and they 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.



I'M SO GRATEFUL FOR GOD THAT HE MADE THE MIRACLE THAT I COULD COME BACK TO MY FAMILY.

TODAY I VIEW LIFE WITH A NEW PERSPECTIVE BECAUSE OF THE NIGHTMARE I WENT THROUGH. THANK GOD IT IS FINISHED.

HOWEVER, THE SCARS ARE STILL THERE, AND MY FAMILY IS STILL HEALING FROM THE IMMENSE SUFFERING THEY WENT THROUGH. IT IS LIKE PUTTING A BOMB IN THE MIDDLE OF THE FAMILY, AND WE ARE STILL FIXING AND PUTTING THE BROKEN PIECES TOGETHER.

THE SUFFERING OF FAMILIES WHO HAVE LOVED ONES STILL IN CAPTIVITY SHOULD STOP IMMEDIATELY.

WE ENCOURAGE THE PRESIDENT TO HAVE THE MORAL COURAGE AND BRING THEM BACK.

JOSE PEREIRA

Wrongfully detained in Venezuela from November 2017 – October 2022

PART I

U.S. NATIONAL HOSTAGE-TAKING AND WRONGFUL DETENTION LANDSCAPE, 2022-2023

This section is an update to the *Bringing Americans Home 2022* report and is an extension of the empirical examination of U.S. nationals held hostage or wrongfully detained abroad since 2001. In doing so, the update examines a database of 422 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.

Figure 1

COUNTRIES WHERE U.S. HOSTAGES AND WRONGFUL DETAINEES ARE CURRENTLY HELD



It is important to note that these questions are neither academic nor theoretical. At the time this report was written, there were at least 59 U.S. nationals held hostage or wrongfully detained in at least 15 countries (Figure 1, previous page). 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 family. For the sake of this analysis, however, this section rises above the individual level, aggregating cases across time, geography, and abductors to offer lessons that hopefully can shape the outcomes for current and future American captives.

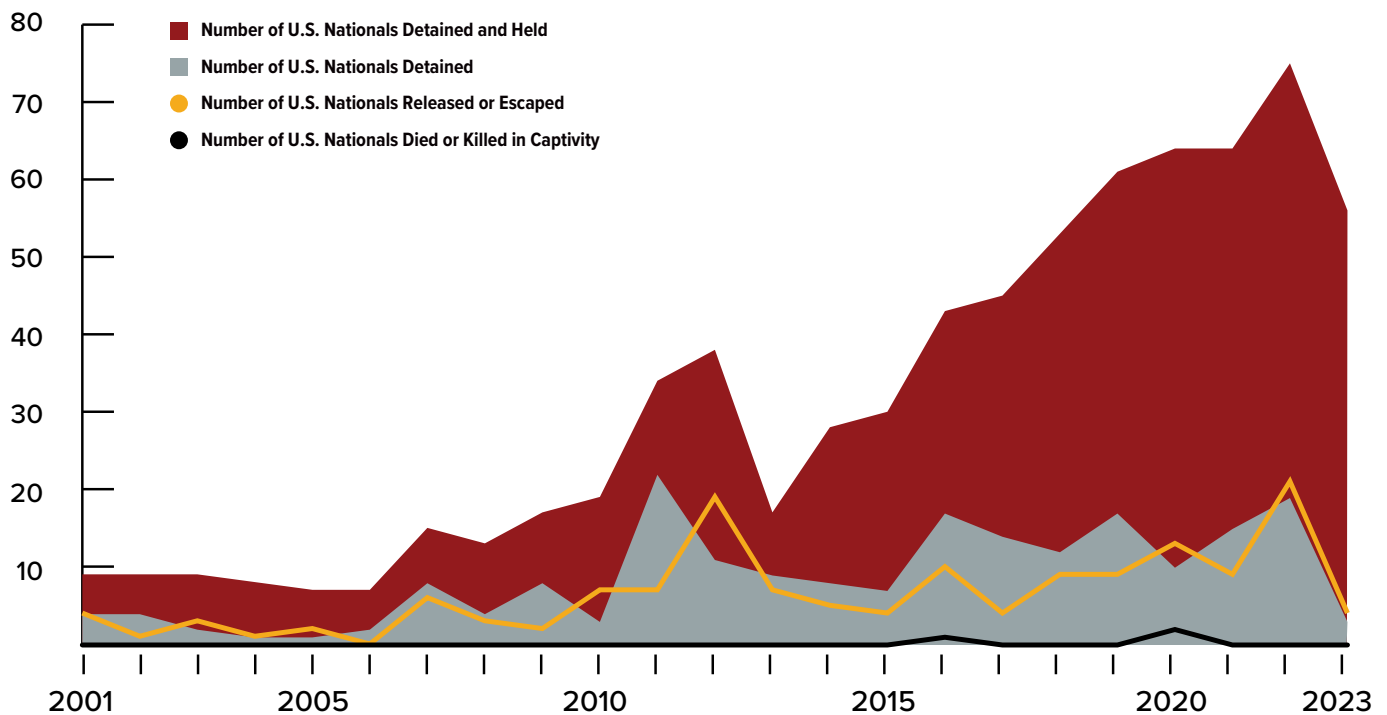
Few situations are as complicated to resolve as when a state or non-state actor holds a U.S. national captive to effect change in U.S. policy and its national security decision making

processes, force prisoner swaps, and/or extract other forms of concessions from the United States. Hostage-taking and the wrongful detention of U.S. nationals abroad “constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.”¹⁰ Orchestrating releases without conceding to the government or group demands is exceptionally difficult.

U.S. NATIONAL WRONGFUL DETENTIONS

Since 2001, at least 207 U.S. nationals have been wrongfully detained by foreign governments around the world (Figure 2). In total, U.S. nationals have been wrongfully

Figure 2 U.S. NATIONALS WRONGFULLY DETAINED AND HELD (2001 – 2023)^c



^c Figure 2 provides a snapshot of U.S. nationals wrongfully detained from January 1, 2001 - July 31, 2023. “U.S. Nationals Detained” refers to the number of incidents that occurred each year and “U.S. Nationals Detained and Held” refers to the total number of U.S. nationals wrongfully detained and the number of U.S. nationals wrongfully held at the beginning of that year.

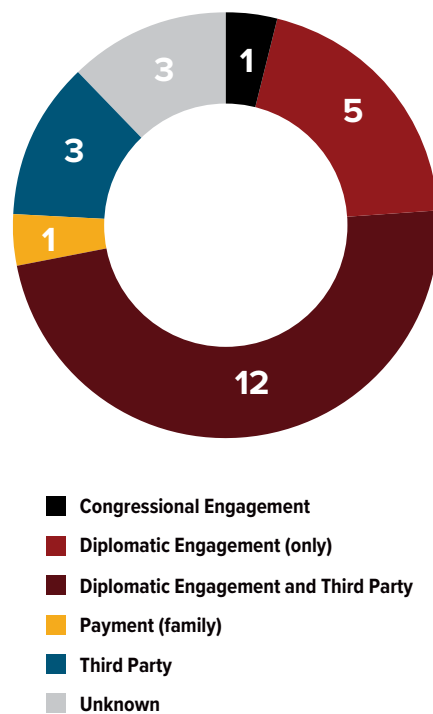
detained in 28 countries. Overall, the average length of captivity for a U.S. national is 969 days (2.7 years). This contrasts with the current average duration, which is 1,828 days (4.8 years), the median being four years. The longest held U.S. person is a lawful permanent resident who has been unjustly detained in China for over 7,714 days, (21.1 years).^d In addition, there are six current cases in JWFLF's wrongful detainee database in which each detainee has been held for over 10 years, an average of 14 years.

While, over the past decade, there has been a rise in the number of wrongful detentions and U.S. nationals held year after year,¹¹ the number of U.S. nationals who continue to be held has decreased by 31% since JWFLF's 2022 report. This decrease is due to the number of releases (25) that occurred in 2022 and 2023, making 2022 the year with the largest number of publicly known wrongful detention releases (21 total) since 2001 (Figure 2, previous page).

Outcome of U.S. Nationals Wrongfully Detained

Of the 25 wrongful detention releases between the start of 2022 and July 31, 2023, in the JWFLF dataset, 12 were facilitated through diplomatic engagement and third-party involvement with a non-governmental organization.^e There were five instances that involved diplomatic engagement only and three instances that involved a third party only. In one instance, a payment was provided privately by the family and

Figure 3 OUTCOMES OF U.S. NATIONAL WRONGFUL DETENTION RELEASES (2001 – 2023)



another instance that involved congressional engagement only. In three occurrences, it was unknown what facilitated the U.S. nationals' releases. Overall, almost 75% of the releases involved U.S. government intervention (Figure 3).

While the details of the 25 U.S. national releases were unknown for 10 cases, details of 15 of these cases have been made publicly available. In three instances, the U.S. government engaged in prisoner swaps to secure the release of U.S. nationals. Nine U.S. nationals were released through these prisoner swaps.¹² In three cases, U.S.

d This U.S. person founded pro-democracy organizations in China and in June 2002 was abducted by the Chinese secret police outside of the country. After six months of secret custody, the Chinese government announced his arrest and sentenced him to life in prison on charges of espionage and terrorism.

e The Richardson Center, Camden Advisory Group, and Project Dynamo were the primary third parties involved in facilitating releases.

nationals were released through a reported humanitarian gesture.¹³ One wrongfully detained U.S. national paid a fine of \$1.36 million,¹⁴ and a private case in China ended when the wrongful detainee was released after serving their entire sentence. In at least one instance, a U.S. national's wrongful detention ended with a rescue by a non-governmental organization in Ukraine (Figure 4).^{f,15}

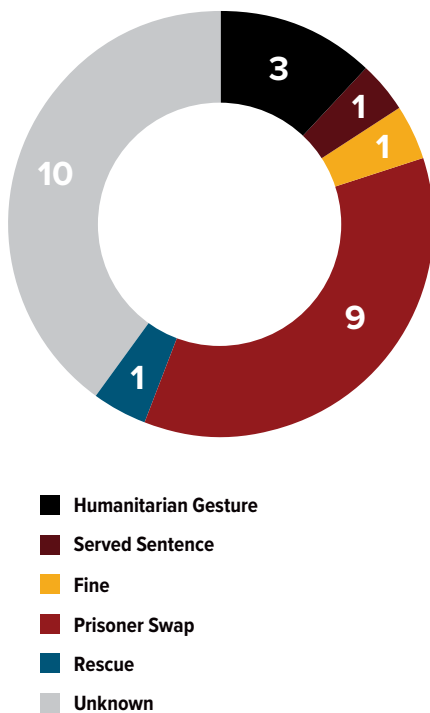
Geographic Trends in U.S. National Wrongful Detentions

In 2022 and 2023 combined, China, Iran, Russia, and Venezuela were responsible for the majority of the U.S. nationals wrongfully detained and held overseas. In 2022 these countries were responsible for 79% of U.S. nationals detained. In 2023 they were responsible for 33% of the publicly known detentions of U.S. nationals; however through July 31st only three such cases have been reported.^g In addition, this group of countries, combined, was responsible for 66% of the U.S. nationals being wrongfully held at the beginning of 2022. In 2023, due to the release of three U.S. nationals, this number dropped to 64%.

While China, Iran, Russia, and Venezuela were responsible for most of the arrests and continued detentions, 14 other countries either detained or wrongfully held U.S. nationals in 2022 and 2023. Cambodia, the Democratic Republic of the Congo, Mozambique, Pakistan, and the United Arab Emirates all wrongfully detained U.S. nationals in 2022 and 2023. During this same time period, U.S. nationals continued to be held in Belarus, Cambodia, Cuba, Egypt, Myanmar, Nicaragua, Rwanda, Saudi Arabia, Syria, Turkey, and the United Arab Emirates. Some of these U.S. nationals continue to remain in detention, while others have been released.^h

Figure 4

OUTCOME DETAILS OF U.S. NATIONAL WRONGFUL DETENTION RELEASES (2001 – 2023)



f The rescue mission, conducted by Project Dynamo, involved a U.S. national who was abducted while trying to evacuate his home in Ukraine.

g It is likely that the true number of U.S. nationals wrongfully detained in 2023 is higher, as families often decide to avoid publicly raising their loved ones' cases in hopes that they can be resolved quietly.

h For the countries currently holding U.S. nationals, see Figure 1.

Wrongful Detentions of U.S. Nationals in China

While no new public wrongful detentions of U.S. nationals occurred in China in 2022 and 2023, China currently continues to wrongfully detain the largest number U.S. nationals in the JWFLF dataset (Figure 5, next page). The exact number of U.S. nationals wrongfully detained in China is unclear, however. JWFLF has identified at least 14 cases, although it is likely that the true number is higher. One often quoted human rights organization cites as many as 200 U.S. nationals who may be “at various stages of prosecution” within China, but it acknowledges that the number is an estimate.¹⁶ While there are many reasons for this lack of clarity, including underreporting or the desire to avoid publicity, part of the reason is China’s use of coercive action short of detention to prevent foreigners from leaving the country.

One of the tools China uses is the “exit ban,” or the prevention of foreign travelers from leaving the country. In some cases, these individuals are held in detention, but in other cases they are never taken into custody.¹⁷ Exit bans may not become apparent until U.S. nationals attempt to depart China, and there “may be no available legal process to contest an exit ban in a court of law.”¹⁸

The use of these bans by China appears to be increasing.¹⁹ A Reuters analysis of records from China’s Supreme Court database showed “an eight-fold increase in cases mentioning bans between 2016 and 2022.”²⁰ Not only that, but China’s legal basis for enacting the bans is increasing. Between 2018 and 2023, China issued or amended at least five laws to allow for the use of exit bans, bringing the total number of laws allowing Chinese officials to impose an exit ban to 15.²¹ The most recent of these laws, an updated counter-

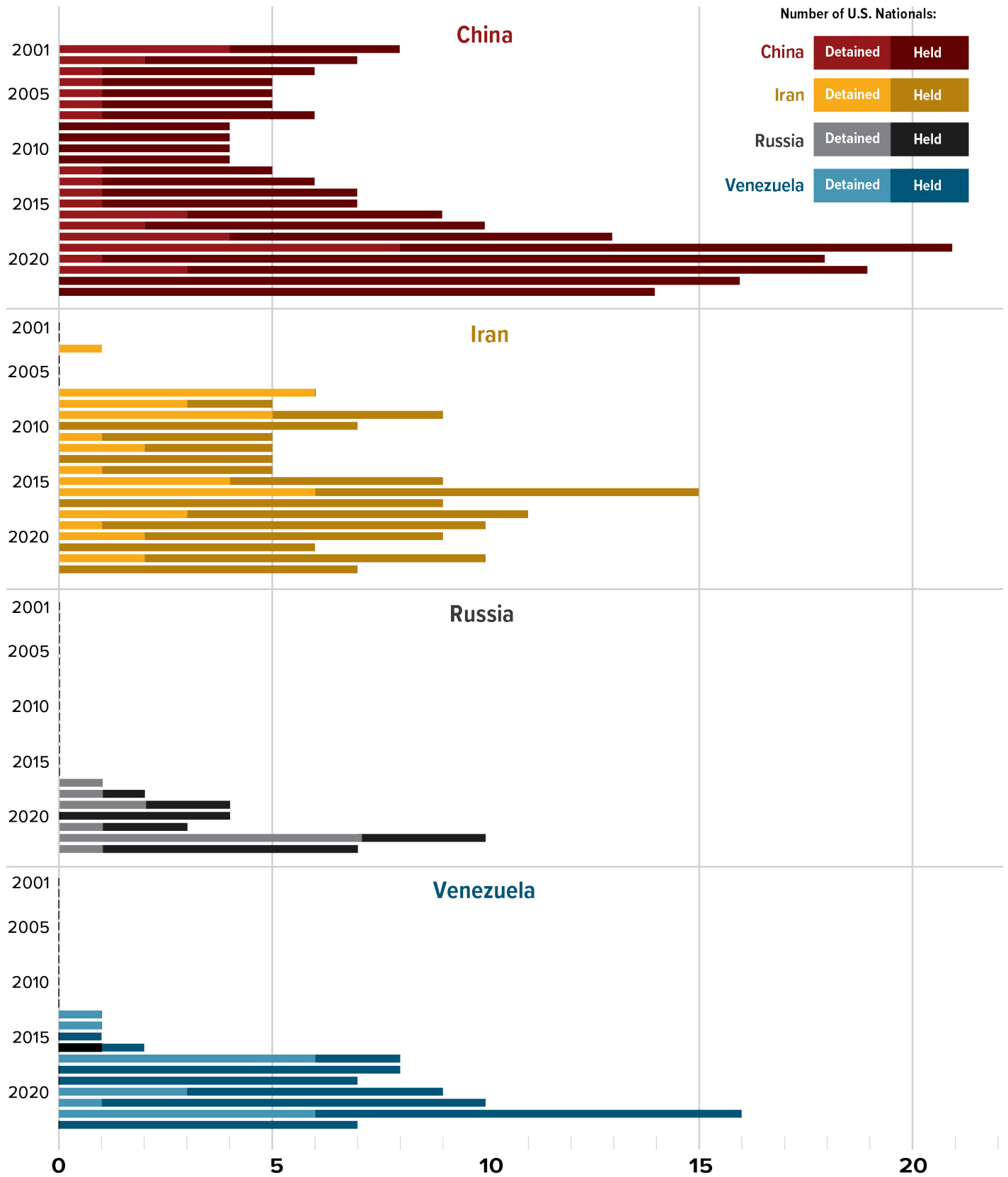
espionage law including the use of exit bans for Chinese and foreign nationals “under investigation,” was approved in April 2023 and scheduled to go into effect in July 2023.²² On June 30, the day before the ban was scheduled to go into effect, the Department of State issued a travel advisory urging Americans to “reconsider travel [to China] due to the arbitrary enforcement of local laws, including in relation to exit bans, and the risk of wrongful detentions.”²³

Securing the release of U.S. nationals wrongfully held in China has been difficult. While two U.S. nationals were released in 2022, many others continue to be held or are prevented from leaving the country. Thus far, the U.S. has opted for diplomatic engagement to attempt to win the release of U.S. nationals held in China. While President Joe Biden “underscored” that it was a “priority for us to resolve the cases of American citizens who are wrongfully detained or subject to exit bans in China” in a November 2022 meeting with Chinese President Xi Jinping,²⁴ the president did not raise specific cases.²⁵ In March 2023 U.S. Ambassador to China Nicholas Burns met with three wrongfully detained U.S. nationals in prison; Secretary of State Anthony Blinken raised the three cases again during a June 2023 visit to China.²⁶

The U.S. has rarely engaged in prisoner swaps to facilitate the release of U.S. nationals held in China, despite doing so with other countries and with China in 2021 in an apparent bid to free two Canadians. It is unclear whether such discussions are underway currently. In addition, despite beginning to sanction individuals and entities engaged in the hostage-taking and the wrongful detention of U.S. nationals through Executive Order 14078, these sanctions have yet to be leveled against China.

Figure 5

U.S. NATIONALS DETAINED IN CHINA, IRAN, RUSSIA, AND VENEZUELA (2001–2023)ⁱ



ⁱ Figure 5 provides detailed information on U.S. nationals detained and held. “U.S. nationals detained” refers to detentions that occurred that year whereas “U.S. nationals held” refers to individuals detained previously but were held at the beginning of that year.

Wrongful Detentions of U.S. Nationals in Iran

Iran, which has wrongfully detained or held a least one U.S. national each year since 2007, has continued this practice, detaining two additional U.S. nationals in 2022 (Figure 5, previous page). While in that same year, one U.S. national detained in Iran was released from custody and allowed to leave the country, at least seven U.S. nationals continue to be held there.

The U.S. has been actively working to secure the release of some of these wrongfully detained U.S. nationals. In January 2022, the Department of State's Special Envoy for Iran highlighted that U.S. diplomats were pursuing negotiations aimed at constraining the Iranian nuclear program and releasing U.S. nationals wrongfully detained. While the two negotiation tracks were described as separate, the Special Envoy for Iran commented that it would be "very hard for us to imagine getting back into the nuclear deal while four innocent Americans are being held hostage by Iran."²⁷ Negotiations were conducted indirectly with Switzerland and Qatar supporting the talks.²⁸

In August 2023, a "tentative deal" was announced between the U.S. and Iran for the release of as many as five U.S. nationals held in Iran.²⁹ In exchange, the U.S. has agreed to allow the release of anywhere between \$6 billion and \$7 billion in Iranian assets frozen in South Korea due to U.S. sanctions. The money, owed by South Korea to Iran for the purchase of oil, was frozen after the U.S. imposed new sanctions on the purchase of oil from Iran in 2019.³⁰ Once released, the U.S. maintains that the funds will be held in Qatar and that Iran will be able to access them only for humanitarian purposes such as

medicine and food.³¹ At the time of this writing, initial steps were being taken to implement this deal, with four U.S. nationals released from Iran's Evin Prison and put under house arrest, joining a fifth U.S. national already under house arrest. Additional steps were expected to take place within weeks, including the potential release of some Iranian prisoners, before the U.S. nationals are finally released. Media reports quoting sources "familiar with the negotiations" have cited a September timeframe for the deal's final implementation.³²

In addition to engaging indirectly with the Iranian regime to secure the release of U.S. nationals, the U.S. government has taken some – if limited – punitive actions against Iran for wrongfully detaining U.S. nationals. In April 2023, the Department of State sanctioned the Islamic Revolutionary Guard Corps' Intelligence Organization and four of its members for their roles in holding and interrogating detainees, including U.S. nationals.³³ These designations were the first issued under the authority of Executive Order 14078, "Bolstering Efforts to Bring Hostage and Wrongful Detainees Home,"³⁴ a July 2022 executive order aimed at providing additional tools to "deter" and impose "tangible consequences" for those who wrongfully detain U.S. nationals.³⁵

Wrongful Detentions of U.S. Nationals in Russia

Russia, which has recently increased its wrongfully detentions of U.S. nationals,³⁶ detained seven U.S. nationals in 2022^j and one additional U.S. national in 2023 (Figure 5, previous page). Since January 2022, four

^j Two of these cases have yet to be classified as wrongful detentions by the U.S. government. While the nuances of the Russian system often make it difficult to classify cases, these two have the hallmarks of wrongful detentions.

U.S. nationals have been released by Russia, two of whom were involved in high-profile prisoner exchanges.^k

In February 2023, the Department of State issued a travel advisory recommending that U.S. nationals avoid travel to Russia and that those in the country “depart immediately.”³⁷ The warning further recommended that U.S. nationals seeking to leave the country “exercise increased caution due to the risk of wrongful detentions.”³⁸ In April 2023, the Department of State designated Russia’s Federal Security Service, alongside the IRGC’s Intelligence Organization, under Executive Order 14078 for its role in wrongfully detaining U.S. nationals.³⁹

Wrongful Detentions of U.S. Nationals in Venezuela

Venezuela has continued its practice of detaining U.S. nationals and attempting to leverage them for political purposes.⁴⁰ The U.S. and Venezuela had significant engagement on wrongful detainee issues in 2022. A high-level U.S. delegation, including Special Presidential Envoy for Hostage Affairs Ambassador Roger Carstens, traveled to Venezuela in March 2022 to discuss U.S. and Venezuelan relations. The delegation secured the release of two U.S. nationals held by Venezuela in a reported “goodwill gesture” from Venezuelan President Nicolás Maduro.⁴¹

In October 2022, seven U.S. nationals held in Venezuela were released in one of the largest releases of U.S. wrongful detainees. Two Venezuelans, nephews of Maduro who had been arrested in the United States for cocaine smuggling, were granted clemency and released in exchange for

the U.S. nationals.⁴² Media reports cited senior administration officials who said the decision to grant clemency was a “tough decision” but “the only way” Maduro would release the U.S. nationals.⁴³

Throughout 2022, however, six additional U.S. nationals were detained in Venezuela, leading to fears that the Maduro regime was “aggressively” seeking to “increase its leverage.”⁴⁴ In August 2022, the U.S. Embassy in Bogotá warned Americans about the risk of being detained when crossing from Colombia into Venezuela and recommended that U.S. nationals “do not travel” to Venezuela.⁴⁵ In December 2022, Carstens traveled to Venezuela to visit the U.S. nationals held in Venezuelan prisons.⁴⁶

While no new detentions have occurred thus far in 2023, seven U.S. nationals continue to be held in Venezuela, although the U.S. government has only designated three of these cases as “wrongful detentions.” A letter from one of the U.S. wrongful detainees indicated that the Maduro regime would be willing to exchange all of the U.S. nationals for the release of an ally of Maduro’s being held for trial in Miami.⁴⁷ Media reports cited U.S. officials commenting that the U.S. government is “not discussing” such an offer.⁴⁸

k As noted in the section above, an additional U.S. national was rescued from Russian custody in Ukraine.

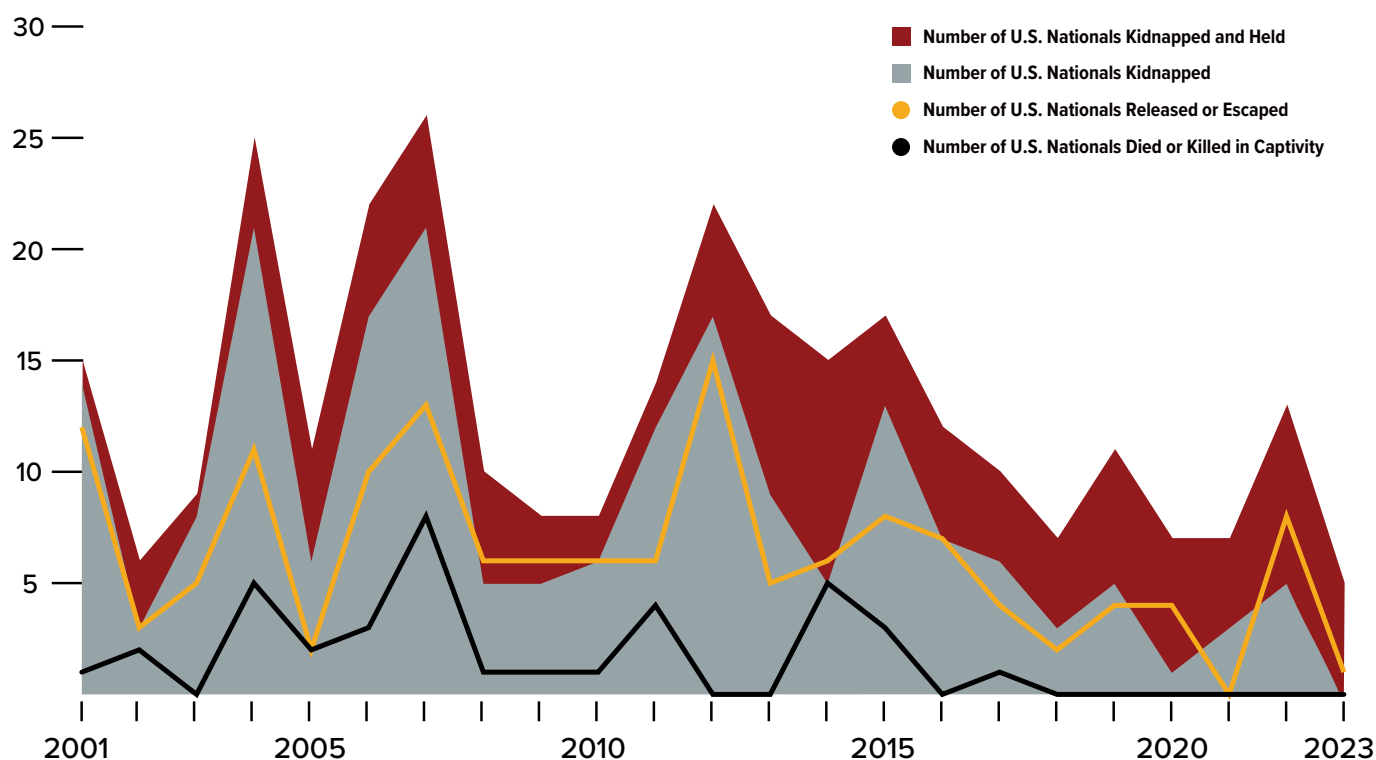
U.S. NATIONAL HOSTAGE-TAKINGS

Since 2001, at least 215 U.S. nationals have been taken hostage by terrorist organizations, pirates, and militant groups overseas.¹ These Americans have been held in over 25 countries. While the average duration of U.S. nationals' captivity is just under six months, there is wide disparity in both group and geographic dynamics. Over 10% of Americans are held for more than a year and, in those cases, the average captivity lasts for more than 2.5 years; the longest was over six years. The 2022 *Bringing Americans Home* report noted that durations of hostage cases increased between 2001–2011 and 2012–

2021.⁴⁹ This appears to remain the case, with the U.S. nationals enduring captivities of, on average, almost two years.

The data released in JWFLF's 2022 report also indicated that while the number of U.S. nationals taken and held hostage by terrorist groups, pirates, and militia groups has generally decreased since 2015, hostage-taking "remains an enduring threat to U.S. nationals."⁵⁰ This continues to remain the case, with hostage-taking remaining a cyclical phenomenon.⁵¹ While the hostage taking of two U.S. nationals in 2020 was a historic low, that number increased in 2021 to four and in 2022 to six. (Figure 6) In 2022 a total of seven U.S. nationals were being held hostage by non-state actor groups.

Figure 6 U.S. NATIONALS KIDNAPPED AND HELD HOSTAGE (2001 – 2023)^m



^l Additional information on U.S. nationals held hostage from 2001 – 2021 is discussed in the *Bringing Americans Home 2022* report.

^m Figure 6 provides a snapshot of U.S. nationals held hostage from January 1, 2001 – July 31, 2023. "U.S. Nationals Kidnapped" refers to the number of kidnapping incidents that occurred each year and "U.S. Nationals Kidnapped and Held" refers to the total number of U.S. nationals kidnapped, and the number of U.S. nationals held hostage at the beginning of that year.

Thus far in 2023, no U.S. nationals have been taken hostage by terrorist organizations, pirates, or militia groups, but four Americans remain held by these groups overseas.

However, while criminal kidnappings are not part of this report’s data collection,ⁿ at least eight U.S. nationals were kidnapped in high-profile gang and cartel-related cases overseas in 2023. Four were kidnapped in Haiti in two different cases, but all four were released within a month of their abduction. Four other U.S. nationals were kidnapped together in Mexico. Two were released within a few days, but two others died when gunmen opened fire on their vehicle during the initial abduction.

Releases and Hostage-Takings

Since January 2022, six U.S. nationals have been taken hostage and five U.S. nationals have been released.⁵² Since the 2022 report, the number of U.S. nationals who continue to be held has decreased by 29% from 2022 to 2023. This decline is a result of the release of the two U.S. nationals who collectively were held for just over nine years (3,310 days), as well as the release of three other U.S. nationals who were held for an average of 138 days.

The release in March 2023 of a U.S. national held by an al-Qa`ida affiliate in Africa marks a significant point for America. As of this writing, with the exception of those U.S. nationals being held by the Taliban, there are no U.S. nationals being held by jihadist terrorist or militant groups. This is the first time since 2011 that a U.S. national has not been held by an al-Qa`ida or Islamic State aligned group, excluding Taliban captivities. This is a major success for the U.S. hostage

Figure 7 PERIODS WITH NO PUBLICLY KNOWN U.S. NATIONALS HELD BY JIHADIST GROUPS

Length	Year
26 months	February 2002 – April 2004
14 months	September 2007 – November 2008
7 months*	June 2009 – January 2010
4 months*	March 2011 – July 2011
5 months*	March 2023 – August 2023

*Time periods exclude Taliban hostage-takings

enterprise and represents a significant milestone for the families of U.S. nationals held by jihadist groups, the U.S. government, and third parties supporting the release of U.S. nationals.

As important as this moment is, however, it should be treated with caution. As seen by the other time periods where no U.S. nationals were being held (Figure 7), these situations can change suddenly. Al-Qa`ida and Islamic State affiliated groups are far from defeated, and enough global instability exists to preclude dismissing their potential reemergence. Were a jihadist group to expand its territory and encounter U.S. nationals, kidnappings and hostage-takings would be a likely outcome.⁵³

It is also important to remember, as Jeffery Woodke mentions in Section 2 of this report, that these groups continue to hold hostages, if not U.S. nationals. Several Western hostages remain in the captivity of jihadist groups, as do countless local nationals.

ⁿ Criminal kidnappings are generally not counted within the JWFLF data, due to both the differences in dynamics between criminal kidnappings and those by other non-state actors and the difficulty of getting a representative sample based on the number – and underreporting – of these types of criminal hostage-takings.

Hostage-Takings in Afghanistan

Five of the six U.S. nationals taken hostage in Afghanistan in 2022 have been, or currently are, being held by the Taliban. These cases highlight both an increasing threat of Westerner hostage-taking and, due to the relationship between the U.S. and the Taliban, the uniquely challenging complexity of resolving these cases.

Threat of hostage-taking in Afghanistan

Since the fall of the U.S.-backed Islamic Republic of Afghanistan and the assumption of power by the Taliban in August 2021,⁵⁴ at least seven U.S. nationals have been taken hostage. The hostage-taking threat is not limited to Americans, however. A number of other Westerners, including British, Irish, German, Australian, Canadian, French, and Polish citizens, have been held by the Taliban since its resumption of power.⁵⁵ The Taliban was quick to distance itself from kidnapping in the immediate aftermath of its takeover, with officials making statements that it had not kidnapped “foreigners” in August 2021, despite some being “questioned” before being allowed to leave the country.⁵⁶ By December, however, the Taliban began detaining Westerners, including at least two U.S. nationals and two British citizens.⁵⁷ This “systematic roundup” has continued, with five additional U.S. nationals detained in 2022 and potentially “more than a dozen” Westerners detained all told.⁵⁸

This practice has historical precedent for the Taliban both in and out of power. As insurgent groups, the Taliban and their Haqqani associates have a long history

of kidnapping Americans and other Westerners. The two groups, combined, have been responsible for the abduction and holding of at least 18 U.S. nationals since 2001.⁵⁹ According to the Combating Terrorism Center’s *Held Hostage* report, of the 36 jihadist organizations engaged in kidnapping Westerners between 2001 and mid-2015, the Taliban was responsible for the second highest number of hostage-takings.⁵⁹ Kidnapping and holding at least 82 Westerners, the Taliban was to blame for 21% of all Westerner abductions by jihadist groups, following closely behind the Islamic State and its precursor organizations, whose 128 abductions accounted for 32% of total jihadist hostage-takings.⁶⁰

Prior to using hostage-taking as an insurgency tool, the tactic was also employed while the group was in power from 1996 through its ouster in 2001. While a complete picture of the Taliban’s use of hostage-taking during this timeframe is beyond the scope of this report, a few events are notable. In July 2000, for instance, an American aid worker running an organization working with Afghan widows was arrested and detained by the Taliban, along with six of her Afghani employees, accused of “anti-government activities.”⁶¹ Ultimately all seven were released and the aid worker was deported to Pakistan.⁶² In August 2001, eight Western aid workers, including two Americans, two Australians, and four Germans, were also detained by the Taliban, accused of proselytizing and attempting to convert Afghans to Christianity. Shelter Now, a U.S.-based, German-directed aid organization, released a statement saying the aid workers were supporting orphans and homeless children and that the Taliban’s claim was “simply not true.”⁶³ After September 2001, when the U.S.-supported Northern

o The true number is most likely higher due to the unclaimed abductions of several U.S. nationals kidnapped in the region, some of which the Taliban likely conducted but did not claim.

Alliance retook Kabul, the prisoners were evacuated with the Taliban who intended to continue to hold them in Kandahar.⁶⁴ Ultimately all eight were rescued by local fighters in November 2001 and recovered by U.S. special forces who, by then, were operating in Afghanistan.⁶⁵

The motivations for these hostage-takings have shifted over time. Early Taliban abductions seem to have been a tool to root out Western influence and enforce the Taliban's fundamentalist values. The July 2000 abductions took place during what U.N. officials described as a "crackdown on foreign organizations that employ Afghan women."⁶⁶ Foreign aid organizations operating in Afghanistan were similarly concerned in the wake of the August 2001 arrests that they would be "branded proselytizers" by the Taliban.⁶⁷ After the Taliban's ouster from power, the kidnapping of Westerners took on more insurgent goals, including the collection of ransoms and attempts to leverage foreign governments with which it was in conflict.

Since its resumption of power, these motivations have likely merged. While it is possible that these detentions are partially motivated by the desire of some Taliban leaders to root out Western influence and return to its previous fundamentalist policies,^p more transactional motives may also be at play. Key senior officials within the Taliban government, such as Minister of Interior Sirajuddin Haqqani, have had direct experience with using Western hostages to gain leverage.^q Some believe

the Taliban's detention of U.S. nationals and other Westerners is an attempt to secure diplomatic recognition, while others have noted the potential for leverage with Western nations in discussions surrounding lifting sanctions on Taliban leaders and the return of billions of dollars in Afghanistan's foreign exchange reserves held in U.S. and European banks.⁶⁸ Both of these issues, along with requests to release U.S. nationals held in Afghanistan, were raised in recent discussions between U.S. officials and Taliban representatives in Doha.⁶⁹ Regardless of whether they were initially held in connection with the Taliban's return to fundamentalist policies, it seems likely that Westerners who continue to be held are increasingly likely to be tied to Taliban attempts to build leverage against foreign governments.

Complex Cases

The complex relationship between the U.S. and the Taliban, however, makes the U.S. cases uniquely challenging to resolve. At the time of this writing, the U.S. government has not officially recognized the Taliban's regime, nor has any other government. Despite negotiating with the Taliban and signing an agreement in Doha for the withdrawal of U.S. troops and an associated Taliban promise to ensure no attacks would originate from Afghanistan, the agreement clearly indicated that it was being signed between the U.S. and the "Islamic Emirate of Afghanistan which is not recognized by the United States as a state."⁷⁰ In addition, the U.N. has not provided Afghanistan's

p For example, Human Rights Watch described the Taliban as conducting "far-reaching censorship and violence" against Afghani journalists in March 2022, a situation described by an April 2023 FRONTLINE report as a "worsening crackdown." Furthermore, in December 2022 Taliban leaders announced a ban on Afghan women working for foreign and domestic non-governmental aid organizations.

q Sirajuddin Haqqani's younger brother, Anas Haqqani, for instance was released from Afghani custody as part of an exchange for two Western hostages held for three years by the Haqqani network. See David Zucchino and Adam Goldman, "Two Western Hostages Are Freed in Afghanistan in Deal with Taliban," New York Times, November 19, 2019. <https://www.nytimes.com/2019/11/19/world/asia/afghanistan-taliban-prisoner-exchange-peace-talks.html>

seat to the Taliban's desired representative.^r Recently a Taliban official commented that "the United States is the biggest obstacle" to recognition by foreign countries, while a U.S. diplomat commented that there seemed to be a "global consensus" that it was "too early to look at recognition" for the Taliban.⁷¹

This has created challenges in both classifying the cases of U.S. nationals held in Afghanistan and, by extension, identifying which entities within the U.S. hostage recovery enterprise – if any – will support these cases. As mentioned in the methodology section of this report, the U.S. government has drawn a distinction between hostage-taking by non-state actors and state actors, terming the former "hostage" and the latter "wrongful detainees." Prior to the Taliban's takeover of Afghanistan, all U.S. nationals held by the Taliban and the Haqqani Network, an insurgent and a terrorist group respectively, were classified as hostages. After the Taliban's rise to power, however, this classification has become difficult. The Taliban's hold on the reins of power within Afghanistan is undisputed. It manages the governance of the country, sets the laws, and oversees the national police system and courts. By all accounts, this means the dynamics of cases in which U.S. nationals held in Afghanistan hew more closely to

those held as "wrongful detainees" by other countries such as Iran, Russia, or China. U.S. nationals are now likely to be arrested by the national police force, tried in court, and held in jail rather than be kidnapped, covertly transported throughout Afghanistan, and held by insurgent forces.

At the same time, however, the Taliban is a designated organization. While never designated as a Foreign Terrorist Organization (FTO) by the U.S. government, it was designated as a Specially Designated Global Terrorist entity by the U.S. in July 2002,⁷² a designation blocking the group from access to the U.S. financial system and prohibiting U.S. persons from "any transaction" benefiting it.⁷³ The Haqqani Network, many of whose leaders hold key positions in the Afghan government, was designated as an FTO in 2012.⁷⁴

Furthermore, many of the leaders within the Afghan government have been sanctioned by the United Nations and/or the United States. Sirajuddin and Khalil Haqqani, for instance, both leaders in the Haqqani Network and cabinet ministers in the current Taliban regime (Sirajuddin as Minister of Interior and Khalil as Minister of Refugees and Repatriation) have been designated by both the UN and U.S.^s The U.S. government has

r After their ouster of Ashraf Ghani's regime in August 2021, the Taliban challenged the credentials of Ghulam Isaccai, the then-Ambassador to the United Nations from Afghanistan, seeking to replace him with Taliban spokesman Mohammad Suhail Shaheen. The U.N. delayed action on the request until December when Isaccai resigned and another diplomat working at Afghanistan's U.N. Mission, Naseer Faig, was appointed as chargé d'affaires. See: "Afghan envoy to UN resigns after Taliban moved to oust him," Associated Press, December 17, 2021. <https://apnews.com/article/afghanistan- united-nations-general-assembly-united-nations-taliban-ashraf-ghani-117fe952f915dc6f7c848081b65501e0>; Edith M. Lederer, "Taliban, ex-Afghan government dispute ends with no UN speech," Associated Press, September 27, 2021. <https://apnews.com/article/united-nations-general-assembly-afghanistan-united-nations-taliban-90837664228c6cd964432655135e33ea>

s Sirajuddin Haqqani was designated by the United Nations in September 2007 for association with the Taliban and al-Qa'ida. He was designated by the U.S. as a Specially Designated Global Terrorist under Executive Order 13224 in March 2008. His uncle, Khalil Haqqani was also designated by the United Nations for association with the Taliban and al-Qa'ida, only in February 2011. That same month Khalil was designated by the U.S. as a Specially Designated Global Terrorist under Executive Order 13224. See: "Sirajuddin Jallaloudine Haqqani," United Nations Security Council, September 13, 2007. Available from <https://www.un.org/securitycouncil/sanctions/1988/materials/summaries/individual/sirajuddin-jallaloudine-haqqani>; "Anti-Terrorism designations," Office of Foreign Assets Control, March 11, 2008. <https://ofac.treasury.gov/recent-actions/20080311>; "Khalil Ahmed Haqqani," United Nations Security Council, February 9, 2011. Available from <https://www.un.org/securitycouncil/sanctions/1988/materials/summaries/individual/khalil-ahmed-haqqani>; "Treasury Targets the Financial And Support Networks of Al Qa'ida and the Taliban, Haqqani Network Leadership," U.S. Department of the Treasury, February 9, 2011. <https://home.treasury.gov/news/press-releases/tg1055>

also offered rewards of \$10 million and \$5 million, respectively, for Sirajuddin and Khalil through the Rewards for Justice program.⁷⁵ At least 11 other Taliban leaders, including the acting Defense Minister, Minister of Foreign Affairs, and Deputy Prime Minister, have been designated by the United Nations. Given the predominance of leaders with “U.S. blood on their hands” and the Taliban’s repressive policies for women, the U.S. government is both reticent to legitimize the Taliban’s government and wary of the implications of sustained engagement with the Taliban.⁷⁶

With all these complexities, the U.S. has yet to clearly classify U.S. nationals held in Afghanistan as either hostages or wrongful detainees, a fact that significantly impacts how the U.S. government supports these cases. The reorganization of the U.S. government’s hostage recovery enterprise in 2015 described in PPD-30, and later codified by the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, established two entities focusing on hostage issues: the HRFC and the SPEHA’s office. In general, the HRFC, an interagency entity housed within the FBI, is responsible for coordinating the U.S. government’s response to cases where U.S. nationals have been taken hostage. The Office of the SPEHA within the Department of State, by contrast, typically takes the lead for cases where U.S. nationals are being wrongfully detained. There are exceptions to this general rule, however. The HRFC also supports “unacknowledged detainees,” cases where a U.S. national is thought to be detained by a foreign government but where that government has not claimed the detention. Additionally, the Office of the SPEHA may support diplomatic aspects of HRFC-led hostage cases.

Afghanistan is not the first time that the U.S. government has had to deal with U.S. nationals held by governments it does not recognize. The United States has, to date, not recognized the Maduro regime in Venezuela. Regardless of this fact, cases where U.S. nationals were wrongfully held in Venezuela have been considered wrongful detentions, with the Office of the SPEHA working toward their release. U.S. nationals held by the Houthis in Yemen, another regime not recognized by the United States, have reportedly been supported by both the HRFC and the Office of the SPEHA, with the HRFC likely to be considered lead on their cases.

These distinctions generally make sense. Regardless of the regime in Venezuela, the most impactful tool the U.S. will have to negotiate the release of its nationals held there will be diplomatic, making a SPEHA lead important. The Houthis, by contrast, are former insurgent forces still engaged in active conflict with a Saudi-led coalition supported by the United States. As such, there are more tools available across the interagency to secure the release of U.S. nationals,[†] requiring the HRFC’s leadership, as well as times when diplomatic solutions, led by the Office of the SPEHA, are more likely to succeed.

The cases of U.S. nationals in Afghanistan, however, have received no such clarity, leaving cases unassigned to either the HRFC or the SPEHA’s office. This has created significant adverse impacts for the families of these detainees. First and foremost, these families do not know who within the U.S. government to approach about their loved ones’ cases. Without an agency given the authority to take the lead on these cases, each family must advocate on their loved ones’

t In 2022, for instance, two U.S. nationals were rescued from Yemen in what was a “joint Saudi-U.S. special operation.” See “Two American women rescued from Houthi-rebel captivity in Yemen,” Al-Jazeera, March 11, 2022. <https://www.aljazeera.com/news/2022/3/11/two-american-women-rescued-from-houthi-rebel-captivity-in-yemen>

behalf, trying to marshal support within the U.S. government. This makes securing meetings with senior U.S. policymakers, something families of hostages and wrongful detainees feel is critical to achieving action, all the more difficult. In addition, these families, without access to the HRFC or SPEHA, do not receive support from the Family Engagement Teams at either entity, thus taking on the burden alone. Nor do they receive financial support for travel to Washington, D.C., which is necessary to advocate for their loved ones, increasing their burden.

Developing an approach for handling these cases is overdue. A May 2023 letter from Rep. Michael McCaul, R-Texas, chairman of the House Foreign Affairs Committee, and Rep. Joe Wilson, R-S.C., chairman of the House Subcommittee on the Middle East, North Africa, and Central Asia, to National Security Advisor Jake Sullivan urged the “immediate classification of all Americans detained by the Taliban as “hostages” so that HRFC can take action.”⁷⁷ “In addition,”

they continued, “due to the uniquely difficult realities of dealing with the Taliban, we request that SPEHA, in coordination with HRFC, maintain full engagement and active participation in securing the release of these hostages and that SPEHA Carstens be empowered to take on a more significant role in this effort.” It may be equally possible to expand the terminology of “unacknowledged detainee” in order to allow the HRFC to take lead or simply to classify these cases as “wrongful detentions” and allow the Office of the SPEHA to take lead.”

Regardless of the U.S. stance on whether to classify these cases as hostage or wrongful detainee cases, it is clear that the U.S. government needs to identify a lead agency, whether the HRFC or the Office of the SPEHA, to support the U.S. nationals held overseas by the Taliban and the families advocating on their behalf. No matter which agency is given the lead, cross-coordination will be critical as it is likely – much like the cases in Yemen – that support from both entities will be required to resolve them.



ONE OF THE BIGGEST MOMENTS OF HOPE DURING MY CAPTIVITY WAS WHEN THE FAMILIES JOINED TOGETHER TO FORM THE BRING OUR FAMILIES HOME CAMPAIGN.

THAT HOPE WAS BUOYED KNOWING THAT THEY WERE RECEIVING SUPPORT FROM COMPASSIONATE EXPERTS ON HOW TO COMMUNICATE EFFECTIVELY TO THE U.S. GOVERNMENT AND THE AMERICAN PEOPLE.

THE FOLEY FOUNDATION STOOD WITH THE FAMILIES AND ENSURED THAT THE CAMPAIGN EVENTS COULD BE BOLD, INTRIGUING, AND ENGAGING.

THE FOLEY FOUNDATION'S "MORAL COURAGE" PHILOSOPHY AND ADVOCACY FOR ACCOUNTABILITY FROM OUR GOVERNMENT WAS INSTRUMENTAL IN THE DECISION-MAKING PROCESS TO GET SO MANY GOOD PEOPLE HOME, INCLUDING MY BROTHER AND MYSELF.

I WILL BE FOREVER GRATEFUL.

ALIRIO ZAMBRANO

Wrongfully detained in Venezuela from November 2017 – October 2022

PART II

WRONGFUL DETAINEE AND HOSTAGE PERSPECTIVE

While empirical discussions are helpful for informing and shaping U.S. policy on hostage and wrongful detainee affairs, numbers and statistics fail to capture the human tragedy each of these cases represent. JWFLF invited two Americans, Matthew Heath, a former wrongful detainee held in Venezuela, and Jeffery Woodke, a former hostage held in Africa by the terrorist group Jam'at Nusrat al Islam wal-Muslimin, to share their perspectives to help bring to light the toll of these captivities and the importance of securing the freedom of these and all unjustly held Americans.

A WRONGFUL DETAINEE PERSPECTIVE

Rethinking U.S. Strategy on Wrongful Detentions

BY MATTHEW HEATH

*Former U.S. Marine wrongfully detained in Venezuela
from September 2020 to October 2022*

When a Venezuelan soldier began screaming at me in unintelligible Spanish and pointing a Beretta pistol at my face, I instantly knew that something had gone horribly wrong. Unbeknownst to me, I had just become an unwitting pawn in the political brinksmanship between the United States and the socialist republic of Venezuela. At that time, I had no idea that various Venezuelan ex-generals, alleged diplomats, and relatives of Nicolas Maduro were in U.S. prisons. I didn't know that two ex-U.S. Special Forces soldiers had been detained in Venezuela, along with almost a dozen other American businessmen, students, and tourists. There were a lot of things that I was about to learn – quickly.



Matthew Heath (right) with
Special Presidential Envoy for
Hostage Affairs, Ambassador
Roger Carstens

I was wrongfully detained for over 25 months, denied any communication with my family for most of that time and kept in conditions that any reasonable person would decry as torturous. In just over two years of wrongful detention, I learned the intricacies of U.S. hostage diplomacy, knowledge paid for with my own blood, sweat, and tears.

While U.S. citizens are in danger of wrongful detention in any foreign country, the powers currently holding the most wrongful detainees are China, Russia, Venezuela, and Iran. With rising tensions in the Taiwan Strait, the Russia-Ukraine war, the adversarial relationship we have with the Russian client state of Venezuela, and the 40+ years of conflict we have had with Iran, it does not appear that the future will have less risk of wrongful detentions in these countries. Rather it portends a risky time for Americans to be overseas in countries that want things from America.

As someone with a fairly unique perspective on this topic, I would like to offer a few personal observations. There does not appear to be a holistic, whole-of-government approach to hostage diplomacy. I know that the public talking point is that Presidential Policy Directive 30 and the Levinson Act created a uniform approach, but the reality is not nearly as clear. The U.S. government does not appear to have a coordinated strategy to recover current detainees or to deter future abductions. While the Levinson Act is extremely valuable, it is not being consistently applied. Some hostages are given priority due to factors such as their personal popularity or how well connected they and their supporters are to the media and senior government officials. This is not a just application of government effort. At the same time, the State Department appears to pick and choose which cases will be treated as wrongful detentions – and assigned to the Special Presidential Envoy for Hostage Affairs – and which will remain in the hands of Consular Affairs or be handled directly by the National Security Council. This inconsistency just breeds further concerns about favoritism or situational priorities of policy issues over people.

It is also concerning to me that there seems to be an absence of strategy on how to deter future abductions. As someone who has been through this experience, I would recommend a two-tiered approach. The first tier is a public education campaign warning U.S. travelers of the heightened risk in the above-mentioned countries, and a framework between states for dealing with detainees. The inclusion of wrongful detention warnings in State Department travel advisories is not sufficient. The U.S. government needs to get out of a government mindset and use a public campaign that is focused on the people who might visit these places, including business persons, dual citizens, academics, and humanitarian workers.

With the increase in the number of wrongful detentions around the globe, a policy of deterrence must be enacted as the second tier. This approach should encompass and marshal all of the tools of statecraft: political, economic, and military/kinetic. There must be repercussions for aggression against innocent U.S. citizens detained for nothing more than their U.S. citizenship, sentenced unjustly in foreign courts, and tortured in horrid dungeons around the world.

It is difficult to describe the pain of being a wrongful detainee. Framed for ridiculous crimes, given a trial at a cracker-jack court, and sentenced to the maximum allowed by the laws in some banana republic. My case is indicative of the dozens of wrongful detainees around the world. I was put on trial for treason against Venezuela. I'm from Knoxville, Tennessee: They might as well have charged me with crimes against the emperor of Mars. It was all made up. I wasn't a real person to the Venezuela regime; I was a heartbeat and a U.S. passport – something they could trade for something else they wanted. There are dozens of Americans sitting in prisons around the world waiting on the U.S. government for help. That is the only way they will go free – the captors do not want anything from their families. There is literally no hope without U.S. government involvement.

We have to do better. We have to help them.



A HOSTAGE PERSPECTIVE

The Reality of My Freedom: Human Life is Sacred and Those Who Treat it as Anything Less Must Be Stopped



Jeff Woodke (left) with
Els Woodke

BY JEFF WOODKE

*American missionary and aid worker
who was kidnapped from his home in Abalak, Niger, in 2016*

On March 20, 2023, two men got out of a battered Toyota pickup in a remote area near the northwestern border of Niger. One was French journalist Olivier Dubois and the other was an older American man with a shaggy beard and unkempt hair, walking unsteadily on a cane.

That man was Jeff Woodke, a 62-year-old missionary and humanitarian aid worker who had been held captive, mostly in chains, for six years, five months and five days.

That man was me. As the pickup turned and sped away, I slowly began to comprehend that I was a free man.

I had been a hostage, as had Olivier – held in northern Mali by the terrorist group Jam’at Nusrat al Islam wal-Muslimin, JNIM for short. As hostages we were not treated as humans but as things; bargaining chips, subhumans, animals. My life had no intrinsic value to my captors and my death was always in their eyes.

As the reality of my freedom swept over me, so did another realization: Human life is sacred and those who treat it as anything less must be stopped – and now I must be willing to try to stop them.

As I spotted the vehicle and two men waiting for Olivier and me, I wanted to dance and shout in celebration of my freedom! Unfortunately, my injuries prevented me from doing much more than a victory hobble. Yet I danced in my heart as I looked forward to seeing my family, praised my God and wished that my fellow hostages still detained would soon gain their freedom.

As I lay on the desert gravel in the shade of the truck while a military doctor examined me, I resolved to do whatever I could to end a practice that is inherently evil and to help rescue those who were left behind. People should not be treated like things, bought and sold, exploited, dehumanized and treated with cruelty. Not by any government, terrorist or other organization, or any individual. It is wrong and must be stopped.

Yet JNIM still holds six non-Malian hostages as well as a number of Malian hostages. In addition, according to the James W. Foley Legacy Foundation website, there are currently at least 59 Americans being held hostage or wrongfully detained around the world. These people are innocent and are being held either for ransom or as political bargaining chips. Some have been in captivity longer than I was. It is difficult for me to fathom why I was left for so long under a tree in chains and why others still languish in suffering today. Why are we leaving people behind? The 2014 and 2015 murders of six American hostages led the Obama administration to review its hostage policy, thanks in large part to the tireless activism and advocacy of the James W. Foley Legacy Foundation and others. The result was Presidential Policy Directive 30, issued by President Barack Obama in June 2015. In 2020, the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act was passed to codify PPD-30, permanently enshrining two structures of particular interest to hostages, wrongful detainees and their families: The Hostage Recovery Fusion Cell and the Special Presidential Envoy for Hostage Affairs, a position currently held by Ambassador Roger Carstens. Through these structures and tools, it was hoped that U.S. policy and practice would improve and that U.S. citizens would no longer be left behind in wrongful detention or held hostage for years, or possibly the rest of their lives.

But eight years after Obama issued PPD-30, many Americans are still enduring long-term captivity. As a country, how can we leave our fellow innocent citizens to rot in hellish captivity? Why does our government not use every tool to see illegally detained people or hostages freed? Why are the structures mandated by PPD-30 inadequately funded and often working at odds with each other? Why won't our president meet with all victim families and show that hostages and illegally detained people are priorities?

The unfortunate response to these questions is that hostages and illegally detained people are too often not our government's top priority until they become politically important. In that way, our own government treats us, and treated me, as things - bargaining chips or pawns, not as humans and U.S. nationals. If we were seen as having intrinsic value as American citizens, then even some of the less appealing tools, such as prisoner exchanges or the payment of ransoms, would be used whenever needed. They are not. Instead, military rescues that endanger hostages' and service members' lives are preferred. Or in the case of the illegally detained, victims are sometimes tied to long-term political issues.

We must do better. The reforms of 2015 have not resolved all of the problems surrounding hostages and illegal detainees and the treatment of their families by our government. We need the political will to change existing policy. There should be clear legal provisions to allow victims' families and supporters to raise and pay ransoms without fear of legal repercussions from the U.S. government. A clear and streamlined approach for resolving the cases of hostages and the illegally detained that includes clear and complete communication should be mandated. Proper recovery and post-recovery practices should be put into place. Best practices should be developed and codified so that we leave no one behind.



The office of the Special Presidential Envoy for Hostage Affairs should receive adequate funding as well as a mandate to handle the cases of all hostages and illegally detained people. In theory these cases should already be in its purview, yet in practice they are parceled out to various entities, making things more complicated for victims' families. The SPEHA has the personnel, abilities, and determination to see people brought home and victims' families supported during captivity and after recovery. Let us at least use the one tool we have that is working and have it serve as an example to other nations of best practice and compassion, leaving none behind.

Human lives are sacred. While we may not be able to convince hostage-takers or rogue governments of this fact, we should be able to influence the U.S. government and other reasonable governments to always treat all hostages and their families as priorities with intrinsic value. We should be able to influence them to use all tools available to secure the speedy release of hostages and illegally detained persons, even if these tools seem unpalatable politically. We should be able to influence them to provide adequate support to victims and their families after recovery. We can and should do better – by acting together.

As I sit before my computer, with tears in my eyes and a burning desire in my heart to see freedom for my brothers and sisters in captivity, I pray that through our combined efforts, we can see all U.S. and other hostages walk into freedom and do their own dances very soon.

CONCLUSION

There has been a significant increase over the last two decades in hostage-taking abroad and even more so in the wrongful detention of U.S. nationals to gain political leverage or to seek concessions from the United States. Additionally, there has been an increasing number of U.S. nationals held in countries whose governments the United States does not recognize, such as Afghanistan, Venezuela, and Yemen. These cases create unique challenges for families as the U.S. government struggles to identify effective models for handling their loved ones' cases. In some cases, such as Venezuela, a diplomatic approach is generally adopted. In Yemen, by contrast, cases are typically classified as hostage cases. These determinations are often characterized by how the United States will respond – either through diplomacy or a counterterrorism response. In Afghanistan, no clear model has been adopted since the evacuation in August 2021. The lack of clarity for how the U.S. government classifies these cases has significant impacts for families as they struggle to advocate for their loved ones.

Despite more and more countries wrongfully detaining U.S. nationals, there has been a significant decrease in the number who continue to be held since August 2022. This is likely due to the maturation of the U.S. hostage enterprise and the empowerment

of interagency leadership. While PPD-30 and the Levinson Act have established mechanisms to make hostage and wrongful detainee cases a higher priority, the administration must fix the bureaucratic obstacles that slow down the process and work harder to bring Americans home. Of the at least 59 U.S. nationals unjustly held globally, six have been held for over 10 years. It's time to bring all of them home.

The hostage perspective shared by Jeffery Woodke pointed to the need for stiffer penalties against hostage-takers and the ability to raise money privately to pay ransoms without the threat of being prosecuted by the U.S. government. Matthew Heath's wrongful detainee perspective highlighted the need for better practices to deter foreign governments from wrongfully detaining U.S. nationals. Not having a consistent strategy to recover wrongful detainees or to deter future wrongful detentions leaves the United States vulnerable to foreign governments' efforts to effect change in U.S. policy, demand concessions, and force prisoner swaps that ultimately impact our national security, economy, and U.S. foreign policy. It would be beneficial to examine deterrence measures in more detail to distill lessons learned that not only help bring more U.S. nationals home, but to prevent their wrongful detention in the first place.



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THE FOLEY FOUNDATION
WAS A HUGE SUPPORTER
FOR MYSELF AND MY FAMILY
DURING THE ENTIRETY
OF MY DETENTION.

I AM SO GRATEFUL
FOR ITS HELP.

MATTHEW HEATH

*Wrongfully detained in Venezuela
from September 2020 – October 2022*

**JAMES W. FOLEY
LEGACY FOUNDATION**

