



BRINGING AMERICANS HOME

2024

**A NON-GOVERNMENTAL
ASSESSMENT OF
U.S. HOSTAGE POLICY,
FAMILY ENGAGEMENT, AND
THE HOSTAGE AND
WRONGFUL DETAINEE
LANDSCAPE**

By **Cynthia T. Loertscher**

Foreword by **Dr. Bruce Hoffman**



ABOUT THE JAMES W. FOLEY LEGACY FOUNDATION

The James W. Foley Legacy Foundation (Foley Foundation) was established three weeks after the brutal murder by ISIS of conflict journalist and humanitarian James “Jim” Foley in August 2014.

With the firm conviction that the United States must prioritize the freedom of Americans unjustly held captive abroad over other policy considerations, the Foley Foundation successfully advocated for and was a key participant in a 2015 review of the effectiveness of the U.S. government’s policy on the taking of international hostages. Recommendations from the review led to the creation by executive order of the principal elements of today’s U.S. government “hostage enterprise” including the Special Presidential Envoy for Hostage Affairs, the Hostage Recovery Fusion Cell, the Issue Manager for Detainee and Hostage Affairs at the Office of the Director of National Intelligence, and the Hostage Response Group at the National Security Council. This structure was later codified into law by the 2020 Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act. Since its creation in 2015, the hostage enterprise has secured the freedom of over 120 Americans held hostage abroad.

The Foley Foundation connects families of those held hostage or wrongfully detained with the resources needed to endure their loved one’s captivity, and it supports these families’ public advocacy efforts to secure their freedom. The *Bringing Americans Home* reports have been a critical tool for educating policymakers and the public as to the nature of the national hostage-taking crisis. These reports identify and recommend the reforms needed to speed the return of Americans held captive abroad and to deter and prevent future hostage-taking.

Learn more at www.jamesfoleyfoundation.org, by viewing the documentary, *Jim: The James Foley Story*, and by reading *American Mother* by Colum McCann with Diane Foley.



OUR MISSION

To secure the freedom of Americans unjustly held captive abroad, prevent future hostage taking, and promote journalist safety.

OUR VALUES

Moral Courage

Inspired by Jim Foley, we seek to encourage and empower all to act with moral conviction — one person at a time for the good of others.

Justice

We are committed to resolving the injustice of hostage-taking for Americans held captive abroad. We seek accountability for captors' inhumane treatment of innocents.

Compassion

We empathize with and help hostage families confidentially: listening, identifying the resources they need and the obstacles they face, while advocating for their loved ones' swift return.

A NOTE FROM THE PRESIDENT AND FOUNDER

Dear Readers,

On August 19, 2024, it will have been 10 years since our son, James W. Foley, an American freelance journalist, was abandoned by our government and publicly beheaded by ISIS, his murder used to fuel their hate-filled propaganda. Three other heroic Americans — journalist Steven Sotloff, aid workers Peter Kassig and Kayla Mueller — were similarly abandoned, along with three British citizens.

Thankfully, their horrific murders awakened the moral compass of our nation. Over the last 10 years, our country has moved from abandonment of Americans unjustly held captive abroad to a U.S. hostage enterprise admired by other nations that has skillfully secured the release of more than 120 U.S. nationals since 2015. I am forever grateful to the many individuals of moral courage both inside and outside of government who knew we could do

better and who have worked with the Foley Foundation to make these successes possible.

I am particularly indebted to David Bradley, who encouraged this much needed research on international hostage-taking, and to Cynthia Loertscher for her passionate dedication to conducting the Foley Foundation's *Bringing Americans Home* research since 2018.

My deep gratitude to all who since 2014 have allowed Jim's sacrifice to inspire our Nation to extraordinary progress and who accept, with humility, the need to continue to work together as government, civil society, private sector, and international partners to improve our nation's ability to prioritize the return of American captives while deterring and preventing future hostage-taking.

Sincerest gratitude and love,

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

Diane Foley

A NOTE FROM THE BRING OUR FAMILIES HOME CAMPAIGN

A special note in memory of Majd Kamalmaz

The Bring Our Families Home Campaign is an organization consisting solely of families of Americans held hostage or wrongfully detained abroad.¹ Over the last two years, more than a dozen families in the Campaign have been reunited thanks to the bold and decisive action of our government.

However, as of May 2024, nine Americans in our Campaign remain in captivity. They have suffered unjustly for years, even decades. One of them, Majd Kamalmaz, is now presumed to have passed away in captivity in Syria. We dedicate this letter in Majd's memory with the hope that it highlights the urgent need to bring home our loved ones before it's too late.

While these cases differ in the countries, duration, and types of baseless charges the captives are facing, our loved ones are all being held for no reason other than their American nationality, and they



Designed by David Ewald and American Families of Hostages or Wrongful Detainees with a loved one held captive

are forced to endure substandard conditions thousands of miles away from their families. Their physical and mental health is rapidly declining, and they need to come home now.

We are grateful for this report from the James W. Foley Legacy Foundation that highlights the numerous challenges that our families face on a daily basis. We urge our government to act swiftly to #BringThemHome. We need all the attention we can get.

Sincerely,

Harrison Li, son of Kai Li, wrongfully detained in China since 2016

Aida Dagher, sister-in-law of Zack Shahin, wrongfully detained in the United Arab Emirates since 2008

DEDICATION

The Foley Foundation dedicates the *Bringing Americans Home* 2024 report to Majd Kamalmaz. Majd was an award-winning American psychotherapist who was wrongfully detained by the Syrian government on February 15, 2017. Tragically, he did not survive the brutal conditions of the prisons, enduring seven long years without any charges being presented, a public trial, or any form of communication with his family. He was a kindhearted, loving, and caring person who embodied these qualities as a son, husband, father, grandfather, brother, and uncle. His love and compassion for others fueled his passion for helping people recover from adverse events such as natural disasters, wars, and personal traumatic experiences.

“

For the last seven years, we have been struggling to come to grips with my father's absence.



The anguish and emotional turmoil that our family has gone through has taken a heavy toll on our lives. He will be missed tremendously, yet we hope that his legacy of helping others in need lives on and is carried out by all.

”

— **Maryam Kamalmaz,**
daughter of Majd Kamalmaz



Family of Maj Kamalmaz | Photo courtesy of Diane Foley

ABSTRACT

This report, conducted by the Foley Foundation, builds upon the Foundation's previous assessments of the effectiveness of the 2015 U.S. Hostage Policy Review, the implementation of Presidential Policy Directive 30, Executive Order 13698, Executive Order 14078, and the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act. It integrates an examination of the landscape of hostage-takings and wrongful detentions of U.S. nationals using the Foley Foundation's database

of cases with a survey of family members and other stakeholders connected to 27 cases of hostages and wrongful detainees. Through confidential interviews with 62 participants, this report represents the perspectives of these U.S. hostages, wrongfully held detainees, their families, representatives, and advocates. Furthermore, this report aims to stimulate and inform ongoing policy discussions to enhance the U.S. government's support for hostages, wrongful detainees, and their families.

ABOUT THE AUTHOR

Cynthia Loertscher previously directed research, hostage advocacy, and government affairs for the James W. Foley Legacy Foundation. She has dedicated the past 20 years to exploring the subjects of hostage-taking, wrongful detentions, third-party interventions, terrorism, radiological warfare, sanctions, designations, and the development of

technologies and applications for defense-related purposes. Over the past six years, she has authored the annual *Bringing Americans Home* research reports for the Foley Foundation, enjoying the challenge of identifying and addressing complex issues involving multiple stakeholders, cultivating strategic partnerships and relationships, and achieving tangible outcomes.

AUTHOR'S ACKNOWLEDGMENTS

First and foremost, I want to express my heartfelt gratitude to this year's participants for entrusting the Foley Foundation with their personal stories. Your contributions are invaluable, and without them, this report would not have been possible. While my name is listed as the author, this report truly belongs to you. Your experiences and struggles are what drive critical discussions in Washington. You shape the future of the U.S. hostage enterprise, influencing policies and laws. Know that your hardships were not in vain. Thank you for allowing me the privilege of writing about your ordeal.

I also want to extend my deepest gratitude to Diane Foley, the President and Founder of the Foley Foundation, who envisioned using research to develop, grow, and improve the U.S. hostage enterprise, turning Jim's legacy into an effort that enhances and touches so many lives. Thank you for allowing me to help turn your vision into reality over the past six and a half years.

Thank you to Benjamin Gray, the Vice President of the Foley Foundation, the

Foley Team, and the Foundation's Board of Directors for their unwavering support of this project and their dedication to freeing Americans held hostage or wrongfully detained abroad.

A special thanks to Dr. Bruce Hoffman for writing this year's foreword and for providing your expertise on international terrorism, the evolution of terrorists' tactics, and their use of hostage-taking. I would also like to extend my sincere gratitude to Kathy Gest for taking on the heavy lift of copyediting this year's report. Your keen eye has made the report what it is today.

There are also many people whom I cannot name individually but who deserve recognition. Thank you for your countless calls and discussions, which have provided invaluable insights into the complexities of hostage-takings and wrongful detentions. Lastly, but certainly not least, I want to express my appreciation to my husband, Seth. Your unwavering support and encouragement have been a constant source of strength.

To all, let's keep moving the needle forward!



42%

DECREASE IN THE
NUMBER OF U.S.
NATIONALS IN DETENTION
SINCE PEAKING IN 2022

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FOREWORD

BY PROFESSOR BRUCE HOFFMAN

Center for Jewish Civilization and Center for Security Studies at Georgetown University, Walsh School of Foreign Service; Senior Fellow for Counterterrorism and Homeland Security at the Council on Foreign Relations

The current era of international terrorism began on July 23, 1968, with a hostage event. Three terrorists belonging to the Popular Front for the Liberation of Palestine seized an El Al Airlines jet en route from Rome to Tel Aviv. Only after Israel agreed to free 16 imprisoned Palestinian terrorists were the passengers and crew released. Many more passenger aircraft hijackings would follow given the proven success of this tactic. And hostage taking became a staple of terrorist operations — eventually occurring at sea and on land, as well as in the skies.

The central role that hostage taking has played in terrorism ever since was most recently, demonstrated by the terrorist attacks carried out by Hamas and Palestine Islamic Jihad on October 7, 2023. In addition to the death and destruction they visited on nearly two dozen Israeli communities along or near the border with the Gaza Strip, the terrorists kidnapped 243 persons of various nationalities of whom more than a hundred remain in captivity.

Looking back over the 56 years since terrorists hijacked that El Al flight, hostage-taking has clearly played a critical role in terrorism's tactical

evolution. The 1972 Munich Olympic hostage crisis can be credited with thrusting terrorism and the Palestinian cause onto the world's public consciousness in a way that few other incidents both before and since have accomplished. A shadowy terrorist group called Black September held captive 11 members of the Israeli Olympic team who it sought to trade for imprisoned comrades. After a day-long televised standoff, all of the hostages and a German police officer were tragically killed in a botched rescue attempt. Nonetheless, terrorists everywhere learned how even an operational failure can be transformed into an astonishing strategic success given the unprecedented attention and indeed support and sympathy that the Palestinian cause accrued in months and years after the incident.

Indeed, almost 30 years later, al Qaeda used hostages to also change the course of history. On September 11, 2001, 19 terrorists hijacked four commercial airliners—American Airlines Flight 11, United Airlines Flight 175, American Airlines Flight 77, and United Airlines Flight 93. On board were 246 passengers and crew. But this was no ordinary hostage taking. The

terrorists did not seize the passengers and crew to trade but to kill as part of their plan to turn the four aircraft into human cruise missiles. Two planes were thus deliberately crashed into the famed New York World Trade Center's North and South Towers. Another plane plowed into the south-west portion of the Pentagon in Arlington, Virginia. And, after the passengers on the fourth hijacked aircraft learned what had happened elsewhere, they attempted to wrest control of the aircraft which then crashed into a field near Shanksville, Pennsylvania. The 9/11 attacks completely re-shaped and re-ordered both national and international security priorities.

Hostage taking has unfortunately remained a fixture of terrorism since 9/11. In 2002, the mastermind of the September 11 attacks, Khalid Sheikh Mohammed orchestrated the kidnapping of *Wall Street Journal* reporter Daniel Pearl in Karachi, Pakistan. But, in a new heinous twist to this now long-established terrorist tactic, Pearl was beheaded in an act of depravity videotaped and then uploaded to the internet by his captors. Two years later, another young American, Nicholas Berg, met an identical fate in Baghdad, Iraq. Abu Musab al-Zarqawi, the leader of the group responsible for Berg's kidnapping and execution, Tawhid wal-Jihad, which later became part of al-Qaeda in Iraq (AQI), violently opposed the American and coalition military presence in Iraq. Like Pearl, Berg's beheading was videotaped and distributed online to draw attention to al-Zarqawi, his group — and its cause.

In 2013, AQI rebranded itself as ISIS, and the following year, it broke

with al Qaeda. Within months, ISIS's leader, Abu Bakr al-Baghdadi, had proclaimed a new caliphate over the lands it had conquered in western Iraq and eastern Syria. ISIS further transformed terrorism by using social media to recruit some 40,000 foreign fighters from over 120 countries to its caliphate. A key dimension of its propaganda efforts was the group's embrace of "ultra violence" — heinous acts of torture, decapitation, and execution broadcast over the internet. It was in service to this strategy that ISIS abducted the American journalists James Foley and Steven Sotloff, aid worker Peter Kassig, and humanitarian Kayla Mueller. Tragically, all three men were brutally executed by beheading on camera, their deaths once again exploited by terrorists for propaganda purposes as ISIS sought to showcase its ruthlessness and determination. Mueller herself perished in unknown circumstances while held captive by one of al-Baghdadi's chief lieutenants.

It is no coincidence that many of the watersheds in the history of terrorism involved hostage-taking. Although long enshrined as a tool of terrorists, the widespread and systematic use of this tactic by ISIS, and more recently by Hamas, has underscored a growing recognition of the psychological and political impact that these incidents have on captives' families, friends, and their governments. Indeed, terrorist groups are not the only adversaries of the United States that seek to exploit the seizure and detention of persons for political and other advantages. Hostile states such as Russia, China, Iran, Venezuela, and North Korea, among others, have also detained innocent Americans on trumped up

criminal or espionage charges to win concessions or financial reward from the United States.

As the threat from terrorists and hostile states to forcibly incarcerate Americans working, living, or traveling abroad continues to evolve, so must U.S. government policies and responses. When our countrymen are brazenly kidnapped or unlawfully seized, U.S. hostage policies in particular must be regularly reassessed and re-examined to ensure that our efforts are both focused and genuinely effective in repatriating our citizens held captive overseas. Only by being proactive and adaptive, can the United States best protect its citizens and ensure their safe return.

This report is the sixth annual edition of *Bringing Americans Home*. It has repeatedly proven its value and contributions to U.S. hostage policy by highlighting the challenges involved when Americans are kidnapped or wrongfully detained. These reports have not only comprehensively documented the escalating threat of hostage-taking; they have also underscored how perseverance, diplomatic dexterity, and innovative negotiating can successfully secure the release of Americans held captive whether by terrorists or adversarial states.

Bringing Americans Home has incisively charted the evolution of more concerted and dedicated U.S. government efforts to engage the families of these hostages and unlawful detainees and ensure a structured, respectful, and empathetic approach to these emotionally unbearable and immensely frustrating cases. In

recent years, the focus of these annual reports has broadened to emphasize the growing problem of U.S. nationals wrongfully detained by foreign states, who view them as political pawns in international disputes that otherwise have nothing whatsoever to do with these individuals. By articulating these challenges and advocating for constant reevaluation, change, and improvement, successive iterations of *Bringing Americans Home* have proven instrumental in guiding the U.S. government's efforts to support families and secure the freedom of Americans hostages and wrongful detainees.

This year's *Bringing Americans Home* report builds on the success and relevance of its predecessors by addressing the persistent challenges faced by hostage and detainee families as well as identifying areas where the U.S. government needs to do better. Additionally, it delves into a critical dimension of this issue: deterring future hostage-taking and unlawful detentions. While U.S. government thinking and strategies about deterrence in this respect are still being formulated, it is nonetheless imperative to advance the development and implementation of effective methods to prevent and discourage these acts. This report thus stresses the urgent necessity for robust deterrence measures to safeguard U.S. nationals abroad and uphold international norms of justice and human rights.

In 2022, I had the solemn task of working closely with Justice Department prosecutors to obtain the conviction of one of the so-called "Beatles." El Shafee Elsheikh is the

British national and terrorist who brutalized, tortured, and abused the four Americans, two Britons, two Japanese, and a Russian held hostage by ISIS. After nearly three weeks of testimony, Elsheikh was convicted in U.S. federal court and sentenced to life imprisonment for his role in the heinous treatment and ultimately the deaths of these hostages. I attended every day of that trial. I saw and heard first-hand the testimony of the surviving hostages who bore witness in recounting the horrors of their captivity and the serial depredations inflicted on the American hostages in particular. These witnesses' poignant tributes to Americans James Foley, Kayla Mueller, Steven Sotloff, and Peter Kassig showed beyond any doubt how each were uniquely great Americans and among the most decent and most caring human beings imaginable. In that courtroom, I saw the rule of law triumph over barbarity and justice prevail over brutality and violence. I saw for myself the quiet dignity of the families and how their faith in the values that define our nation was validated by the dedication of both the prosecutors and defense attorneys and the presiding judge.

But tragically on a day when the United States was seen at its best, this was because of the loss of some of its finest citizens and stellar champions of its core values. I've often written that the terrorists' greatest enemies are not other extremists but rather moderates and ordinary, decent people who actively work for peace. Peace processes are thus far more threatening for terrorists than war and violence. In this respect those Americans who travel to war zones

and conflict areas as humanitarian aid workers and journalists are seen by terrorists as more of a threat than combatants in these conflicts. James, Kayla, Steven, and Peter were precisely those good people who the terrorists most feared. Their efforts to bring peace and comfort to others trapped in vicious cycles of violence and to shine a light of hope and peace into the darkest corners of depravity imposed by ISIS cost them their lives.

Today at least five American citizens are among those held hostage by Hamas. Given the unique circumstances of their captivity, it is incumbent upon the U.S. government to continue to reassess and reconceptualize its hostage policies in order to deter and dissuade both terrorists and states from continuing to seize Americans and hold them against their will.

I am honored and humbled to have been asked to reflect briefly on the content and meaning of this report. I commend this latest iteration of *Bringing Americans Home* to you for its outstanding role in highlighting the progress in addressing this issue and seeking new and novel means to improve the policies and approaches to Americans held captive in terrorists' dungeons and state-run gulags around the world. I am grateful for and applaud the work of the Foley Foundation and other organizations like it who tirelessly seek to illuminate the plight of Americans held hostage or wrongfully detained to ensure that they are not forgotten.

Much good work has certainly been done, but much more certainly remains.

EXECUTIVE SUMMARY

This report is divided into three sections. The first section, titled “U.S. National Hostage-Taking and Wrongful Detention Landscape, 2023-2024,” utilizes three datasets encompassing information on 437 U.S. nationals held hostage or wrongfully detained abroad from January 1, 2001, to May 31, 2024. This section examines trends in hostage-takings and wrongful detentions over that period.

The second section, “Perspectives of the U.S. Government’s Hostage Enterprise by Former Hostages, Wrongful Detainees, and Family Members of those Held Captive,” builds upon the Foundation’s previous assessments of the effectiveness of the 2015 U.S. Hostage Policy Review and the implementation of Presidential Policy Directive 30, Executive Order 13698, Executive Order 14078, and the codification of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act.

Finally, the third section, entitled “Deterring Hostage-Taking and Wrongfully Detaining Innocent Americans,” builds upon the interviews conducted for the second section of this report. Based on 62 confidential interviews conducted between December 2023 and May 2024, this report highlights 27 cases and



Photo courtesy of Benjamin Gray

represents the perspectives of U.S. hostages, wrongfully detainees, their family members, and other stakeholders involved in the U.S. hostage enterprise. While the interviews do not capture the perspectives of all individuals affected by hostage-taking and wrongful detention, they represent the viewpoints of the participants included in this study. This report aims to stimulate discussions that contribute to enhancing the U.S. government's support for hostages, wrongful detainees, and their families.

KEY FINDINGS: U.S. NATIONAL HOSTAGE AND WRONGFUL DETAINEE LANDSCAPE

- 1. According to the Foley Foundation's dataset, there are 46 U.S. nationals currently held hostage or wrongfully detained across 16 countries.** The majority of these cases, 78%, were classified as wrongful detentions, while the remaining 22% involved hostage or unacknowledged detainee cases. Additionally, nine of the current cases involve U.S. nationals who were previously imprisoned but continue to face travel bans, restricting their freedom of movement, and preventing them from leaving the country holding them. **The average duration of captivity across all 46 cases is slightly over five years, with six cases enduring over 11 years, underscoring the prolonged nature of these unjust detentions.**
- 2. Since 2023, 13 U.S. nationals have been taken hostage.** The groups responsible for the kidnappings were Hamas and the Taliban. Tragically, three U.S. nationals who were kidnapped by Hamas, and were categorized as hostage cases by the Israeli and U.S. governments, lost their lives during the hostage-taking event. **In total, six hostages have been released** by Hamas, Jama'at Nusrat al-Islam wal-Muslimin (JNIM), and the Taliban through negotiations involving the United States, third parties, and other private efforts.
- 3. Since 2023, 10 U.S. nationals have been wrongfully detained** by Russia, Iran, Pakistan, and Venezuela. Of these, only five have been officially designated as wrongful detainees by the U.S. government. **Additionally, 21 wrongful detainees have been released from captivity.** Among the wrongful detention releases, 14 were the result of prisoner exchanges, accounting for 67% of the total releases, four cases resulted in humanitarian releases, while the outcomes of the remaining three cases were unknown. Despite the number of prisoner swaps over the past two years, there has not been an increase in wrongful detentions of U.S. nationals in Iran or Venezuela.

- 4. Since the peak in 2022 of U.S. nationals wrongfully detained and held abroad, there has been a 42% decrease in the number of U.S. nationals in detention.** This decline is attributed to the 41 releases of wrongful detainees that occurred from January 1, 2022, to May 31, 2024. Additionally, 14 hostages have been released or rescued from captivity during that same period, bringing the total number of U.S. nationals returning home since 2022 to 55. **Overall, since the start of the Biden administration, 64 hostages and wrongfully detained U.S. nationals have been released or rescued from captivity.**
- 5. China: U.S. nationals continue to endure lengthy detentions in Chinese prisons, averaging 12.5 years, with individual detentions spanning approximately eight to 18 years.** The Foley Foundation has identified at least 11 U.S. nationals wrongfully detained in China, including those subjected to exit bans.
- 6. Iran:** Iran has a long history of wrongfully detaining U.S. nationals to influence U.S. policy and national security interests. **According to the most recent data, Iran is currently holding fewer than five U.S. nationals, marking the first time since 2007 that this number has dropped below five. From 2007 to 2023, Iran wrongfully held at least five U.S. nationals each year.** Recently, the U.S. government successfully negotiated the release of five U.S. nationals held in Iran. However, the Foley Foundation's dataset indicates that another U.S. national is still wrongfully detained.
- 7. Russia:** Since 2022, Russia has shown an increasing pattern of wrongfully detaining and holding U.S. nationals. **Between 2007 and 2021, the average number of U.S. nationals detained and held in Russia was three people per year. However, from 2022 to 2024, this average increased to nine individuals per year, representing a 200% rise.** Despite the U.S. government's acknowledgment of only two U.S. nationals wrongfully detained in Russia, the Foley Foundation's dataset identifies another seven individuals whose detention meets the criteria outlined in the Levinson Act.
- 8. Venezuela:** Venezuela has a history of wrongfully detaining U.S. nationals dating back to 2013. **Between 2013 and 2016, the average annual number of U.S. nationals detained and held was 1.5 individuals per year. However, since 2016, the average number of U.S. nationals detained and held in Venezuela raised to nine individuals per year, indicating a significant 500% increase.** After the release of 12 U.S. nationals on December 20, 2023, there are currently no known public cases of U.S. nationals being wrongfully held in Venezuela, according to the Foley Foundation's dataset.

KEY FINDINGS: PERSPECTIVES OF THE U.S. GOVERNMENT'S HOSTAGE ENTERPRISE BY FORMER HOSTAGES, WRONGFUL DETAINEES, AND FAMILY MEMBERS OF THOSE HELD CAPTIVE

- 1. Hostage and unacknowledged detainee cases** highlighted in this year's report underscore the growing reliance on diplomatic engagements, particularly in situations where foreign governments take the lead on hostage cases. **With the ongoing conflict in Gaza and in instances where U.S. nationals are held by foreign governments without official acknowledgment, families are increasingly dependent on diplomatic efforts involving the United States and third-party nations.** While diplomacy is not new to resolving some hostage cases, this report highlights **the need for enhanced coordination and collaboration between the Special Presidential Envoy for Hostage Affairs and the Hostage Recovery Fusion Cell on cases where overlap occurs.**
- 2. Foley Foundation report participants demanded more clarity regarding the opaque process that culminates in a decision by the Secretary of State to declare a U.S. national wrongfully detained.** Several participants expressed frustration over the lack of transparency in these decisions. They said they presented credible evidence showing that their loved ones were innocent, their detentions were politically motivated, they were targeted for being American, lacked due process or a fair trial, and required diplomatic engagement for their release – all criteria described in the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act. Obtaining a wrongful detention determination is pivotal because it impacts the level and type of support the U.S. government provides. Addressing these disparities is critical to ensuring that all affected individuals receive the necessary support for their safe return home.
- 3. Returned hostages and wrongful detainees face substantial physical, financial, and mental health challenges during their reintegration into society after captivity.** Common experiences include survivor's guilt and the struggle to readjust to their previous lives. Some former hostages and wrongful detainees battle suicidal thoughts as they attempt to reintegrate. Furthermore, some face pressure to resume work immediately after enduring physical and psychological torture in captivity, adding complexity to their reintegration process. Additionally, the majority of participants highlighted obstacles in obtaining physical and mental health insurance coverage due to the trauma they experienced during captivity.

- 4. Foley Foundation participants emphasized the necessity of direct engagement with high-ranking U.S. officials at the level of a Deputy Assistant to the President, National Security Advisor, Secretary of State, and President in resolving hostage and wrongful detention cases.** While acknowledging the importance of structures like the Hostage Recovery Fusion Cell and the Office of the Special Presidential Envoy for Hostage Affairs, participants stressed the indispensable need for decisive action from top-level decision-makers. Their testimonials highlight the urgency and gravity of their situations, emphasizing the importance of establishing personal connections with key figures, particularly the President, National Security Advisor, and the Secretary of State to prioritize their loved one's cases.
- 5. Foley Foundation participants reported difficulty accessing allocated funding to support travel to Washington, D.C.** Family members advocating for the release of their loved ones face substantial challenges despite legislative efforts to provide support. While funds have been allocated to assist these families, the process of accessing the money presents several obstacles. Many families, having exhausted their resources on legal fees, necessities to support their loved ones in captivity, and bills and other financial obligations that their loved ones are unable to pay due to their loss of income while being unjustly held, face significant financial hardships. Most families are forced to cover costs using their own resources before they can seek reimbursement from the U.S. government. Consequently, many families actively seek financial assistance through donations or other organizations to travel to Washington and advocate for their loved ones.
- 6. While some participants expressed frustration over the lack of transparency in information provided regarding recovery efforts, others highlighted the Special Presidential Envoy for Hostage Affairs' (SPEHA) pivotal role in prioritizing the return of U.S. nationals held overseas. The SPEHA's proactive approach in navigating U.S. policy barriers and prioritizing the welfare of individuals over policy considerations is critical in facilitating the release of wrongfully detained individuals.** This underscores the significance of the SPEHA's role, particularly in addressing challenges and prioritizing these cases over other foreign policy matters as families await the return of their loved ones.
- 7. The prioritization of hostage cases within the U.S. government's response framework is pivotal for effective intervention strategies.** Report participants conveyed varied views on their cases' prioritization by the U.S. government. Some expressed frustration over perceived neglect, citing instances where their cases seemed less prioritized than others. For instance, one participant noted, "You see other cases being prioritized and having engagements. We didn't have a phone call or a letter." Conversely, some participants cited active advocacy support from high-level U.S. officials, which provided a sense of prioritization and responsiveness.

These differences highlight the importance of establishing consistent and transparent prioritization processes to ensure the equal treatment of all hostage and wrongful detention cases.

- 8. Foley Foundation report participants highlighted the need for more transparency, declassification of information, and communication between the U.S. government and the families.** There is an urgent need to work across the U.S. government's agencies to declassify information about the status of U.S. hostages and wrongful detainees for their families. This improvement is critical for maintaining trust, alleviating anxiety, and ensuring that families are well-informed about the status and progress of efforts to secure their loved one's release.

RECOMMENDATIONS FOR THE U.S. GOVERNMENT'S HOSTAGE ENTERPRISE

- 1. Establish a direct communication line to the President of the United States (POTUS) for the Special Presidential Envoy for Hostage Affairs and the Director of the Hostage Recovery Fusion Cell.**

Establishing communication among POTUS, the Special Presidential Envoy for Hostage Affairs, and the Director of the Hostage Recovery Fusion Cell will strengthen coordination across the U.S. government and expedite decision-making on matters related to hostages and wrongful detentions. Additionally, POTUS should prioritize meetings with the families of every hostage and wrongful detainee currently held abroad. This would demonstrate the United States' commitment at the highest level of government and instill confidence and reassurance during a hostage or wrongful detention crisis.

- 2. Establish a congressional budget line for the Hostage Recovery Fusion Cell.**

Establish a dedicated congressional line item within the federal budget earmarked specifically for the Hostage Recovery Fusion Cell. This dedicated funding would empower the Cell to fulfill its mandate as the coordinating body, ensuring that all relevant departmental and agency information, expertise, and resources are mobilized to develop individualized strategies for securing the safe recovery of U.S. nationals held hostage abroad. Dedicated funding would enable the maintenance of a rapid response posture to address evolving hostage threats and challenges. In addition, dedicated funding is a

critical first step toward establishing the Hostage Recovery Fusion Cell as an entity independent of other U.S. government agencies.

3. Relocate and rotate leadership of the Hostage Recovery Fusion Cell.

Relocating the Hostage Recovery Fusion Cell to a secure offsite location independent of other U.S. government agencies and implementing rotating leadership from the Departments of State and Defense, the Intelligence Community, and FBI would establish it as an independent interagency body. This move would promote broader collaboration and facilitate the pooling of diverse expertise and resources. Rotating leadership among these agencies would enhance neutrality, effectiveness, and influence across the interagency landscape. Establishing more continuity in leadership within the Cell would maintain consistent strategic direction and expertise, thereby improving operational effectiveness and enhancing its ability to address evolving challenges and threats related to hostage recovery.

4. Adopt a flexible resourcing strategy to enhance hostage and wrongful detainee support.

Adopting a resourcing strategy that allows funding and personnel to be flexibly reallocated between cases categorized as hostages or wrongful detentions would enable the U.S. hostage enterprise to respond more effectively as the number of cases in each category ebbs and flows. Utilizing a single pool of funding would enhance efficiency and adaptability in resource management.

5. Develop and resource a reintegration support program for returning hostages and wrongful detainees.

Reconstruct and reimagine the U.S. reintegration support structure for returning hostages and wrongful detainees. Allocate resources to provide more comprehensive support that addresses their unique needs and challenges. This includes offering psychological support, medical care, dental care, physical support, medical insurance, and educational or employment assistance to facilitate their successful reintegration into society. The current support structure lacks the necessary resources, depth, and flexibility.

6. Conduct a comprehensive debrief for all willing returned hostages and wrongful detainees.

Increase debriefing opportunities for returned hostages or wrongful detainees, extending beyond the initial 24 to 48 hours post-return. This timeframe is

often inadequate, given the physical and mental state of returnees. Voluntary opportunities to debrief are beneficial for both the returnees and U.S. government stakeholders. Enhanced debriefing would allow for comprehensive assessment of the individuals' physical and psychological well-being, facilitate the collection of valuable intelligence, and ensure appropriate support and resources are provided for their reintegration into society.

7. Create a specialized group within Consular Affairs to focus exclusively on evaluating pending wrongful detention cases and improve information sharing with families.

Establish a dedicated unit within the office in Consular Affairs to focus exclusively on evaluating pending or potential wrongful detention cases, ensuring the Secretary of State has credible and reliable information necessary to make a wrongful detention determination. By creating a specialized group, the Department of State could focus exclusively on evaluating these cases impartially and efficiently. This group would operate independently to mitigate any potential conflicts of interest arising from other Department of State interests. Additionally, Consular Affairs should continue to improve communication with families by declassifying pertinent information for cases leaning toward wrongful detention status. Consular should provide comprehensive updates and facilitate access to key U.S. officials to help families navigate the complexities of their loved one's detention. Families can request the Department of State to declassify information regarding their loved one's case such as how much food or what kind of medical and physical treatment their loved one is receiving, or the degree to which the captive has access to consular services in the country or facility where they are held.

8. Create a new position at the National Security Council.

Establish a new position, Deputy Assistant to the President and Special Coordinator for Hostages and Detentions, within the U.S. National Security Council. This position is paramount to streamlining and centralizing efforts concerning hostage situations and wrongful detentions. By institutionalizing this position, the National Security Council could enhance coordination, communication, and strategic decision-making to address these critical issues. This dedicated role would ensure focused attention on hostage and detention matters, facilitating more effective responses and increasing accountability within the government's national security apparatus.

9. Hold countries or individuals responsible for kidnapping and wrongfully detaining U.S. nationals abroad accountable.

The U.S. government must do more to hold accountable countries or individuals responsible for kidnapping or wrongfully detaining U.S. nationals. Granting impunity in such cases undermines justice, encourages future wrongful detentions and hostage-taking, and jeopardizes the safety and security of U.S. nationals abroad.

10. Allied governments should replicate the U.S. hostage enterprise concept, modeled after the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, to strengthen bilateral and multilateral responses to wrongful detentions and hostage-taking.

This initiative should focus on establishing standard protocols, enhancing interagency coordination, and fostering robust communication channels among participating nations. By adopting a unified framework internationally, allied governments can streamline their efforts, improve cooperation, and align strategies to effectively address instances of hostage-taking and wrongful detentions. This collaborative approach not only enhances the likelihood of resolving cases promptly but also serves as a critical step toward promoting global solidarity and coordinated action against these severe violations of human rights.

11. The U.S. and allied governments should collaborate to establish cohesive language defining wrongful detentions and explore collective responses to deter state actors from taking their citizens hostage.

The United States and allied governments should prioritize the establishment of consistent terminology to define wrongful detentions globally and coordinate collective responses aimed at deterring state actors from wrongfully taking their citizens hostage. Given the escalating challenges surrounding the detention of U.S. nationals by state actors, there is a critical need for cohesive language that clarifies and categorizes various forms of state-detained cases, including "state hostage-taking," "hostage diplomacy," and "wrongful detentions." This unified terminology would not only enhance clarity and understanding across international borders but also facilitate more effective bilateral and multilateral strategies to address and deter these unlawful practices. By collaborating closely on these efforts, the United States and its allies could strengthen diplomatic and policy frameworks, thereby reinforcing global norms against arbitrary detention and promoting the protection of their citizens worldwide.

12. Enhance awareness, education, and reporting of the risks associated with hostage-taking and wrongful detentions.

Develop more mechanisms to increase awareness and reporting of the risks associated with hostage-taking and wrongful detentions. Increased awareness can contribute to the prevention of hostage situations and wrongful detentions, ultimately promoting the safety and security of U.S. citizens worldwide. Implementing the following measures will help disseminate information effectively, reaching a wider audience and empowering individuals to make informed decisions while traveling or residing abroad:

- a. **Implement** notifications of threats on website browsers, airline, travel, and tourism websites.
- b. **Mandate** that the Hostage and Wrongful Detainee Flag be flown more often and at more locations to include U.S. embassies, passport locations, additional federal offices, and post offices.
- c. **Provide** pamphlets on hostage-taking and wrongful detentions at passport agencies, passport acceptance facilities, passport application centers, U.S. embassies, and consulates.
- d. **Seek** increased media coverage on hostage-taking and wrongful detention issues.
- e. **Make** traveler safety guides, tips, and information more readily available, emphasizing the importance of knowing local laws, customs, and emergency procedures.
- f. **Integrate** relevant hostage and wrongful detention themes within scripts on primetime television shows, movies, and documentaries.
- g. **Conduct** public awareness campaigns.

13. Increase congressional awareness on hostage and wrongful detention matters.

More congressional offices need to enhance their understanding of hostage and wrongful detention issues and collaborate more closely with the White House, Hostage Recovery Fusion Cell, Special Presidential Envoy for Hostage Affairs, Consular Affairs, and other relevant departments and offices involved in the U.S. hostage enterprise. This collaboration should work toward the recovery of U.S. nationals and the deterrence of future hostage-taking and wrongful detention.



Special Presidential Envoy for Hostage Affairs, Ambassador Roger Carstens

INTRODUCTION

In November 2014,² in response to the tragic deaths of U.S. nationals held hostage overseas by terrorist organizations and militant groups, and advocacy led by the Foley Foundation, the Obama administration initiated a comprehensive review of the U.S. government's policy on terrorist-related hostage cases abroad.³ This review was prompted by incidents such as the kidnapping of American journalist James Foley by the Islamic State (ISIS) in the fall of 2012, followed by the abduction of American journalist Steven Sotloff and humanitarian aid worker Peter Kassig by the same group almost a year later. Tragically, all three men were brutally murdered by beheading by ISIS in 2014.⁴ Kayla Mueller, a 26-year-old American humanitarian worker, was also kidnapped and brutally treated

by ISIS. She tragically died under unknown circumstances in January 2015.⁵ The crisis extended beyond Syria and Iraq. British-American photojournalist Luke Somers and South African Pierre Korkie, both held hostage by al-Qaeda in the Arabian Peninsula (AQAP) in Yemen, died during a failed rescue attempt by U.S. Special Operations Forces in late 2014.⁶ Furthermore, Warren Weinstein, an American kidnapped by al-Qaeda, was accidentally killed along with Italian aid worker Giovanni Lo Porto by a U.S. drone strike against the Haqqani Network in Pakistan in January 2015.⁷

Following these horrific incidents and the conclusion of the subsequent government review, President Obama introduced a series of reforms aimed at establishing new policies on how the



Maryam Kamalmaz and Harrison Li, family advocates of loved ones held captive abroad | Photo courtesy of Diane Foley

U.S. government responded to hostage cases and improved its effectiveness in bringing American hostages home. On June 24, 2015, President Obama issued Executive Order (EO) 13698, titled “Hostage Recovery Activities,”⁸ and Presidential Policy Directive 30 (PPD-30), titled “U.S. Nationals Taken Hostage Abroad and Personnel Recovery Efforts.” PPD 30 and EO 13698 established the present U.S.

Hostage enterprise with a focus on creating a renewed, more agile U.S. government response to hostage-takings.⁹ The policies also restructured the way the U.S. government handled hostage-takings, with a particular focus on enhancing support for the families of U.S. hostages. These changes included the establishment of the Hostage Recovery Fusion Cell, the Office of the Special Presidential Envoy for Hostage Affairs, the Hostage Response Group chaired by the Special Assistant to the President and Senior Director for Counterterrorism, and an Issue Manager for Hostage Affairs within the Intelligence Community. These structural and organizational changes aimed to ensure that the government could swiftly and cohesively respond to hostage-taking events.¹⁰

Since the implementation of PPD-30, significant strides have been made in enhancing the government’s response to such crises. The Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, signed into law on December 27, 2020¹¹ served as a pivotal milestone in this regard.^a This legislation codified key elements of PPD-30 and established a framework for the Secretary of State to review cases and make wrongful detention determinations.

Through robust advocacy efforts, significant progress has been made in advancing legislation aimed at addressing the challenges faced by all U.S. nationals held hostage and wrongfully detained abroad. The

^a The Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act was named in honor of former FBI agent Robert “Bob” Levinson, who was abducted in Iran in March 2007 and was the longest-held hostage in U.S. history.

commitment of advocates and the U.S. government to support affected families by streamlining the hostage enterprise's response to hostage-takings and wrongful detentions has been reflected by the number of passed and proposed pieces of legislation.

The National Defense Authorization Act for fiscal year 2024, for instance, mandated the provision of travel funding for family members of unlawfully or wrongfully detained individuals to facilitate meetings with officials in Washington, D.C. until 2027.¹² Moreover, the Supporting Americans Wrongfully or Unlawfully Detained Abroad Act,¹³ introduced in both the House and Senate, seeks to provide travel cost assistance, including airfare and lodging, enabling families to advocate effectively for their loved ones in Washington.¹⁴ Most recently, the Stop Tax Penalties on American Hostages Act of 2024, was introduced to amend the Internal Revenue Code of 1986 to postpone tax deadlines and reimburse paid late fees for U.S. nationals who are wrongfully detained or held hostage abroad.¹⁵

Executive branch action has continued as well. In July 2022, President Biden issued EO 14078, "Bolstering Efforts to Bring Hostages and Wrongfully Detained United States Nationals Home," to both strengthen efforts to bring home hostages and wrongful detainees and to address the omission of unlawful or wrongful detainees in PPD-30 and EO 13698.¹⁶ In addition, EO 14078 expanded the range of tools available to deter and disrupt hostage-taking and wrongful detentions, introducing new measures to impose costs on terrorist organizations,

criminal groups, and other malicious actors who engage in such acts for financial, political, or other gains. By addressing these threats, the EO aims to safeguard the integrity of the international political system and enhance the safety of U.S. nationals who travel abroad.

Since 2015, the U.S. hostage enterprise has been shaped by U.S. government engagement and the continued advocacy of a range of actors, including the Foley Foundation. The Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act and EO 14078 underscores the significance of accountability and deterrence in addressing the issue of non-state and state actors holding U.S. nationals hostage or wrongfully detaining them abroad. Continued focus on these issues is critical to maintain this accountability and engagement across government, advocacy, academic, and practitioner communities to develop deterrence mechanisms.

The *Bringing Americans Home* reports, first published in 2019, aim to maintain focus on these critical issues. This report presents insights gathered from former hostages, wrongful detainees, their families, and current family members of hostages and wrongful detainees. It shares their perspectives on how to improve specific areas within the U.S. hostage enterprise and where the U.S. government can enhance deterrence and accountability measures against non-state and state actors detaining and holding U.S. nationals. The purpose of this report is to further the dialogue on these important topics and help bring Americans home.

DEFINITIONS AND METHODOLOGY

DEFINITIONS

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

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

The Foley Foundation excludes criminal groups from its dataset, despite their classification as non-state actors, based on two specific reasons. First, criminal kidnappings are generally resolved quickly, oftentimes without the assistance of the U.S. government, and rarely include the types of political demands that typify the hostage-takings considered here. Second, while there are some

exceptions, the resolutions of these cases are often kept private and remain unreported in the open source, preventing the Foley Foundation from obtaining a representative sample.

When a U.S. national is held by a state actor, i.e., a foreign government, the Foley Foundation includes cases where the detention is considered unlawful or wrongful based on criteria found in the Robert Levinson Hostage-Recovery and Hostage-Taking Accountability Act.¹⁸ The Foley Foundation includes cases in which a foreign government acknowledges that it has detained a U.S. national and considers it wrongful if:

1. "U.S. officials receive or possess credible information indicating innocence of the detained individual;
2. The individual is being detained solely or substantially because he or she is a U.S. national;
3. The individual is being detained solely or substantially to influence U.S. government policy or to secure economic or political concessions from the U.S. government;

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



METHODOLOGY

The first section of this report is based on a compilation of datasets from the Foley Foundation, the Combating Terrorism Center (CTC),²⁰ and from a list of private cases, hereby collectively referred to as the Foley Foundation's dataset for the purpose of this report. The Foley Foundation's dataset comprises 437 U.S. nationals held hostage or wrongfully detained overseas between 2001 and 2024.^b

This collective dataset was examined to ensure that all cases met the Foley Foundation's requirements for inclusion and were updated to reflect changes in the cases. Hostage cases, as discussed in the definitions above, involved the abduction of U.S. nationals by non-state actors,^c including militant groups, some designated as terrorists by the U.S. government, tribal actors, groups engaged in piracy, and unknown captors.^d

The dataset encompassing wrongful detentions was compiled by the Foley Foundation through meticulous

open-source research and individual interactions with families whose cases remain out of the public eye due to sensitivity concerns. To ascertain the wrongful nature of detentions, the Foley Foundation adhered to the criteria outlined in the Robert Levinson Hostage-Recovery and Hostage-Taking Accountability Act, as discussed previously.

The second section of this report is based on a series of 62 interviews with individuals personally connected to a case in which a U.S. national was held hostage or wrongfully detained, hereafter referred to as participants. Interviews with hostages, wrongful detainees, and their families consisted of a series of questions focused on thematic areas drawn directly from PPD-30 to provide a qualitative understanding of the experiences of hostages, wrongful detainees, and their families. Each interview also included a quantitative assessment of the effectiveness of PPD-30 by assigning a numerical value indicating the degree

b For the purpose of the *Bringing Americans Home* 2024 report, data collection and updating for the Foley Foundation's dataset was closed on May 31, 2024.

c For the purposes of this report, abductions by Ansarallah, also known as the Houthis, have remained classified as hostage cases. While the general takeover of Yemen by the Houthis in 2015 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 the Houthis limiting diplomatic engagement, making negotiations between states more challenging. 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.

d 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.



Family of Emad Shargi held captive by Iran | Photo courtesy of Diane Foley

to which each participant agreed or disagreed with a variety of statements asked during the interview process. The Foley Foundation sought to ensure confidentiality throughout the interview process. In an attempt to prevent bias and to protect the identity of participants, the author assigned a random six-digit number to each case and permanently discarded each participant's name. Analysis of each case was then carried out using the random six-digit number.

LIMITATIONS

Studies examining hostage-taking and wrongful detentions are inherently complicated and studies involving family members require additional consideration. Like the previous *Bringing Americans Home* reports, a challenge of this study was obtaining responses for each question asked during the interview process. In some instances, not all questions were applicable to each participant's



Douglas Levinson, David Levinson, and Benjamin Gray | Photo courtesy of Diane Foley

experiences. In other cases, it was difficult to obtain a response to all of the questions because of the emotional impact the interview was having on the participant. The Foley Foundation put the safety and emotional needs of the participants above its ability to glean information from the participant's difficult experiences. For example, participants were encouraged to refrain from answering questions that made them uncomfortable. In some instances, interviews were shortened, or questions were omitted at the interviewer's discretion if the participant showed signs of increased anger, stress, and/or anxiety. It was not the intent of the interviewer for the participant to relive traumatic events, but to allow each participant to be heard.

Another limitation of this report results from giving anonymity to the participants. All sources agreed to be interviewed on the condition they remain confidential. Specific dates and locations of interviews have been omitted from the quotes contained in the second section of this report.

The Foley Foundation's efforts to maintain confidentiality have some

drawbacks. The reader may not have a clear understanding of the full context of the issues discussed. In addition, providing feedback from only anonymous sources may leave the reader questioning the author's ability to access the most credible sources and to provide the most accurate and timely information. This places an added responsibility on the author to select sources with utmost care, all while seeking additional sources with similar high-level positions to gain well-rounded perspectives. Information from interviews was verified with other sources, further corroborating an accurate representation of the information gathered.

On the other hand, protecting a source's identity has many benefits. It encourages candor, protects participant's loved ones held in captivity, and allows participants to advocate for hostages or wrongful detainees without the fear of repercussions from the U.S. government. Understanding these challenges, Foley erred on the side of protecting the identities of hostages, wrongful detainees, and their families to encourage them to speak freely.

INTERVIEWED PARTICIPANTS

Of the 62 participants interviewed for this report, 50 were associated with a specific hostage or wrongful detention case. The remaining 12 interviews were conducted with current or former U.S. officials.

Of the individuals associated with a specific hostage or wrongful detention case, 12 participants were either former hostages or wrongful detainees, seven were family representatives, three were advocates, three were practitioners, and 25 were family members of current or former

hostages and wrongful detainees (Table 1).

In total, this study represents 27 individual hostage and wrongful detention cases: nine hostage cases and 18 wrongful detention cases.

The cases analyzed span from mid-2000s to the present, with specific dates omitted to safeguard participant confidentiality. Among the 27 cases examined, 12 were ongoing at the time of the interview, involving loved ones currently held hostage or wrongfully detained.

Table 1
INTERVIEWED PARTICIPANTS BY TYPE OF CASE AND CONNECTION TO CASE

Interviewed Participants	Total
Former Hostages and Wrongful Detainees	12
Family Members	25
Family Representatives	7
Hostage and Wrongful Detainee Advocates	3
Practitioners	3
Current or Former U.S. Officials	12

SECTION 1

U.S. NATIONAL HOSTAGE-TAKING AND WRONGFUL DETENTION LANDSCAPE, 2023-2024^e

Navigating the complexities of hostage-taking and wrongful detentions of U.S. nationals abroad presents formidable challenges, as these situations often involve attempts to influence U.S. policy. Such actions pose extraordinary threats to the United States' national security, foreign policy, and economy.²¹ Resolving these crises without yielding to the demands of foreign governments or terrorists and militant groups is an arduous task requiring concerted efforts and strategic responses.²² Continued advocacy for the safe return of U.S. nationals necessitates an ongoing review of the events shaping the current landscape of hostage-taking and wrongful detainee situations over the past year. This includes

analyzing geopolitical shifts, diplomatic efforts, U.S. government responses, and the evolving tactics of hostile actors to improve outcomes.

This section serves as an update to the *Bringing Americans Home* reports of 2022 and 2023, extending the empirical analysis of U.S. nationals held hostage or wrongfully detained abroad since 2001. It examines a database comprising 437 cases involving U.S. nationals held overseas as either hostages or wrongful detainees. Additionally, it aims to offer insights into the factors shaping the landscape of hostage situations and wrongful detentions between January 1, 2023, to May 31, 2024.

^e The data analysis, discussions, and conclusions were drawn from the period spanning January 1, 2023, to May 31, 2024.

CURRENT HOSTAGE AND WRONGFUL DETAINEE LANDSCAPE

As of the drafting of this report, there were at least 46 U.S. nationals currently held hostage or wrongfully detained across 16 countries (Table 2). Among these cases, 78% were classified as wrongful detentions,^f with the remaining 22% involving hostage or unacknowledged detainee cases (Figure 1).^g

Figure 1

U.S. NATIONALS CURRENTLY HELD HOSTAGE OR WRONGFULLY DETAINED

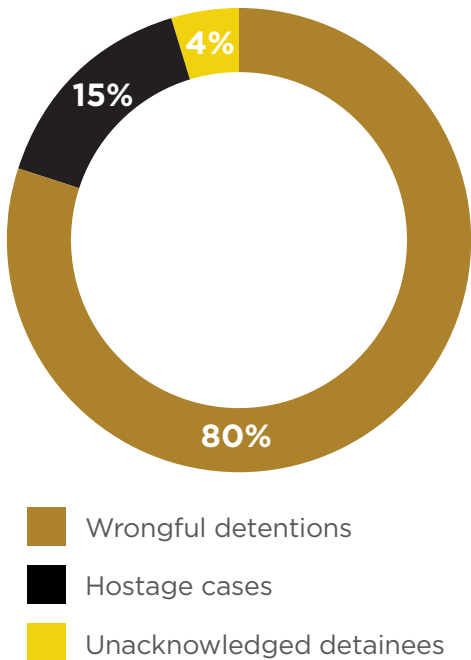


Table 2

COUNTRIES CURRENTLY HOLDING U.S NATIONALS

Country/Territory Name
Afghanistan
Belarus
Cambodia
China
Cuba
Egypt
Eritrea
Iran
Palestinian Territory - Gaza
Pakistan
Russia
Saudi Arabia
Syria
Turkey
UAE
Yemen

Moreover, 20% of the current cases involve U.S. nationals who were previously wrongfully detained and are now subject to travel bans, thereby limiting their freedom of movement, and preventing them from leaving the countries where they are unjustly detained. The average duration of captivity for all 46 cases was slightly over five years, with six cases enduring over 11 years.

f Not all cases have been classified by the U.S. government as wrongful detentions and the precise number of wrongful detainees remains unknown.

g This number includes cases where a U.S. national is held by a foreign government without formal acknowledgment, referred to by the U.S. government as “unacknowledged detainees.” These unacknowledged cases are treated as hostage cases by the U.S. government.

46

AMERICAN NATIONALS KNOWN TO BE HELD CAPTIVE UNJUSTLY IN 16 COUNTRIES; IMPRISONED ON AVERAGE JUST OVER 5 YEARS

U.S. NATIONAL HOSTAGE-TAKINGS OVER TIME

Since the last *Bringing Americans Home* report, where data collection ended on July 31, 2023, significant developments have unfolded and reshaped the hostage-taking landscape. Since then, Hamas and the Taliban have kidnapped a combined total of 13 U.S. nationals. Tragically, three U.S. nationals who were kidnapped by Hamas, and were categorized as hostage cases by the Israeli and U.S. governments, lost their lives during the hostage-taking incident, while five other U.S. nationals were released.

Examining hostage cases from January 1, 2001, terrorist organizations, pirates, and militant groups abroad have kidnapped approximately 227 U.S. nationals (Figure 2, next page).^{h,i} Since the release of the *Bringing Americans Home* 2023 report, the number of U.S. nationals who remain in captivity increased from seven to 12 people. Additionally, six U.S. nationals have been released in 2023 and 2024. Importantly, the remains of the three U.S. nationals who lost their lives during the kidnapping event led by Hamas on October 7 are still held by the terrorist group, leaving their cases unresolved.

^h This dataset includes instances where a U.S. national is detained by a foreign government without formal acknowledgment, termed by the U.S. government as “unacknowledged detainees.” Within the U.S. government, unacknowledged detainees are treated and managed as hostage cases.

ⁱ For a more comprehensive breakdown of Figure 3, see *Bringing Americans Home* 2022 pg. 17-19 and *Bringing Americans Home* 2023 pg. 29-30.

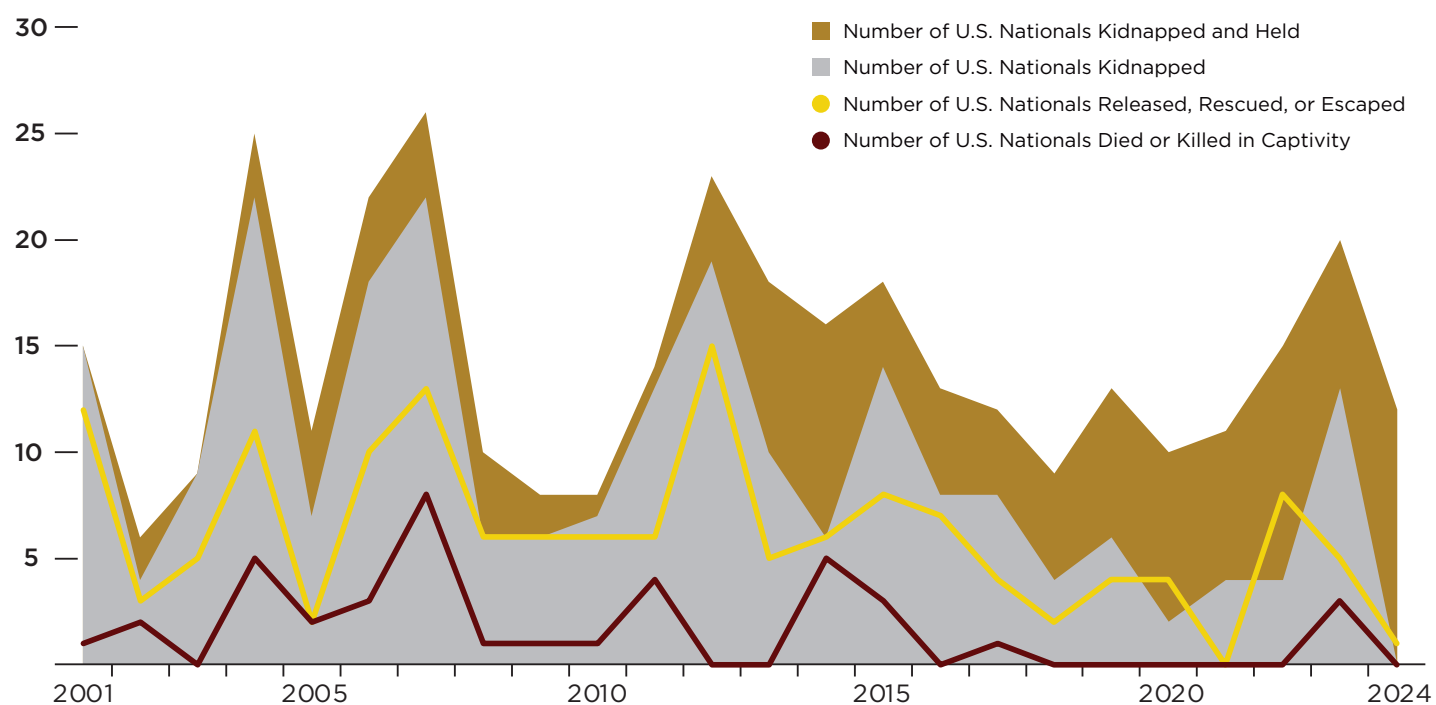
According to the Foley Foundation’s dataset, the top 10 countries or territories responsible for kidnapping U.S. nationals since 2001 are Iraq, Nigeria, the Palestinian Territories, Yemen, Afghanistan, Syria, Colombia, Pakistan, the Philippines, and Egypt. Combined, these countries or territories account for 85% of all cases involving U.S. nationals taken hostage overseas (Table 3, next page).^k From 2001 to 2011, 129 (57%) U.S. nationals were kidnapped, with the peak occurring in 2007. Subsequently, from 2012 to 2022, 85 (37%) U.S. nationals

were abducted, with the highest number during that decade recorded in 2012. In 2023 to current, 13 (6%) of all hostage cases occurred (Figure 2).

While kidnappings increased over the past year, hostage-takings have remained largely cyclical (Figure 2).^{l,23} In 2004, 20 U.S. nationals were kidnapped in Iraq after the Iraq War began on March 20, 2003, when the United States, along with other coalition forces, initiated military operations against Iraq. This surge of kidnappings was driven mostly by

Figure 2

U.S. NATIONALS KIDNAPPED AND HELD HOSTAGE (2001-2024)^j



^j Figure 2 provides a snapshot of U.S. nationals held hostage from January 1, 2001 – May 31, 2024.

^k For comparison, see Figure 6, “Top Countries Where U.S. Nationals Have Been Taken Hostage,” in the *Bringing Americans Home* 2022 report, pg. 21.

^m For an additional breakdown of hostage-taking occurrences see Section 1, “U.S. National Hostage-Takings,” in the *Bringing Americans Home* 2022 report, pg. 17 – 28.

Table 3**TOP COUNTRIES WHERE
U.S. NATIONALS HAVE BEEN
TAKEN HOSTAGE**

Country kidnapped/Held	Number of U.S. Nationals Kidnapped
Iraq	52
Nigeria	34
Palestinian Territory	22
Yemen	20
Afghanistan	18
Syria	14
Colombia	11
Pakistan	8
Philippines	7
Egypt	6

a series of deadly kidnappings and executions led by Jama'at al-Tawhid wal-Jihad (JTJ), which later became al-Qaeda in Iraq (AQI), and by Iraqi militant groups, which included Iraq Shia-aligned militant groups.^m Another wave of kidnappings occurred from 2006 to 2007, during which U.S. nationals were kidnapped by militant groups in Nigeria, including the Movement for the Emancipation of the Niger Delta (MEND), militant groups in the Palestinian Territories such as the Mujahedeen of Jerusalem Company, and groups like Asa'ib Ahl al-Haq (AAH) and the Mujahideen Shura Council in Iraq. Overall, the majority of kidnappings in 2004, 2006, and 2007 happened in Iraq and Nigeria.

A third wave of abductions occurred in 2012 and continued until 2015 with the majority in Syria and Yemen, accounting for 20 kidnappings of U.S. nationals during that three-year timeframe. The majority of kidnappings in Syria were conducted by ISIS and by al-Nusra Front,ⁿ while tribal groups, like the Houthis, and AQAP, were involved in abducting U.S. nationals in Yemen. Overall, the Houthis were responsible for the majority of kidnappings within Yemen, with the peak involving U.S. nationals in 2015, coinciding with the Houthi takeover of Yemen's capital, Sanaa, and the subsequent expansion of their territorial control.

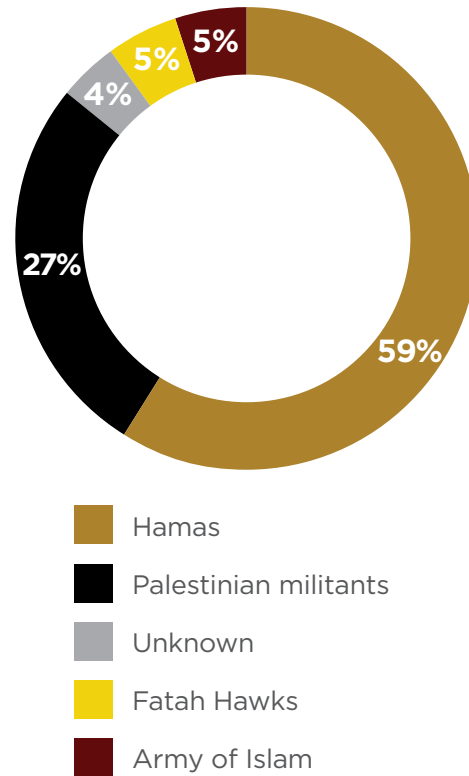
m JTJ led by Abu Musab al-Zarqawi merged with al-Qaeda in 2004 to form ISIS's predecessor group, al-Qaeda in Iraq (AQI). Later, in 2010, Abu Bakr al-Baghdadi took over the group, expanding its operations into eastern Syria by 2011. In 2013, AQI changed its name to ISIS, and in 2014, it separated from al-Qaeda, declared itself a caliphate, and gained control over significant territories in Iraq and Syria. Despite being ejected from its last stronghold in Syria by an international coalition in 2019, ISIS continues to operate clandestinely in both countries. Although it has lost leaders and territory, ISIS remains capable of conducting insurgent operations in Iraq and Syria, and it oversees at least 19 branches and networks in Africa, Asia, and Europe.

n The Syrian jihadist group, Jabhat al-Nusra severed its ties with al-Qaeda and changed its name to Jabhat Fath al-Sham in 2016 and changed its name to Hay'at Tahrir al-Sham in 2018.

The fourth wave of abductions occurred in 2023 and was conducted by Hamas (see *Hostage-Taking by Hamas* below for more information). According to the Foley Foundation's dataset, the Palestinian Territories are now the third leading country, in this case a territory, where U.S. nationals have been taken or held hostage. Since 2001, 22 U.S. nationals have been kidnapped and/or held hostage there. Hamas accounts for the majority of these cases (59%), with Palestinian Militants (27%), Fatah Hawks (5%), Army of Islam (5%), and unknown kidnappers in another instance holding U.S. nationals hostage (Figure 3). Despite being responsible for the majority of U.S. national kidnappings in the Palestinian Territories, Hamas was not involved in any abductions from 2001 to 2007. The first publicly known kidnapping of a U.S. national by Hamas occurred in 2014. The majority of U.S. nationals held by Hamas in the Palestinian Territories were kidnapped in the October 7 attacks.

Figure 3

**U.S. NATIONALS KIDNAPPED
IN THE PALESTINIAN TERRITORIES
(2001-2024)**



The recent kidnappings underscore the persistent threat of hostage-taking faced by U.S. nationals abroad. The increase in the number of hostages since the previous *Bringing Americans Home* 2023 report underscores the cyclical nature of hostage-takings and highlights how important it is for the U.S. government to be quick to respond to this evolving threat. While it is positive to note the release of five U.S. nationals held hostage in Gaza and Afghanistan, the loss of three Americans lives serves as a stark reminder of the dangers involved.

Additionally, the emergence of Hamas as a prominent player in hostage-taking underscores the need to remain vigilant regarding terrorist activities, even as the U.S. government shifts its focus and resources toward great power competition. As shown by the events on October 7, the impact of hostage-taking events is long-lasting and devastating. As we strive for the safe return of those currently held hostage, it's imperative to remain proactive in addressing this complex challenge.

○ Figure 3 provides a snapshot of U.S. nationals held hostage in the Palestinian Territories from January 1, 2001 – May 31, 2024.

Hostage-Takings by Hamas

On October 7, 2023, the coordinated efforts of Hamas militants, along with members of Palestinian Islamic Jihad (PIJ) and other foreign terrorist organizations (FTOs),²⁴ resulted in the third deadliest terrorist attack in recent history.²⁵ This heinous act claimed the lives of approximately 1,200 Israelis, foreign nationals and at least 35 U.S. citizens.²⁶ Furthermore, Hamas militants abducted 253 hostages of a variety of nationalities.²⁷ The attack and subsequent hostage-taking prompted Israel to launch a military campaign in Gaza aimed at dismantling Hamas and securing the release of the hostages.²⁸

Background on Hamas

Founded in 1987, Hamas, also known as Harakat al-Muqawwama al-Islamiyya or the “Islamic Resistance Movement,” originated from the Palestinian branch of the Muslim Brotherhood.²⁹ Initially emerging as a socio-political movement, Hamas rapidly gained popularity among Palestinians by providing extensive social services.³⁰

Designated as an FTO by the United States, as well as in multiple countries such as Israel and the European Union, Hamas adheres to an ideological framework rooted in its ties to the Muslim Brotherhood.³¹ It prioritizes its commitment to Palestine, nationalism, and adherence to Islamic law (sharia).³² Rejecting diplomatic engagement with Israel, Hamas asserts that its objectives—namely, the complete dismantling of Israel and the establishment of an Islamist state in Palestine—can only be achieved through jihad.³³

According to its charter, Hamas firmly believes that Palestine is an Islamic *Waqf* (Trust) for all Muslims until the Day of Resurrection.³⁴ Therefore, relinquishing any part of their land cannot be sanctioned by any Arab state, leader, or organization, as the land is considered a perpetual Islamic *Waqf* for all generations.³⁵ Hamas perceives its actions as part of a longstanding struggle against the Israeli population, dating back to 1936.³⁶ This narrative extends to subsequent episodes, including the efforts of Palestinians and the Muslim Brotherhood in 1948, as well as the Brotherhood’s operations in 1968.³⁷ Emphasizing the perpetual nature of this conflict, Hamas states, “Our battle with the Jews is long and dangerous, requiring unwavering dedication.”³⁸ Additionally, Hamas asserts that it is “obligatory for every Muslim” to engage in jihad to uphold Palestinian ownership.³⁹

Current Challenges

As of the writing of this report, 116 hostages, primarily Israeli citizens and dual nationals, remain held captive by Hamas in Gaza.⁴⁰ The Israeli government reported 42 of the remaining hostages have died in captivity. This includes three U.S. nationals where their remains are still being held by Hamas terrorists in Gaza. However, the number of hostages presumed to have died in captivity is estimated to be much higher.⁴¹ A U.S. official reported that the number of hostages who may still be alive could be as low as 50, which includes five U.S. nationals.⁴² Adding to this catastrophe, Hamas spokesman, Osama Hamdan, recently stated

that Hamas did not know how many hostages were still alive.⁴³

Two weeks after the attack, four hostages were released, including two U.S. and Israeli dual nationals residing in the United States.⁴⁴ In November 2023, Hamas and Israel entered into a week-long ceasefire where 105 hostages were released. Of the hostages released, 81 were Israeli nationals, including two U.S. nationals with dual citizenship, were released in exchange for 240 Palestinian prisoners.⁴⁵ Releases on both sides were primarily women and children. Separate negotiations between Hamas and Thailand resulted in the release of three Russian-Israelis, 23 Thai hostages and one Filipino. Negotiations involving the United States, Egypt, and Qatar to persuade both Israel and Hamas to secure a ceasefire and hostage-prisoner exchange are ongoing.⁴⁶

In addition to the releases, seven Israelis have been rescued from captivity through Israel Defense Forces (IDF) hostage rescue operations. This includes the rescue of one IDF soldier on October 29, 2023, and two Israeli-Argentine citizens rescued in February 2024 during a raid in Rafah.⁴⁷ An additional four Israeli hostages were rescued during an operation that occurred on June 8 in the Nuseirat refugee camp in Gaza.⁴⁸ In addition, there have been multiple operations where the remains of hostages have been recovered.⁴⁹

The scope of the challenges for the families of U.S. nationals held by Hamas are immense. In the midst of the ongoing conflict, the stances of Israel and Hamas will largely determine the outcome of the hostage crisis, but



Benjamin Gray and Diane Foley | Photo courtesy of Benjamin Gray

neither is willing to negotiate on core solutions.⁵⁰ Hamas has increasingly tied the resolution of the hostage crisis to a permanent ceasefire in Gaza that would leave Hamas in control there.⁵¹ For many Israeli leaders, whose war aims include the removal of Hamas from power, this is an unpalatable solution.⁵²

A U.S.-led hostage rescue operation to secure the freedom of U.S. nationals is similarly difficult. Conducting hostage rescues in the midst of an ongoing conflict makes already complicated operations even more challenging. Intelligence pinpointing the location of



Returned American captives at Georgetown Mural vigil for remaining captives | Photo courtesy of Diane Foley

the hostages is likely difficult to obtain and is further challenged by the fact that hostages have been dispersed among Hamas aligned militant groups. For example, in October 2023, PIJ announced that they were holding over 30 hostages in Gaza,⁵³ while Israel reported that Hamas had transferred some of its hostages to other groups.⁵⁴ U.S. special operations forces are currently providing support for “intelligence and planning” with Israeli forces but have not been involved in operations.⁵⁵ Even if these challenges were resolved, the introduction of U.S. military forces into the conflict — regardless of the limited objectives of the operation — is likely to have significant repercussions and unclear second and third order effects in an already volatile region, risking a significant escalation of the conflict.

Furthermore, within the United States, the conflict in Gaza has become politically polarizing. This makes it

challenging for families seeking to raise awareness of their loved ones’ plights and has the potential to reduce the appetite of political leaders to prioritize the issue.

The current hostage crisis in Gaza underscores the urgent need for diplomatic intervention and efforts to secure their release. With negotiations ongoing, there is hope for a cessation of hostilities and an opportunity to bring an end to the suffering endured by these individuals and their families. However, the broader context of Hamas’s ideological agenda, aimed at the dismantling of Israel and the establishment of an Islamist state in Palestine, highlights the complex challenges that persist in the region. As efforts for diplomatic resolutions continue, it is imperative for the international community to prioritize peace-building initiatives and support measures that promote stability and security for all parties involved.

Hostage-Takings in Afghanistan^p

Since the release of *Bringing Americans Home* 2023, the Taliban has continued to detain U.S. nationals. Since 2001, the Taliban has been responsible for kidnapping or wrongfully detaining at least 14 U.S. nationals. During that time, the Taliban and the Haqqani Network together have held at least 20 U.S. nationals, in addition to many other Western hostages. Overall, the Taliban has been responsible for 70% of the hostage cases represented in the Foley Foundation dataset.

On February 29, 2020, the United States and the Taliban signed the Doha Agreement where the two parties agreed upon: the withdrawal of U.S. and NATO troops from Afghanistan, the Taliban's agreement to prevent terrorist groups from using Afghan soil to threaten U.S. security, the initiation of intra-Afghan negotiations, a commitment not to attack U.S. forces once the agreement was signed, a ceasefire, and the facilitation of the release of prisoners by both sides as a confidence-building measure.⁵⁶ In May 2021, the U.S. announced it would fully withdraw troops by September 11, 2021.⁵⁷ That August, the internationally recognized Islamic Republic of Afghanistan, under the leadership of President Ashraf Ghani, collapsed in the face of Taliban advances, as U.S. troops rapidly exited the country.⁵⁸ Since then, the United States has since adopted a stance of pragmatic engagement in Afghanistan, though it has not recognized the Taliban as the official government of Afghanistan.⁵⁹

The Department of State established the Afghanistan Affairs Unit (AAU) in Doha, Qatar, in February 2022. The AAU now serves as the primary diplomatic mission to Afghanistan, overseeing consular affairs, humanitarian assistance, and coordination efforts with allies, partners, and stakeholders. Qatar has been designated as the United States' protecting power in Afghanistan since December 2021, providing consular services to U.S. citizens in the country.⁶⁰

However, amidst the evolving political landscape in Afghanistan, the United States faces significant challenges regarding the detention of its nationals by the Taliban-led regime. The majority of U.S. nationals who are held by the Taliban have been held for two years. Securing their release has been complicated by the absence of bilateral diplomatic relations between the U.S. and the Taliban and the challenges of attempting to negotiate with a totalitarian regime whose government is not well functioning. The Taliban's continued maintenance of close ties with al-Qaeda is also a significant hinderance, as is the fact that Taliban factions may have different perspectives on how to engage with the West.⁶¹

The challenges posed by hostage-taking and wrongful detentions of U.S. nationals abroad remain significant and multifaceted, with far-reaching implications for national security. Addressing these crises demands a strategic and concerted effort to navigate complex geopolitical dynamics while upholding principles of justice and safeguarding the well-being of affected U.S. nationals.

^p This subsection includes two cases involving two wrongful detainees held in Afghanistan.

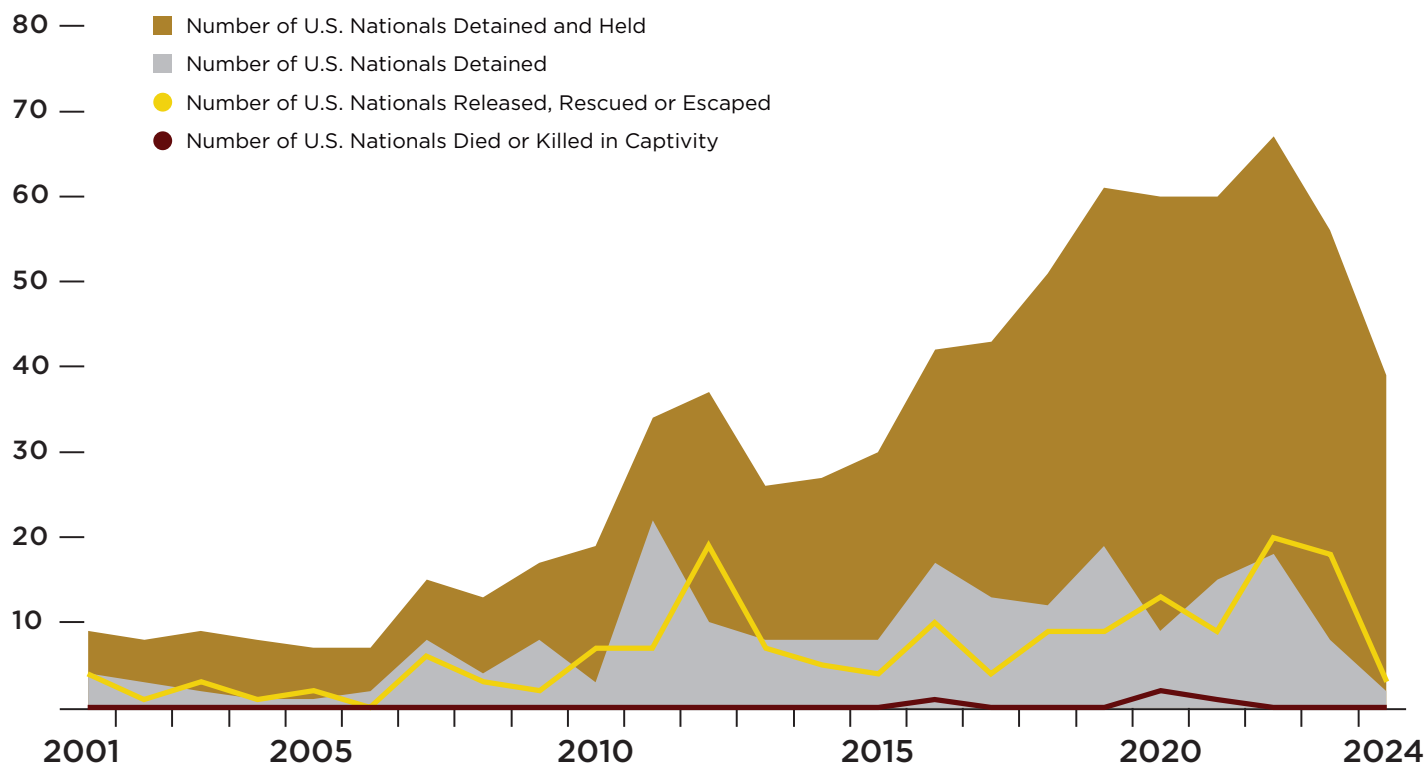
U.S. NATIONAL WRONGFUL DETENTIONS

Since 2012, there has been a significant increase in the number of U.S. nationals wrongfully detained and held each year. However, after steadily increasing year after year, in 2022 the number of U.S. nationals detained and held each year began to significantly decrease. In 2022, the number of U.S. nationals detained and held decreased from 67 to 56 people, and from January 1, 2023, to May 31, 2024, the number again decreased from 56 to 39 U.S.

nationals. Overall, there has been a 42% decrease in the number of U.S. nationals detained and held since 2022 (Figure 4). The bulk of this decline is attributed to the significant number of wrongful detainee releases that have occurred since January 1, 2023 (21) (Figure 4), outpacing the number of new detentions. Since January 1, 2021, 50 wrongfully detained U.S. nationals have been released from captivity, according to the Foley Foundation dataset (Figure 4).

Figure 4

U.S. NATIONALS WRONGFULLY DETAINED AND HELD (2001-2024)^q



^q Figure 4 provides a snapshot of U.S. nationals wrongfully detained from January 1, 2001 – April 1, 2024.

Outcome of U.S. Nationals Wrongfully Detained

The average length of detention for the 21 U.S. nationals released between January 1, 2023, and May 1, 2024, was three years, spanning seven different countries. Among these releases, 10 instances involved diplomatic engagements, while another nine involved diplomatic efforts combined with third-party interventions. Additionally, two other releases resulted from either congressional engagement or third-party intervention alone (Figure 5).

Similar to the *Bringing Americans Home* 2023 report, the majority of known outcomes for wrongful detention cases involved prisoner exchanges, accounting for 14 (67%) of the 21 releases. Six of the 14 prisoner exchanges included monetary concessions purposed for humanitarian needs (see “Wrongful Detentions in Iran” section below). The remaining cases resulted in four humanitarian releases, while the outcomes for three other cases remained unknown (Figure 6).

There are concerns that the release of prisoners associated with the release of U.S. nationals wrongfully detained will result in more wrongful detentions. While wrongful detentions in Russia have continued, there has been no significant upward trend since 2022.⁶² Thus far, despite prisoner releases, Iran and Venezuela have not wrongfully detained more Americans. It is unclear whether this trend will continue, as it

Figure 5

ENGAGEMENT METHODS USED TO SECURE RELEASE OF U.S. NATIONALS WRONGFULLY DETAINED (2023-2024)^r

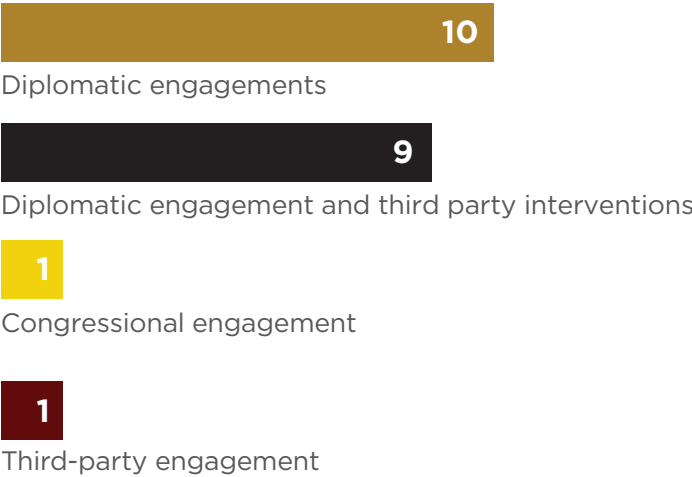
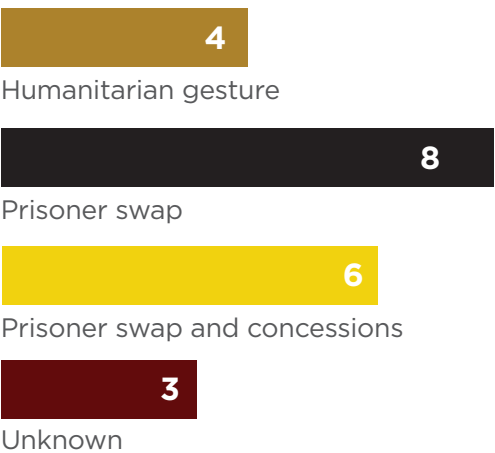


Figure 6

OUTCOME DETAILS OF U.S. NATIONAL WRONGFUL DETENTION RELEASES (2001-2024)



^r The data analyzed in this section was evaluated from January 1, 2023 to May 31, 2024.

is likely driven by broader geopolitical trends. Iranian decision-making may be driven by a desire not to stoke the already high tensions with the U.S. and as addressed in the discussion on Venezuela, the replacement of sanctions and approaching Venezuelan elections may shift the political calculus in that country as well.

Overall, the data shows a significant decrease in the number of U.S. nationals wrongfully detained between January 2023 and May 2024. The three-year average detention of those released from seven countries during this timeframe underscores the prolonged ordeal these individuals faced. Moreover, the diverse strategies employed for their release, ranging from diplomatic efforts to third-party interventions, reflect the complex landscape of international negotiations in such cases. The prevalence of prisoner exchanges as the primary outcome mirrors patterns observed in previous reports, highlighting the challenging dynamics of resolving wrongful detention cases. While some cases culminated in humanitarian releases, the rationale for or tools used to secure the release of the remainder are uncertain. These findings highlight the continued importance of diplomatic engagement, third-party advocacy, and sustained efforts to address wrongful detentions and secure the release of U.S. nationals unjustly held abroad.

Geographic Trends in U.S. National Wrongful Detentions

The majority of wrongful detainee cases (64%) in 2023 were in China, Iran, Russia, and Venezuela. However, at the time this report was written, the number of wrongful detainees in these countries had sharply declined. Currently, there are no known U.S. nationals held in Venezuela. However, there is one U.S. national who the Foley Foundation classified as wrongfully detained in Iran.⁵ In contrast, China and Russia now account for 53% of the current wrongful detention cases involving U.S. nationals.

The remaining countries continue to wrongfully detain U.S. nationals, some of whom are under travel or exit bans. The affected U.S. nationals are currently held in Afghanistan, Belarus, Cambodia, Cuba, Eritrea, Pakistan, Saudi Arabia, Turkey, and the United Arab Emirates.

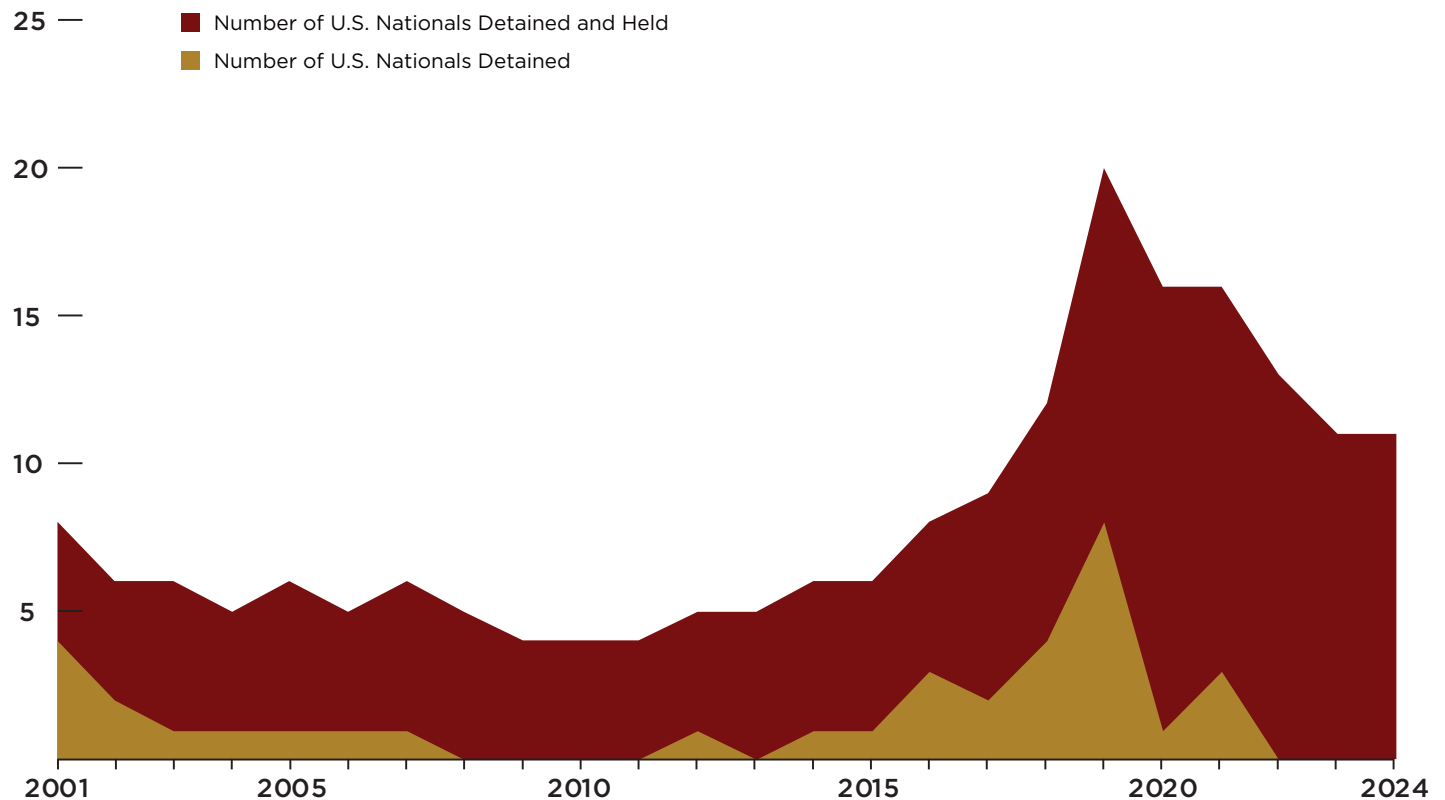
Wrongful Detentions of U.S. Nationals in China

Despite the absence of new public wrongful detentions of U.S. nationals in China from 2022 to 2024, China still remains the leading country in wrongfully detaining U.S. nationals, as indicated by the Foley Foundation dataset. While Foley has identified at

⁵ As determined by the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, the Secretary of State has the legal authority to officially designate a detention as unlawful or wrongful. However, using the same criteria outlined in the Levinson Act, the Foley Foundation makes its own wrongful detention assessment. The Foley Foundation's assessments do not carry any official weight.

Figure 7

NUMBER OF U.S. NATIONALS DETAINED AND HELD IN CHINA (2001-2024)^t



least 11 cases (Figure 7), some human rights organizations estimate that up to 200 U.S. nationals may be at various stages of prosecution.⁶³ This uncertainty stems from underreporting, a reluctance to attract publicity, and China’s practice of using exit bans to prevent foreigners from leaving the country without formal detention.

While the Foley Foundation recognizes 11 U.S. nationals as wrongfully detained (including those under exit bans), the U.S. government has officially designated only three U.S. nationals as such. Among these cases, the average length of detention

is 12.5 years, with durations ranging from almost eight to 18 years.

Securing the release of wrongfully detained U.S. nationals in China remains a formidable challenge for the United States. According to data from the Foley Foundation dataset covering 2001 to May 31, 2024, the average duration of detention in China is eight years. Among the current wrongful detention cases, the average duration of detention in China is nine years, ranging from seven to 22 years. The most recent public release of a U.S. national from China occurred in 2022.

^t Data is from January 1, 2001 to May 31, 2024.



78%

**NEARLY 8 IN 10
U.S. NATIONAL
CAPTIVES
ARE WRONGFUL
DETAINED
BY FOREIGN
GOVERNMENTS**

The U.S. has predominantly relied on diplomatic engagements to address wrongful detention and exit ban cases in China. President Biden underscored the importance of resolving these cases during discussions with Chinese President Xi Jinping in November 2023 and in a subsequent phone call in April 2024, although specific cases were not mentioned on either occasion.⁶⁴ In March 2023, U.S. Ambassador to China Nicholas Burns met with three U.S. nationals wrongfully detained,⁶⁵ and in April 2024, Secretary of State Antony Blinken raised their cases during a visit with President Xi during his visit to China.⁶⁶ Secretary Blinken emphasized the plight of the three Americans designated as wrongfully detained and those subject to exit bans, declaring, “President Biden and I will not rest until they’re back with their families where they belong.”⁶⁷ Despite engaging in prisoner swaps with other countries, the U.S. has rarely done so with China and has not yet imposed sanctions under EO 14078 against China for wrongful detentions.

The wrongful detention of U.S. nationals in China remains a significant challenge, characterized by complexities in determining the exact number of cases, the prolonged duration of detentions, and the limited progress in securing releases. Despite diplomatic engagements and expressions of commitment from U.S. officials, tangible outcomes in resolving these cases have been limited. Moving forward, it is critical that Secretary of State and POTUS to continue their diplomatic efforts to ensure the safe return of all U.S. nationals unjustly held captive in China.

Wrongful Detentions of U.S. Nationals in Iran

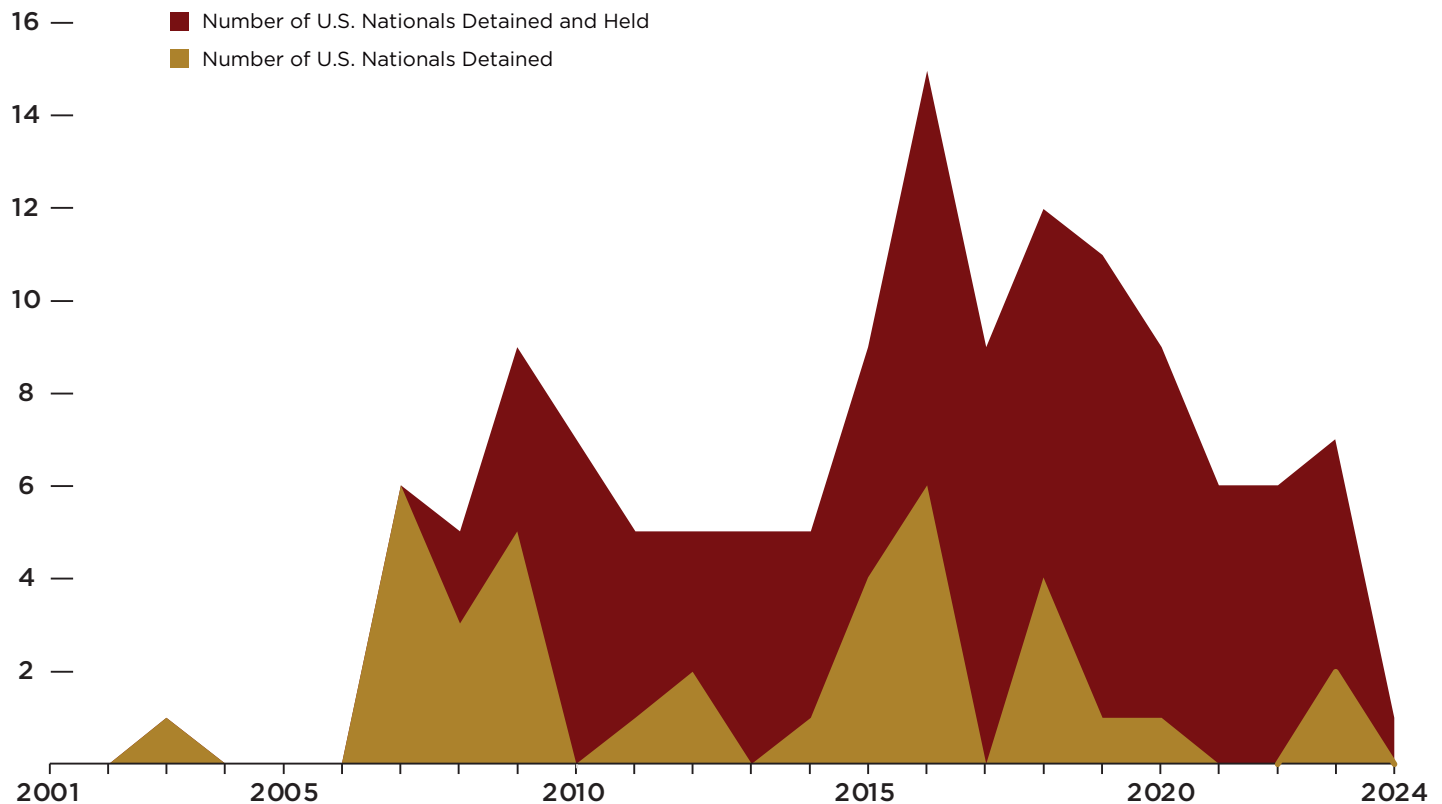
Iran has a long history of wrongfully detaining U.S. nationals for the sole purpose of affecting change in U.S. policy and its national security interests. For the first time since 2007, Iran is holding fewer than five U.S. nationals (Figure 8). Notably, the average number of people held in Iran from 2007-2023, is five U.S. nationals per year. While the U.S. government brought home all U.S. nationals it claimed were wrongful detainees on September 9, 2023, the

Foley Foundation's dataset indicates that another U.S. national is still being wrongfully held.⁶⁸

In a highly controversial move, the United States agreed to unfreeze \$6 billion in Iranian assets and dropped federal charges against five imprisoned Iranians in exchange for the release of five U.S. nationals.⁶⁹ The deal, financed by proceeds from past Iranian oil sales being held in the Republic of Korea, allowed Iranian entities, not the Iranian government, to access the funds with strict conditions ensuring humanitarian use.⁷⁰ U.S. officials stated that the

Figure 8

NUMBER OF U.S. NATIONALS DETAINED AND HELD IN IRAN (2001-2024)^u



^u Data is from January 1, 2001 to May 31, 2024.

funds would be moved to a restricted account in Qatar. Additionally, the funds would be available only for humanitarian needs such as food, medicine, medical devices, and agricultural purposes.⁷¹ A White House official assured the American public that safeguards would be implemented to prevent money laundering or evasion of Asian and U.S. sanctions, and to ensure that none of the funds would reach the Iran government.⁷² Furthermore, if Iran made an attempt to divert or misuse the funds for purposes other than humanitarian aid, the U.S. government would freeze the funds again.⁷³

Weeks later, Hamas launched a deadly terrorist attack against Israel, resulting in the deaths of 1,200 people and the hostage-taking of over 250 individuals.⁷⁴ In response to the attacks, the United States and Qatar swiftly moved to deny Iran access to the \$6 billion.⁷⁵ Additionally, the House passed a bipartisan measure, No Funds for Iranian Terrorism Act, aimed at blocking Iran's access to the \$6 billion. Concerns were raised that despite the funds being earmarked for aid, their fungibility could potentially free up other resources for Iran to support groups like Hamas.⁷⁶

Some believe that the October 7 attack was timed to support Iran's goal of thwarting an Israeli-Saudi peace deal. At the time, Iran had been opposing a normalization agreement between Saudi Arabia and Israel, fearing it could unite the region against its interests.⁷⁷ On October 3, 2023, Iranian Supreme

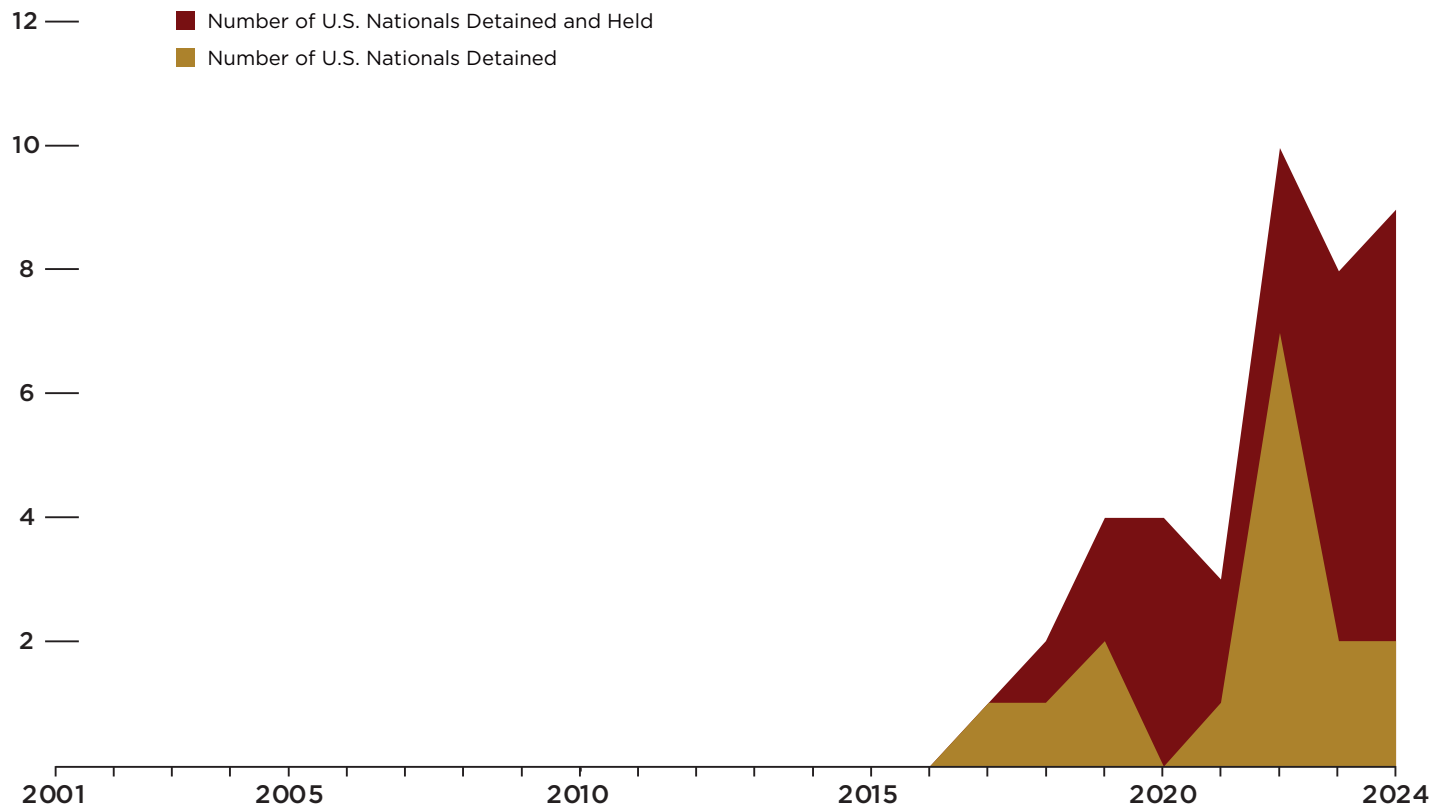
Leader Ali Khamenei warned that countries engaging in normalization with Israel were "betting on a losing horse,"⁷⁸ and would face consequences.⁷⁹ In response, Israeli Prime Minister Benjamin Netanyahu said, "Just as Iran hasn't prevented us from achieving the Abraham Accords,^v Iran will also not prevent us from expanding the circle of peace for the benefit of the citizens of Israel, the people of the region and all of humanity."⁸⁰

The exchange of \$6 billion in Iranian assets for five U.S. nationals, intended strictly for humanitarian purposes, quickly became embroiled in greater controversy following the deadly attack by Hamas on Israel. The attack led the U.S. and Qatar to freeze the released funds, while concerns arose in the United States over the significant concessions made,⁸¹ with one Foley Foundation report participant stating, "1.2 billion per hostage is an exorbitant amount."⁸² Furthermore, Iran's support for Hamas and other militant groups raised suspicions, especially in the wake of the October 7 attack, that the humanitarian aid funding would allow Iran to divert other resources to supporting terrorist groups. Hostage and wrongful detention negotiations and releases continue to be entangled in global conflicts and influenced by the complexities of geopolitical constraints. This ongoing challenge forces the United States to balance the prioritization of repatriating its citizens with broader foreign policy interests.

v The Abraham Accords are a series of normalization agreements between Israel, the United Arab Emirates (UAE), Bahrain, Sudan, and Morocco, brokered by the United States. The accords marked a significant shift in Middle Eastern geopolitics, as they established formal diplomatic relations between Israel and these countries. These agreements aimed to foster economic, cultural, and technological cooperation, representing a move towards peace and stability in the region by encouraging collaboration between former adversaries.

Figure 9

NUMBER OF U.S. NATIONALS DETAINED AND HELD IN RUSSIA (2001-2024)^w



Wrongful Detentions of U.S. Nationals in Russia

Unlike Iran and Venezuela, where the U.S. has achieved significant releases of wrongful detainees, Russia continues to wrongfully detain and hold a large number of U.S. nationals. Russia has increased its use of the tactic since 2022 (Figure 9). From 2007 to 2021, Russia wrongfully detained or held an average of three U.S. nationals per year. Since then, this has increased to nine U.S. nationals per year, representing a 200% rise. While the U.S. government does not currently acknowledge more than two

U.S. nationals wrongfully detained in Russia, the Foley Foundation’s dataset identifies at least seven more people whose detention meets the criteria outlined in the Levinson Act.

In September 2023, the Department of State issued a “Level 4: Do Not Travel” advisory urging U.S. nationals to avoid travel to Russia and advising those already in the country to depart immediately, along with warnings to increase caution due to the risk of wrongful detentions.⁸³ Despite this, U.S. nationals and dual nationals continue to travel to Russia, several of whom who have since been detained.

^w Data is from January 1, 2001 to May 31, 2024.

Being a dual national complicates the process of resolving a case, as Russian authorities may not acknowledge a Russian citizen's other citizenship, thus limiting information, communication, and U.S. access to the detainee.⁸⁴ Furthermore, families reported that Russian authorities have routinely obstructed U.S. consular access to their loved ones' court hearings, increasing more barriers between the United States and Russia.⁸⁵

While the U.S. government has managed to secure the release of certain U.S. nationals in exchange for the freedom of Russian citizens imprisoned in the U.S., Russia persists in the prolonged detention of several U.S. nationals. Despite efforts, the U.S. has struggled to negotiate a comprehensive release of all wrongfully detained American citizens in Russia. This is in part due to the fact that negotiations are complicated by Russian insistence that it is holding U.S. nationals as an "appropriate measure against those who violate its law," while the U.S. has accused Russia of "targeting" U.S. nationals and "using them as political bargaining chips."⁸⁶ Furthermore, the significant exchanges with Iran and Venezuela were done as part of broader efforts to improve relations between the U.S. and those countries. In the case of Russia, the continuing war in Ukraine remains a roadblock to improving U.S.-Russia relations and repealing sanctions and other incentives typically discussed as part of wrongful detainee negotiations would likely not be possible.

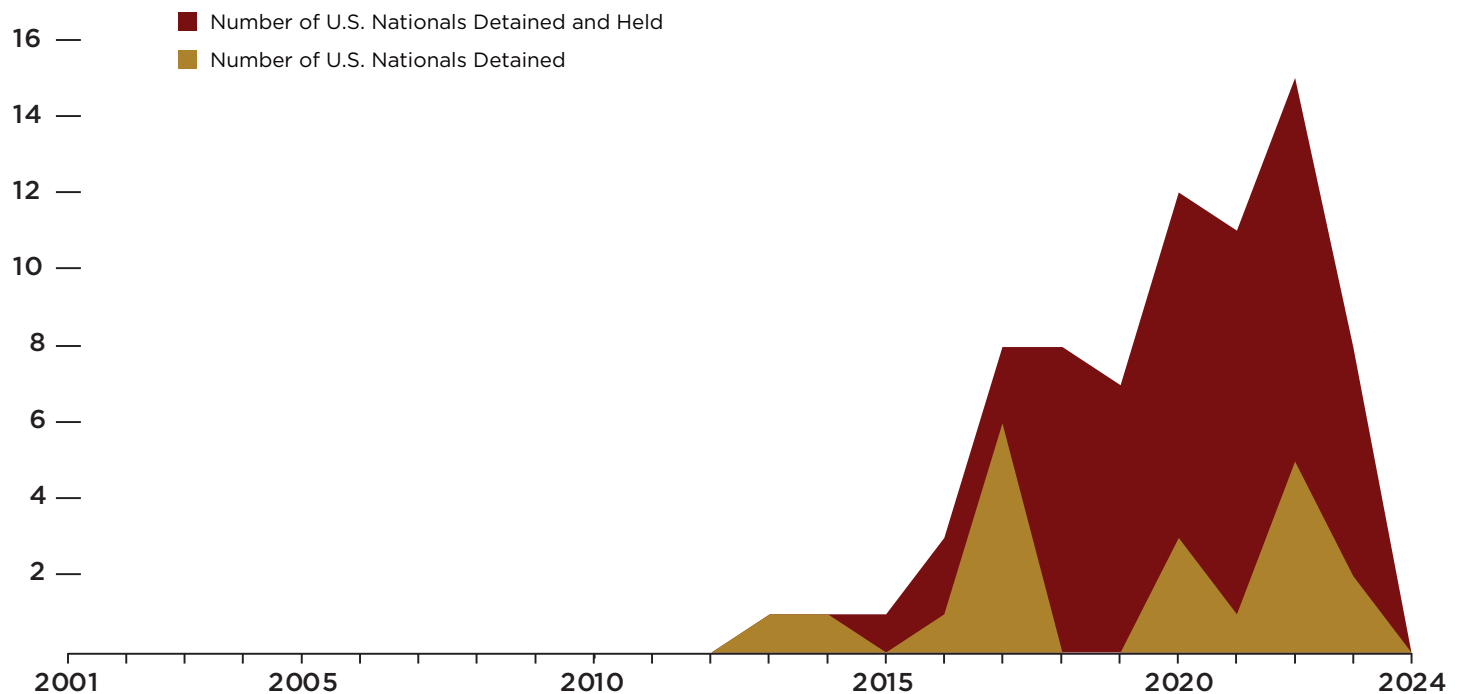
Wrongful Detentions of U.S. Nationals in Venezuela

Venezuela, especially under the regime of Nicolas Maduro, has a history of long-term wrongful detentions of U.S. nationals. The first wrongful detention occurred in April 2013, a month after Maduro assumed the presidency.⁸⁷ From 2013 to 2016, the tactic was sparingly employed, averaging 1.5 U.S. nationals detained and held per year (Figure 10, next page). After relations with the U.S. soured in 2017, the average number of U.S. nationals wrongfully detained and held increased to nine people per year, a 500% increase. In 2022, there were 15 U.S. nationals either detained or wrongfully held in Venezuela, an all-time high.

In October of 2022, however, seven U.S. nationals were released in exchange for the release of two Venezuelans, the product of months of negotiations.⁸⁸ These discussions paved the way for further engagement between the U.S. and Venezuela, facilitated by Qatar, tying potential sanctions relief to Venezuelan engagement with opposition parties.⁸⁹ In October 2023, the Maduro regime and its political opposition signed an agreement, known as the Barbados Agreement, that fixed a date for future elections within Venezuela in 2024 and agreed to the presence of international observers to oversee elections.⁹⁰ The U.S. then agreed to a six-month period for the easing of sanctions on oil exports, calling for progress on lifting bans on opposition candidates and freeing political prisoners and wrongfully detained U.S. nationals.⁹¹ In December 2023, all remaining U.S. nationals held as wrongful detainees

Figure 10

NUMBER OF U.S. NATIONALS DETAINED AND HELD IN VENEZUELA (2001-2024)^y



as well as other Americans held in the country,^x along with 20 domestic political prisoners, were released in exchange for Maduro ally Alex Saab.⁹² At the time of this report, no known U.S. national is being held in Venezuela.

Despite this remarkable turnaround, it is unlikely that Venezuela and the Maduro regime will forswear the tactic of wrongfully detaining U.S. nationals. While some describe 2023 as a “turning point in relations” between the two countries, tensions have again increased. In April 2024, as the six-month period of sanctions relief ended,

the U.S. government reimposed the sanctions, citing concerns that Maduro’s government “prevented the democratic opposition from registering the candidate of their choice, harassed and intimidated political opponents, and unjustly detained numerous political actors and members of civil society.”⁹³ In May 2024, the Department of State issued a “Level 4: Do Not Travel” warning recommending U.S. nationals avoid travel to Venezuela.⁹⁴ The potential for wrongful detention was one of the seven concerns listed. This is particularly important given the scheduled July 2024 elections in the country and the repeated detention of U.S. nationals during times of political unrest.⁹⁵

w The U.S. government announced the release of six wrongful detainees from Venezuela, along with six other U.S. nationals detained in the country. According to the Foley Foundation’s dataset, the additional two cases meet the criteria outlined in the Levinson Act.

y Data is from January 1, 2001 to May 31, 2024.

“

ABIGAIL WAS A HOSTAGE IN GAZA FOR 51 DAYS. U.S. PRESIDENT JOE BIDEN AND HIS TEAM LEAD THE RELEASE EFFORTS AND, WITH THE SPEHA TEAM, SUPPORTED AND HELPED OUR FAMILY WITH GREAT CARE AND ATTENTION DURING THOSE HORRIFIC DAYS.

ABIGAIL AND 108 CHILDREN AND WOMEN WERE RELEASED AT THE END OF NOVEMBER 2023, DIRECTLY BECAUSE OF PRESIDENT BIDEN AND HIS ADMINISTRATION'S TIRELESS WORK AND THE MEDIATION OF QATAR.

”

LIZ HIRSH NAFTALI

Great Aunt of Abigail Mor Edan, who was held hostage in Gaza

This quote was collected separately by the Foley Foundation and not during the author's interviews for this report. The quote does not indicate the individual's participation in *Bringing Americans Home 2024*.



SECTION 2

PERSPECTIVES OF THE U.S. GOVERNMENT'S HOSTAGE ENTERPRISE

BY FORMER HOSTAGES, WRONGFUL DETAINEES,
AND FAMILY MEMBERS OF THOSE HELD CAPTIVE

Building upon the 2019, 2020, 2021, and 2022 *Bringing Americans Home* reports, this report continues the Foley Foundation's efforts to provide a nongovernmental assessment of the implementation of EO 13698 and

PPD-30.⁹⁶ While the previous section drew upon the Foley dataset on U.S. national hostage and wrongful detainee cases to discuss the landscape of the issue, this section focuses on analyzing the efficacy of



Families of Americans held captive at inaugural flag raising of Hostage & Wrongful Detainee flag

EO 13698 and PPD-30 by drawing upon interviews conducted with and survey responses from:

- Former hostages and unlawful or wrongful detainees
- Family members of current and former hostages and unlawful or wrongful detainees
- Hostage and wrongful detainee advocates
- Family representatives

This section describes the insights gathered from interviews investigating the effectiveness of various facets of the U.S. government's hostage enterprise. It explores how accessible the offices comprising the enterprise are to the families of hostages and wrongful detainees; evaluates the effectiveness of the U.S. government's information-sharing practices with families; analyzes the collaborative

partnership between families, third parties, and the U.S. government in recovery efforts; and examines the perceived priority assigned by the U.S. government to families' respective cases. Additionally, it evaluates the reintegration support former hostages or wrongful detainees have received upon return, considering their needs and challenges.

Additionally, this section distinguishes between hostage and wrongful detainee participants. In general, hostage participants interacted mostly with the Hostage Recovery Fusion Cell and the Office of the Special Presidential Envoy for Hostage Affairs and wrongful detainee participants worked mostly with the Office of the Special Presidential Envoy for Hostage Affairs and Consular Affairs. Since not all participants had the same experiences, it is important to note that participants in this study responded only to questions related to the offices with which they had relevant interactions.

ACCESS TO THE U.S. GOVERNMENT'S HOSTAGE ENTERPRISE

The Foley Foundation asked participants to what degree the Hostage Recovery Fusion Cell, Bureau of Consular Affairs (hereafter Consular Affairs), and the Special Presidential Envoy for Hostage Affairs office was accessible to them after learning of their loved one's captivity.

Hostage participants generally agreed that the Hostage Recovery Fusion Cell was accessible. Overall, all Foley Foundation participants classified by the

U.S. government as either hostages or wrongful detention cases have access to both the Hostage Recovery Fusion Cell and Special Presidential Envoy for Hostage Affairs office. All the hostage participants agreed that the Hostage Recovery Fusion Cell was accessible, showing an increase from the *Bringing Americans Home* 2022 report.⁹⁷ More hostage families were successful in gaining access to the Special Presidential Envoy for Hostage Affairs office, an opposite finding from the 2021 and 2022 reports.⁹⁸

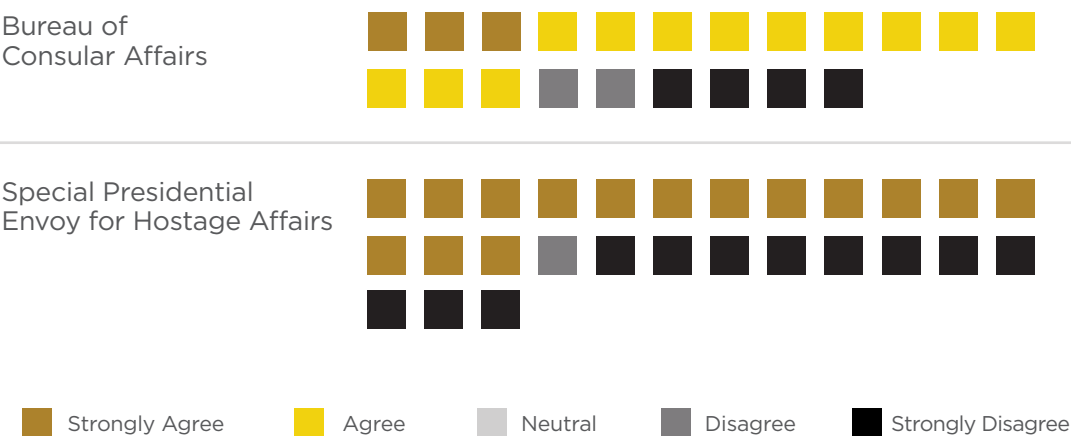
Figure 11

ACCESS TO THE U.S. GOVERNMENT'S HOSTAGE ENTERPRISE

Hostage Participants



Wrongful Detainee Participants



Strongly Agree Agree Neutral Disagree Strongly Disagree

Each box represents one survey response.

Wrongful detainee respondents were mixed. Almost half reported having success in gaining access to the Special Presidential Envoy for Hostage Affairs office, while the remaining cases were either waiting for or were recently denied wrongful detention determinations. Of the wrongful detention cases working with Consular Affairs, the majority shared favorable responses regarding their access to Consular Affairs. Overall, the majority of participants expressed a strong desire for interaction from the White House, particularly with the National Security Advisor and the President of the United States, aligning with previous *Bringing Americans Home* reports.

Hostage Case Participant Responses

The responses from hostage participants were fairly consistent. Five participants strongly agreed. Four agreed that the Hostage Recovery Fusion Cell was accessible to them. When asked about their ability to access the Special Presidential Envoy for Hostage Affairs office, three participants agreed and two participants neither agreed nor disagreed that the office was accessible to them (Figure 11, previous page).

Hostage cases featured in this year's report present unique challenges compared to previous *Bringing Americans Home* reports. The ongoing conflict in Gaza has led to a scenario where U.S. hostage families must navigate situations where a foreign government takes the lead on hostage cases. Consequently, these families find

themselves heavily reliant on diplomatic engagements involving the United States, Israel, Qatar, and Egypt. Additionally, there are instances where U.S. nationals are held by foreign governments without official acknowledgment. Despite lacking formal recognition, these cases are still categorized as hostage cases. Similar to the Gaza cases, these unacknowledged cases require diplomatic engagements to resolve them. Consequently, while all report participants confirmed access to the Hostage Recovery Fusion Cell, there was noticeable tension regarding which office should take the lead on their cases. Furthermore, there was a noticeable lack of clarity from the perspective of the families on how both offices are coordinating their efforts to bring their loved one's home.

In alignment with the findings of the 2021 and 2022 *Bringing Americans Home* reports, hostage families continue to express concerns regarding limited access to the office of the Special Presidential Envoy for Hostage Affairs. While acknowledging the necessity of having a central coordinating entity for their cases, participants emphasized the significance of engaging directly with that office. This direct interaction is seen as critical for fostering deeper diplomatic connections, to create more opportunities to secure the release of their loved ones, or to repatriate remains. Families also indicated the need for more collaboration between the Special Presidential Envoy for Hostage Affairs office and the Hostage Recovery Fusion Cell.

Overall, the hostage cases highlighted in this year's report underscore the evolving and complex nature of

diplomatic engagements in resolving hostage situations. The challenges faced by U.S. hostage families in navigating scenarios where foreign governments take the lead on hostage cases emphasize the critical role of diplomatic coordination involving multiple stakeholders. The tension observed between offices regarding case leadership underscores the importance of establishing more coordination in order to streamline efforts towards bringing resolution to these cases.

Wrongful Detainee Case Participant Responses

Participants whose case involved a wrongful detention provided varied responses about their level of access to Consular Affairs. The majority agreed (12) or strongly agreed (three) that Consular Affairs was accessible, four participants strongly disagreed, and two participants disagreed (Figure 11, page 59). When asked about their ability to access the Special Presidential Envoy for Hostage Affairs office, the majority (15) strongly agreed that the office was accessible, one participant disagreed and 11 strongly disagreed (Figure 11, page 59).

Some participants who disagreed or strongly disagreed with having access to Consular services had loved ones held in regions where the United States lacked a consulate or family members felt that the U.S. government did not

believe in the validity of their case. This was despite their loved ones' situations involving detention due to "lack of due process,"⁹⁹ "sham trials,"¹⁰⁰ or requiring "U.S. diplomatic engagement"¹⁰¹ for their release. Conversely, several participants strongly agreed to having Consular access, even though Consular or the Ambassador themselves were denied access to the U.S. national held by the foreign government.

The participants who strongly disagreed that they had access to the Special Presidential Envoy for Hostage Affairs office were cases where the U.S. government had not declared their loved ones as wrongful detentions.² One participant lamented not having the wrongful detention determination saying, "I went the routes I was supposed to go...I got a House [of Representatives] resolution, UN [Working Group on Arbitrary Detention] designation...but nobody seems to care within our government. What else am I supposed to do?"¹⁰² Another participant shared, "ever since the Levinson Act, if you're not [declared] wrongfully detained, it's like our government wants nothing to do with us!"¹⁰³ The participant went on to say that they "don't have any Consular access...our governments don't have any dialog...there's nothing, nothing we can do. Where are we supposed to go?"¹⁰⁴ On the contrary, a participant who did receive the wrongful detention determination lamented, "It took my [loved one] two years to get designated."¹⁰⁵ They went on to express, "If you don't have the

z In this sample, six cases (11 participants) were not declared as wrongful detentions. However, the Foley Foundation believed these cases were either political in nature, lacked significant due process, involved individuals held because they were Americans used as bargaining chips for prisoner trades, and/or required diplomatic engagements to facilitate their release.

wrongful detention designation, no one in the U.S. government will acknowledge you... They think your [loved one] is a criminal.”¹⁰⁶

One participant whose family member is designated as wrongfully detained disagreed that they had access to the office of the Special Presidential Envoy for Hostage Affairs based on insufficient (in their opinion) interaction with Ambassador Roger Carstens specifically. Conversely, the remaining participants expressed total satisfaction with having access to the Special Presidential Envoy’s office. One participant shared, “The [Special Presidential Envoy for Hostage Affairs] was very accessible, and he made himself available for a phone call at any time of the day. He’s exceptional. The same with the case officers; they were very accessible.”¹⁰⁷

Overall, the responses from participants shed light on the varied experiences and challenges they face regarding access to Consular services and the Special Presidential Envoy’s office. While some participants expressed satisfaction with the accessibility of these resources, others voiced frustration over perceived limitations and barriers. The discrepancies in access highlight the need for more consistent and equitable support for individuals facing presumed or actual wrongful detention abroad. Additionally, participant interviews underscore the significance of obtaining a wrongful detention determination, as it can significantly impact the level of support and attention received from the U.S. government. Moving forward, it is essential to address these disparities

and ensure that all individuals affected by unjust detentions receive the necessary assistance and advocacy to facilitate their safe return home.

Access to U.S. Officials in the White House and Department of State

As in the past, many report participants have expressed a pressing need for direct decisions from high-ranking officials in the White House.





They stressed the urgency for direct meetings with key figures such as the National Security Advisor, White House Deputy Assistant to the President for Homeland Security, Secretary of State, and the President. According to interviews conducted, a large majority of participants believe that only these influential figures have the authority to resolve their cases. Families did acknowledge the efficacy of structures like the Hostage Recovery Fusion Cell and the Office of the Special Presidential Envoy for Hostage Affairs but emphasized that the prolonged

nature of these cases “necessitates decisive action.”¹⁰⁸ One participant whose case extended through two administrations said, “without the efforts of [the Deputy Assistant to the President] and [National Security Advisor], and [a private third-party], my [loved one] would still be sitting in [prison] today.”¹⁰⁹

Another participant emphasized the significance of meeting with the President, stating, “We want to make that personal connection with the President and let him know how much we’re suffering.”¹¹⁰ They further stressed, “Because they’re the decision makers. In the end, the President is the one making the decision. For a long time, the President said no to the deal, but in the end, he decided to do it.”¹¹¹

Another participant stated, “It was clear to us that the decision to get our loved one home lay in the hands of the President, and the National Security Advisor would advise him. If you can’t get to the President, you have to go to the next person.”¹¹² Moreover, one participant highlighted, “Only the National Security Advisor could direct the people we needed to get together to coordinate a response to get my loved one home,”¹¹³ referring to the Departments of the Treasury, Justice, and State.

Multiple participants expressed concerns about the accessibility of the Secretary of State’s office. Despite several requests, some managed to meet with him only once. Meeting with Secretary Blinken was critical to convey that their loved one’s case transcended the scope of a hostage

or wrongful detention situation — it was a broader policy issue. They felt that the case extended beyond the jurisdiction of the Special Presidential Envoy for Hostage Affairs office and encountered resistance from other policies within the State Department. One participant shared, “We had to get the [Secretary of State] on board to prioritize the hostages...that was a must.”¹¹⁴ Others felt challenges through the staff level, one participant sharing that, “The Secretary of State’s staff are the gatekeepers.”¹¹⁵ Going on to say that they felt that “the Special Presidential Envoy for Hostage Affairs office was having a tough time cutting through the Secretary of State’s staff.”¹¹⁶

Overall, the sentiments expressed by participants underscore the critical

need for direct engagement with high-ranking U.S. officials, particularly the President, National Security Advisor, and Secretary of State, to address the complexities of hostage and wrongful detention cases. While structures like the Hostage Recovery Fusion Cell and the Office of the Special Presidential Envoy for Hostage Affairs play important roles, participants emphasize that decisive action from top-level decision-makers is paramount. Their desire to establish personal connections with the President reflects the urgency and gravity of their situations, as highlighted by their interviews. It is evident that concerted efforts are required to ensure that these cases receive the attention and priority they deserve within the intricate framework of government bureaucracy.



Returned wrongful detainees Siamak Namazi, Nizar Zakka, and Emad Shargi with Diane Foley | Photo courtesy of Benjamin Gray

RECOVERY EFFORTS SHARED WITH HOSTAGE AND WRONGFUL DETAINEE PARTICIPANTS

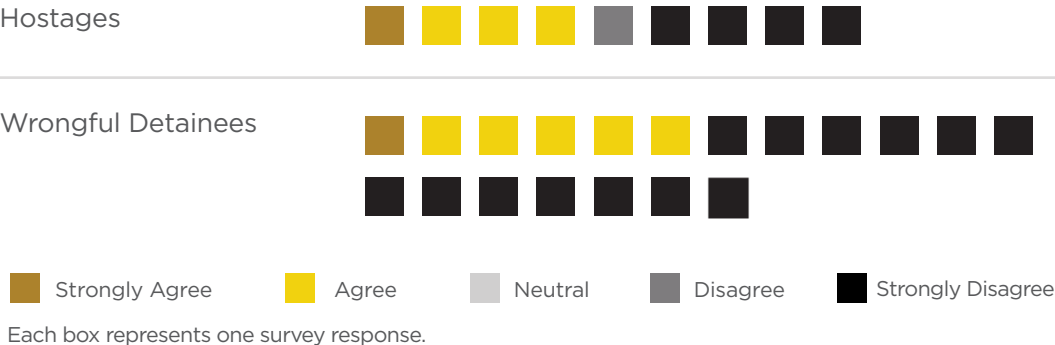
Recovering hostages and wrongful detainees is a complex and multifaceted process that demands strategic planning, coordination, and unwavering commitment from various stakeholders. For families and loved ones anxiously awaiting the safe return of their loved ones, each passing day brings unimaginable uncertainty and distress. This endeavor involves navigating intricate diplomatic channels, negotiating with captors, and leveraging available resources to secure their release. Recovery efforts entail navigating U.S. foreign policy interests across government departments and agencies. Amidst these challenges, families rely on regular updates

regarding U.S. efforts to facilitate their loved ones' release. The importance of robust information sharing, candid assessments, and effective communication cannot be overstated.

The Foley Foundation asked participants if they agreed or disagreed with the following statement: "Candid assessments to recover your loved one were/have been shared with you by the U.S. government." Similar to the 2020, 2021, and 2022 *Bringing Americans Home* reports,¹⁷ this year's respondents also disagreed about whether the U.S. government was willing to share recovery options.

Figure 12

WHETHER RECOVERY OPTIONS WERE SHARED WITH HOSTAGE AND WRONGFUL DETAINEE FAMILIES



Hostage Case Participant Responses

A slight majority of hostage participants (five) disagreed (one) or strongly disagreed (four) that recovery plans were shared regarding their loved one's case. One participant strongly agreed and three participants agreed that the U.S. government shared candid recovery assessments (Figure 12, previous page).

Families of hostages often expressed frustration over the lack of information regarding the progress of their loved ones' recovery. As one family member remarked, "What's being offered is not very clear."¹¹⁸ Another stated, "Information is too generic,"¹¹⁹ underscoring the need for more detailed updates. When asked if they knew what it would take to get their loved one's home, or in other words, what the captor's demands were, several participants could not decisively answer "yes." This illustrates the overwhelming sense of loss and hopelessness that many families face.

Other hostage participants expressed frustration over not having enough information regarding recovery efforts for their loved ones held in conflict zones. One participant shared, "We have to rely on the news to know anything...Will there be a ceasefire or not...are they negotiating for [my loved one], I don't know."¹²⁰ Another participant shared, "We're doing everything we can. We're talking to everyone, the White House, Congress, and the intelligence community to get answers. We believe that [my loved one] is on top of the list."¹²¹ Another participant with dual nationality shared

that they receive more information regarding their loved one's case from the United States than from their other country of nationality. Going on to say, "Coordination and communication [with the families] is better here, at least it was in the beginning."¹²²

Overall, recovering U.S. hostages in ongoing conflicts in war zones has created new challenges for the U.S. hostage enterprise. Families face significant hurdles when a foreign government controls the recovery efforts, increasing their reliance on obtaining information from the intelligence community, and on diplomatic engagements from the Department of State, the White House, and select Members of Congress. Additionally, the ongoing conflict between Israel and Hamas has highlighted the need for a structured hostage enterprise similar to that of the United States, with other U.S. allied countries. This should include family engagement to form a bridge between the government and the families affected by the hostage crisis.

Wrongful Detainee Case Participant Responses

The Foley Foundation asked wrongful detainee participants if the U.S. government shared candid recovery assessments and if they felt they were partners in the recovery of their loved one. The majority (13) of report participants strongly disagreed and one participant disagreed. Five participants agreed and one participant strongly agreed that the U.S. government shared candid recovery assessments with them (Figure 12, previous page).

Report participants had mixed sentiments regarding whether the U.S. government shared candid assessments regarding the recovery of their loved ones. Some participants were dissatisfied with the lack of specificity in the information provided, as highlighted by the statement, "I want more, there's no real specifics we're getting. We don't know what's on the table and what's off the table."¹²³ Additionally, participants emphasized the significance of the Special Presidential Envoy for Hostage Affairs office in prioritizing the return of U.S. nationals over policy considerations. One participant emphasized, "I think without the [Special Presidential Envoy for Hostage Affairs' office] and their drive to bring Americans home, it would not have happened."¹²⁴ Another participant shared, "When the portfolio went to the [State Department] policy people, it became problematic. The [Special Presidential Envoy for Hostage Affairs] continued and played a critical role and prioritized people over policy considerations."¹²⁵ These experiences underscore the importance of the Special Presidential Envoy's role in prioritizing and addressing the concerns of families awaiting the release of wrongfully detained loved ones.

Three participants whose loved ones have been wrongfully detained over five years or more, responded "no"¹²⁶ when asked if they knew what it would take to secure their loved one's release or what the foreign government's demands were. This not only highlights the communication gap between families and the U.S. government but also raises doubts among families about whether the U.S. government is

actively negotiating for the release of their loved ones. It also demonstrates the serious challenge families face as they navigate the uncertainty surrounding recovery efforts of their loved ones.

These varied perspectives shed light on the complexities surrounding the U.S. government's handling the recovery of wrongfully detained loved ones. While some participants expressed frustration over the lack of specific information, others highlighted the critical role played by the Special Presidential Envoy for Hostage Affairs office in prioritizing the return of U.S. nationals above policy considerations.



PRIORITIZATION OF HOSTAGE AND WRONGFUL DETAINEE CASES

The prioritization of hostage and wrongful detention cases is a critical aspect of governmental response and intervention strategies, given the complex and urgent nature of these situations. With the lives and well-being of U.S. nationals at stake, effective prioritization within the U.S. hostage enterprise, including by the White House, and the Departments of State, Justice, and Defense, as well as by the intelligence community, is essential for allocating resources, coordinating efforts, and maximizing the chances of a successful resolution.

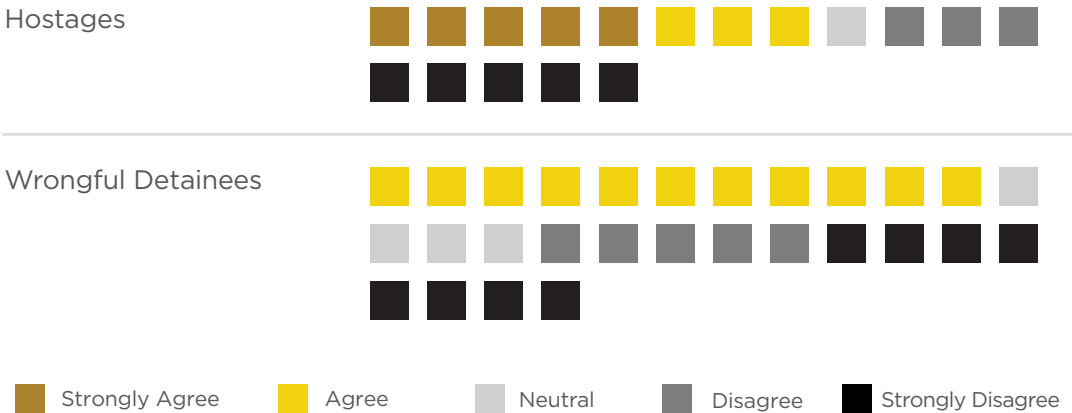
The Foley Foundation surveyed its report participants, inquiring whether they agreed or disagreed with the statement: “Your return or the return of your loved one was/is a priority of the U.S. government.”

Hostage Case Participant Responses

This year’s hostage participants were split, half either strongly disagreed (five) or disagreed (three) and the other half strongly agreed (five) or

Figure 13

PRIORITIZATION OF HOSTAGE AND WRONGFUL DETAINEE CASES



Each box represents one survey response.

agreed (three). Only one participant neither agreed nor disagreed that their loved one was a priority of the U.S. government (Figure 13, previous page).

The prioritization of hostage cases by the U.S. government was called into question by Foley Foundation report participants who expressed frustration over perceived disparities in attention and engagement. One participant lamented, “You see other cases being prioritized and having [meetings with senior officials]. We didn’t have a phone call or a letter,” highlighting a sense of neglect. Another participant emphasized the lack of proactive measures taken on behalf of their loved one. Additionally, the call to “Say his name publicly” highlights participants’ desire for greater visibility and acknowledgment of their case, enhancing its priority and status.

On the other hand, some Foley Foundation participants had contrasting perspectives. One participant stated, “I know the President has advocated specifically,” indicating direct support and attention from high-level officials. Another participant said, “I have no zero complaints.” Another participant conveyed gratitude, stating, “Any family would be lucky to have this administration as their partner.” However, juxtaposed with the previous quotes, these responses highlight disparities in treatment and attention among hostage cases, raising questions about consistency and equity in the government’s response towards families.

The divergent experiences shared by participants underscore the uneven treatment and prioritization of hostage cases within the U.S. government.

This discrepancy highlights the need for a more consistent and equitable approach to prioritizing and addressing hostage cases, ensuring that all affected families receive the support and attention they deserve.

Wrongful Detainee Case Participant Responses

The majority of Foley Foundation report participants responded that they strongly disagreed (eight) or disagreed (five) that their loved one’s case was a priority of the U.S. government. The remaining participants either agreed (11) or neither agreed nor disagreed (four) that the U.S. government prioritized their loved one’s case (Figure 13, previous page).

The majority of participants whose loved one is wrongfully detained overseas overwhelmingly requested that the case be raised publicly by the Special Presidential Envoy for Hostage Affairs office, Department of State, and the White House. One participant shared, “They can publicize [my loved one’s] case better, putting [them] in the public eye and raising [their] profile more.”¹²⁷ Another participant said, “Nobody publicly announces [their] name.

Publicizing a wrongful detainee’s name, or even if the U.S. government has not made a wrongful detention determination, calling on the foreign government unjustly detaining them carries a significant amount of weight with the families. Calling for the release of a U.S. national from an official capacity has been a reoccurring theme



Photo courtesy of Diane Foley

throughout all six *Bringing Americans Home* reports. Another common theme was that even for cases that have been resolved positively, participants did not think their case was prioritized until the very end because of the slow wrongful detention determination process; the lack of urgency or advocacy support from Consular Affairs; and the enormous challenge in gaining access to the Secretary of State's office or the White House. One participant put it plainly, "We lacked competent people in the Consular Affairs office because they could not speak to wrongful detentions at all."¹²⁸ Another participant shared, "Having to go through the bureaucratic morass within the State Department caused critical delays in getting the wrongful detention determination. They slowed down the entire process."¹²⁹

Other participants lamented over the fact that their case was not getting prioritized because, [they] see other cases getting more attention. "We haven't got a phone call or even a letter."¹³⁰ Another participant shared, "If you're famous, you have more priority. It was only when our family went to the press that the government took our case more seriously."¹³¹

The recurring themes from participants highlight the importance of publicizing wrongful detention cases and the perceived inequities in prioritization within the U.S. government. Families believe that increased public attention and advocacy from high-level officials can expedite resolutions. Addressing these concerns can help improve the effectiveness of the U.S. hostage enterprise and ensure more equitable treatment of all detainees.

SUPPORT FOR RETURNING HOSTAGES AND WRONGFUL DETAINEES

Supporting returned hostages and wrongful detainees is a critical aspect of their successful reintegration into society after experiencing the trauma of captivity. These individuals were held solely because they are Americans, were detained for political purposes, and used as bargaining chips to gain leverage against the United States government. They often face a multitude of challenges upon their return ranging from financial struggles, mental health issues, and other health concerns. Providing adequate support not only helps them navigate these effects but also helps facilitate their transition back with their families and into society. Moreover, it is a moral imperative to assist those who have endured such hardships and ensure they receive the assistance they need to rebuild their lives and regain their independence after being held hostage or wrongfully detained abroad.

The challenges faced by returning hostages and wrongful detainees, as highlighted in the 2021 and 2022 *Bringing Americans Home* reports persist despite efforts to address them. These challenges include securing employment, which can lead to difficulties in affording housing and medical insurance. The burden of ruined credit stemming from unpaid debts and fines incurred during captivity exacerbates their financial struggles, and IRS penalties for unpaid

taxes and fines further compound their financial challenges. The enduring mental health ramifications resulting from the physical and psychological trauma of their captivity exacerbate their challenges, which sometimes leads to homelessness for those unable to secure stable employment.

Reintegrating into society after captivity can pose significant mental health challenges for returning hostages and wrongful detainees. Many of them grapple with survivor's guilt and struggle to readjust to their former lives. For instance, some former hostages shared their battle with suicidal thoughts and/or expressed feelings of betrayal by their government, stemming from not knowing how to access or receive reintegration support.¹³² Many participants reported that they were expected to make critical decisions that would impact their reintegration support within 24 hours of their release.¹³³

Furthermore, some returned hostages and wrongful detainees were expected to resume work immediately after enduring physical and psychological torture while in captivity. It was rare for them to return to their original place of work, and it was difficult to find a new job, presenting a significant challenge in affording or obtaining health insurance. Many former hostages and



Ali Velshi, moderator, with panelists Roger Carstens, Diane Foley, Christopher O'Leary, Vina Nadjibulla, and Sam Goodwin in Doha, Qatar | Photo courtesy of The Soufan Group

wrongful detainees were unable to work due to the trauma experienced during captivity, and in some cases, their previous positions no longer existed. Additionally, the majority of participants felt abandoned by their employers and expressed the need for time to heal. Several former hostages and wrongful detainees from the past six *Bringing Americans Home* reports expressed a desire to return to work but emphasized the need for help getting back on their feet.¹³⁴

In addition to the obstacles encountered by returning hostages and wrongful detainees, family members advocating for the release

of their loved ones also confront significant challenges. Although recent legislation allocated funds to assist wrongful detainee families—similar to the long-standing benefits available to hostage families—the practicalities of accessing these benefits present hurdles. Despite the appropriation of funds, families who have depleted their resources on legal fees abroad are required to cover upfront costs and subsequently seek reimbursement from the U.S. government. Consequently, many families are actively seeking financial support from donations or other organizations to facilitate their advocacy efforts.

“

DURING MY EIGHT INSUFFERABLE YEARS AS A HOSTAGE OF THE IRANIAN REGIME, I WITNESSED NOT ONLY THE RUTHLESSNESS OF MY CAPTORS BUT ALSO THE PARALYSIS OF OUR GOVERNMENT. OUR LEADERS OFTEN ABANDON AMERICAN HOSTAGES IN FOREIGN DUNGEONS TO AVOID THE POLITICAL COST OF MAKING A DEAL.

WE HAVE A MORAL OBLIGATION TO RESCUE OUR CITIZENS, BUT WE MUST ALSO MAKE HOSTAGE-TAKING UTTERLY UNPROFITABLE. BY WORKING WITH ALLIES TO IMPOSE SEVERE CONSEQUENCES ON ROGUE STATES THAT USE HUMAN LIVES AS BARGAINING CHIPS, WE CAN DETER THE PRACTICE.

UNTIL THEN, WE CAN ONLY EXPECT MORE AND MORE AMERICANS AND OTHERS TO EXPERIENCE THE HORRORS OF STATE HOSTAGE-TAKING.

”

SIAMAK NAMAZI

wrongfully detained in Iran

This quote was collected separately by the Foley Foundation and not during the author's interviews for this report. The quote does not indicate the individual's participation in *Bringing Americans Home 2024*.

SECTION 3

DETECTING HOSTAGE-TAKING AND WRONGFULLY DETAINING INNOCENT AMERICANS^{aa}

Hostage-taking and wrongful detentions represent gross violations of human rights and international law, resulting in profound suffering for victims and their families. In addressing these crises, the importance of prevention, deterrence, response, and justice cannot be overstated. Derived from responses from the Foley report participants, these pillars form the foundation of a comprehensive approach aimed at minimizing risks, dissuading perpetrators, and ensuring accountability for those responsible for kidnapping or wrongfully detaining U.S. nationals.

By understanding the significance of each component within this framework, governments, corporations, NGOs, and academic institutions can better respond to and mitigate the impact of hostage and wrongful detention crises. This section reflects the responses from participants, and the following key recommendations underscore the importance of prevention, deterrence, response, and justice in the context of hostage and wrongful detention crises.

^{aa} For more information on understanding the safety risks you may confront while traveling, see “The James W. Foley Traveler Safety Guide with Security Tips for Travelers available at jamesfoleyfoundation.org.”

PREVENTION

Prevention plays a pivotal role in mitigating the risk of hostage-taking and wrongful detentions, thereby safeguarding individuals and communities from the devastating consequences of such crises. By addressing underlying factors and implementing proactive measures, prevention efforts aim to minimize the likelihood of these incidents and enhance overall security and global stability. Several key recommendations, derived from the report participants, underscore the importance of preventing kidnappings and wrongful detentions.

The majority of responses included suggestions for increased education, learning how to reduce vulnerability to being kidnapped or detained (“becoming a hard target”), improved awareness, and a better notification process to report incidents of detained citizens or hostage-taking while traveling abroad, and protect the safety and security of individuals, particularly in regions or countries where the risk of such incidents is heightened.

Education

Preventing hostage-takings and wrongful detentions first requires an understanding of the threats. Education plays an important role in equipping individuals with the knowledge and skills to identify and address potential risks related to travel, especially in regions where the likelihood of hostage-taking or wrongful detentions is heightened.

According to Foley report participants, education included disseminating comprehensive information on travel advisories, local customs and laws, and emergency procedures to aid travelers in making informed choices and minimizing their exposure to danger. Foley report participants advocated for these preventive measures to be “widely implemented across both the public and private sectors, reaching a broader audience.”¹³⁵

Additional recommendations include focusing education efforts within and across various U.S. government departments and agencies. Although numerous departments may already be involved, directly or indirectly, in resolving such cases, “increasing awareness among federal employees would enhance collective knowledge and preparedness.”¹³⁶ This broader awareness within the U.S. government could mitigate potential obstacles, create more opportunities for diplomatic engagement, and ultimately aid in securing the release of U.S. nationals.

Becoming a Hard Target

Being a “hard target” is essential to minimize the risk of becoming a victim of hostage-taking or wrongful detention. To achieve this, it is important to prioritize personal safety and security measures. This includes maintaining situational awareness, avoiding high-risk areas whenever possible, and adhering to local laws and customs.¹³⁷ Additionally, it is important

to keep a low profile and avoid drawing unnecessary attention while in public places.¹³⁸ It is also imperative to have a contingency plan in place, including knowing the location of the nearest embassy or consulate and having emergency contacts readily available.¹³⁹ Additionally, a trusted contact or family member should be provided with copies of one's passport, access to financial accounts, wills, insurance information, and powers of attorney.¹⁴⁰ By taking these proactive steps, individuals can significantly reduce their vulnerability and enhance their and their family's ability to respond effectively to a hostage or wrongful detention crisis.

Awareness and Reporting

Enhancing awareness and reporting on the risks associated with hostage-taking and wrongful detentions is critical for educating the public about the threats affecting U.S. nationals. Foley Foundation participants proposed several measures, including:

- Increasing how often and where the Hostage and Wrongful Detainee Flag can be flown, to include U.S. embassies, passport locations, and post offices.¹⁴³
- Providing informational pamphlets on hostage-taking and wrongful detentions at passport agencies, passport acceptance facilities,^{bb} passport application centers,^{cc} U.S. embassies, and consulates.¹⁴⁴
- Establishing an audio and visual messaging system in airports to warn travelers flying to high-risk countries.¹⁴⁵
- Increasing media coverage on hostage-taking and wrongful detention issues.¹⁴⁶
- Making traveler safety guides (such as the Foley Foundation's Travel Safety Guide¹⁴⁷), tips, and information more readily available, emphasizing the importance of knowing local laws, customs, and emergency procedures.¹⁴⁸
- Integrating relevant hostage and wrongful detention themes within scripts on primetime television shows, movies, and documentaries.¹⁴⁹
- Conducting awareness campaigns.¹⁵⁰
- Implementing notifications on website browsers i.e., Google Chrome, Apple Safari, Mozilla Firefox, and Microsoft Edge for internet searches pertaining to visiting high-risk areas.¹⁴¹
- Incorporating prominent notifications on airlines, travel, and tourism websites.¹⁴²

These efforts are aimed at highlighting the dangers of traveling to high-risk regions as outlined on the U.S.

bb These facilities include post offices, clerks of court, and public libraries and accept passport applications on behalf of the Department of State.

cc These centers include some universities, colleges, and libraries that may assist with the application process.



Photo courtesy of Benjamin Gray

Department of State's Travel Advisories website.¹⁵¹ In addition to increasing awareness, JWFLF report participants emphasized the importance of “fostering a culture of awareness and preparedness within government departments, organizations, and the general public”¹⁵² to empower individuals to recognize potentially perilous situations.

Prevention measures, including increased education, enhanced awareness, and improved notifications, play a critical role in mitigating the risks of hostage-taking and wrongful detentions for individuals traveling abroad. By equipping U.S. nationals with the knowledge, skills, and resources to recognize and respond to potential risks, governments, organizations, and travel agencies contribute to enhancing safety and security while reducing the incidence of such crises. Through collaborative efforts and proactive measures, the international community can work toward ensuring the safety and well-being of individuals traveling abroad, thereby fostering a more secure and resilient global environment.

DETERRENCE

The challenges of resolving hostage and wrongful detention situations have led many to ask if it is possible to dissuade state and non-state actors from engaging in the practice. Speaking in February 2024 at the Wilson Center about the international security threat represented by wrongful detentions, Secretary of State Antony Blinken, commented that while “bringing our people home is our primary focus,” the international community needed to “join together to deter future detentions.”¹⁵³ In the context of hostage-taking and wrongful detentions, deterrence refers to the practice of discouraging or restraining individuals or groups, such as terrorist organizations or hostile governments, from engaging in these actions. It involves efforts to prevent such actions by imposing consequences or making it clear that such behavior will not be tolerated. In general, deterrence is the strategy of preventing an adversary from taking a particular action by convincing them

that the costs or risks associated with that action outweigh potential benefits. In essence, deterrence relies on the threat of retaliation or punishment to dissuade an adversary from engaging in undesirable behavior.¹⁵⁴

There are two approaches — deterrence by denial and deterrence by punishment.¹⁵⁵ The aim of deterrence by denial is to deter potential aggressors by making their desired actions impractical or unlikely to succeed.¹⁵⁶ As explained by Sir Lawrence Freedman, one of the world’s leading authorities on war and international politics, deterrence by denial is accomplished by having “a credible ability to stop aggression in its tracks.”¹⁵⁷ In the context of hostage and

wrongful detentions, deterrence by denial, if narrowly defined as making the detention of a hostage or wrongful detainee impractical or unlikely to succeed would be best conceptualized as the preventative measures discussed above. According to senior RAND researchers Paul K. Davis and Brian Michael Jenkins “even hardened terrorists dislike operational risk and may be deterred by uncertainty and risk.”¹⁵⁸ While unlikely to prevent all hostage-takings and wrongful detentions, increasing defenses against abductions and detentions at the individual level could reduce the number of incidents if broadly undertaken. A broader definition of deterrence by denial might expand the definition to include ensuring those



Dylan Frost, Congressman French Hill, Diane Foley, and Benjamin Gray | Photo courtesy of the Office of Congressman French Hill

holding the hostage or detainee do not accomplish their goals or benefit from holding U.S. nationals.

Deterrence by punishment, conversely, involves the threat of imposing severe penalties should an event occur. Unlike deterrence by denial, which focuses on defensive measures, deterrence by punishment emphasizes the threat of broader repercussions that raise the cost of an adversary's action. A strategy of deterrence by punishment would threaten to inflict significant costs on groups or countries in response to taking U.S. nationals hostage or wrongfully detaining them.

Developing and implementing strong responses is necessary for successful deterrence. Foley report participants concurred with the idea that the United States should devise and execute additional deterrence strategies, which may involve sanctions,¹⁵⁹ bolstering bilateral or multilateral agreements,¹⁶⁰ exerting influence on international sanctions,¹⁶¹ and increasing international engagement through implementing the U.S. hostage and wrongful detainee enterprise concept overseas.¹⁶²

Through the imposition of severe penalties, awareness campaigns, and robust security measures, deterrence aims to dissuade potential perpetrators from engaging in hostage taking or wrongful detentions. By demonstrating that there will be significant consequences for these activities, deterrence seeks to prevent crises from escalating and protect individuals from harm.

While the families of U.S. hostages and wrongful detainees are exceptionally

pleased that the U.S. government is beginning to develop the tools needed to apply this pressure, it is important to highlight that deterrence by denial is often easier to achieve than deterrence by punishment. Dissuading adversaries based on future costs is driven largely by adversarial perceptions of the commitment, capability, or likelihood that a power seeking to deter will follow through on the potential punishments. If this is the case, and deterrence through denial is difficult for the reasons discussed above, then it will be important for the U.S. to apply these measures that raise the cost to adversaries for taking hostages or wrongful detainees.

Another concept from deterrence theory that should be considered in this context is that of indirect deterrence. This concept appeared in response to the 9/11 terrorist attacks as practitioners and academics struggled with how to deter terrorist groups. Indirect deterrence focuses on the adversarial network as a system rather than a single entity, seeking to find ways to deter meaningful parts of the system that will impact its overall effectiveness. "A particular leader may not be easily deterred," Paul Davis and Brian Jenkins wrote in 2022, "but other elements of the system...may be."¹⁶³ The idea of indirect deterrence allows for the application of deterrence by punishment among the various "supporters and enablers" of a group who can be threatened for their role in facilitating terrorism.¹⁶⁴ There is some evidence the application of counterterrorism sanctions has had this effect, with some inter-jihadi conflicts specifically mentioning the fear among financiers of being designated as

terrorists.¹⁶⁵ In hostage-takings and wrongful detentions, it is possible that indirect deterrence might also function this same way inflicting punishments along the kidnapping or detention value chain among those vulnerable to actions like economic sanctions, indictments, or imprisonment. Prior to the issuance of EO 14078, for instance, the Venezuelan judge and prosecutor responsible for the trial of the “Citgo 6” were designated and sanctioned through a Venezuela specific Department of Treasury program created through EO 13692.¹⁶⁶ This requires a nuanced understanding of kidnapping and wrongful detention networks globally. Gaining this level of understanding would require significant intelligence and analytical resources.

U.S. Designations and Sanctions

The United States has begun to develop and implement measures that it might use to achieve deterrence, but their use is still in its infancy. EO 14078, *Bolstering Efforts to Bring Hostages and Wrongfully Detained United States Nationals Home*, signed on July 19, 2022, created a program to designate individuals and entities “responsible for or complicit in, to have directly or indirectly engaged in, or to be responsible for ordering, controlling, or otherwise directing, the hostage-taking of a United States national or the wrongful detention of a United States national abroad.”¹⁶⁷ This designation, much like other Department of Treasury designations blocks the property of the designated individual or entity in the U.S. financial system,

as well as anyone who provides them material support.¹⁶⁸ Furthermore the designated individuals are placed on a travel ban, preventing their entry to the United States.¹⁶⁹

Currently, 12 individuals and three entities have been designated under this program (Table 4, next page). Five of the designated individuals have been affiliated with Iran, including the former Iranian President Mahmoud Ahmadinejad.¹⁷⁰ The remaining seven designated individuals are affiliated with the al-Qaeda aligned group Jama’at Nusrat al-Islam wal-Muslimin (JNIM) operating in northwestern Africa.¹⁷¹

The establishment of this program is important in the development of U.S. deterrence mechanisms. It is also important that it receives the attention required for the program to be successful. There are signs, however, that hostage-taking and wrongful detention sanctions are not necessarily being prioritized. The first designations to occur under this program did not manifest for almost nine months. Thus far, the program has been used three times with five to seven months between applications, with 12 individuals designated through the program.

A brief assessment can be done by contrasting the hostage and wrongful detainee designation program with two somewhat similar U.S. government designation programs: the Specially Designated Global Terrorist designation program (SDGT), established through Executive Order 13224, and the Global Magnitsky Human Rights Accountability Act designation program, established by Executive Order 13818.

Table 4

INDIVIDUALS AND ENTITIES DESIGNATED AS INVOLVED IN HOSTAGE TAKING OR WRONGFUL DETENTIONS UNDER EXECUTIVE ORDER 14078

Individual	Affiliated Group/Country	Date Designated	Number of Additional Designation Programs
Ahmadinejad, Mahmoud	Iran	18-Sep-23	1
Bazghandi, Rouhollah	Iran	27-Apr-23	2
Breihmatt, Salem Ould	JNIM	23-Apr-24	1
Dicko, Jafar	JNIM	23-Apr-24	0
Ghali, Iyad Ag	JNIM	23-Apr-24	1
Hammada, Hussein Ould	JNIM	23-Apr-24	1
Hitta, Sidan Ag	JNIM	23-Apr-24	1
Kazemi, Mohammad	Iran	27-Apr-23	3
Khouier, Hamama Ould	JNIM	23-Apr-24	1
Kouffa, Amadou	JNIM	23-Apr-24	1
Mohagheghi, Mohammad Hassan	Iran	27-Apr-23	2
Sayyari, Mohammad Mehdi	Iran	27-Apr-23	2
Entity	Affiliated Group/Country	Date Designated	Number of Additional Designation Programs
Federal Security Service	Russia	27-Apr-23	4
Iranian Ministry of Intelligence and Security	Iran	27-Apr-23	6
Islamic Revolutionary Guard Corps Intelligence Organization	Iran	27-Apr-23	0

Table 5

COMPARISON OF INDIVIDUALS AND ENTITIES ACROSS PROGRAMS

Program	Initial Implementation		First 2 Years of Program		
	Individuals	Entities	# of Uses	Individuals	Entities
Hostages and Wrongfully Detained U.S. Nationals Sanctions	0	0	3	12	3
Global Magnitsky Sanctions	15	0	15	95	65
Specially Designated Global Terrorist Sanctions	12	15	37	180	71

The SDGT designation program was created in September 2001 as a new counterterrorism finance tool as part of the whole-of-government response to the September 11 attacks. When EO 13224 was published it was accompanied by an annex listing

12 individuals and 15 entities for immediate designation.¹⁷² Additional designations followed at least once a month through the first year of the program, with 117 individuals and 54 entities added across 17 designation actions. The use of the program was

less consistent during the second year, but was employed more often (20 times), with 63 additional individuals and 17 entities designated.¹⁷³ By the end of the second year, it had been used 37 times and designated 180 individuals and 71 entities as SDGTs. The program, in its 23rd year, currently lists 1,360 individuals as designees.¹⁷⁴

The Global Magnitsky designation program, authorized by the Global Magnitsky Human Rights Accountability Act and implemented through EO 13818, created a program that allowed the U.S. government to designate individuals globally who are involved in serious human rights abuses or corruption. Like the SDGT list, the Global Magnitsky program started with an annex of 15 individuals to be immediately designated upon the publication of EO 13818. Within the first year of the program, Global Magnitsky program was employed seven times and 43 individuals, and 20 entities were designated through the program. During the program's second year, 52 individuals and 45 entities were designated as part of the program, which was employed eight times. At the end of two years, a total of 95 individuals and 65 entities had been designated across 15 designation actions. Currently the Global Magnitsky program is in its seventh year, with 238 individuals designated.

These numbers stand in stark contrast to the hostage and wrongful detainee designations data. There is the potential that this represents a need to more deliberately focus on the hostage and wrongful detention designation program. For instance, there are currently 38 active sanctions programs

being managed by the Department of Treasury's Office of Foreign Asset Control (OFAC). The use of sanctions has increased significantly in recent years, and the U.S. government has used them heavily against Russia and Iran as it wrestles with containing destabilizing crises across the globe.¹⁷⁵ According to some industry analysis, the Biden Administration has added nearly 5,500 names to OFAC designation programs, a yearly average nearly twice that of the Trump Administration and three times that of the Obama Administration.¹⁷⁶

This increased use of the tool writ-large creates significant demands on the Departments of Treasury, State, and Commerce charged with finding targets and enacting these sanctions. A 2020 Government Accountability Office report indicated that, despite these offices being resourced appropriately, they faced challenges in the timelines for security clearances and competition from industry in trying to fill personnel shortfalls.¹⁷⁷ If an active designations program is important for the U.S. to establish deterrence for hostage-taking and wrongful detentions, deliberate prioritization will be required among the other, increasing demands for support in identifying and sanctioning individuals and entities.

Differences between the numbers of those designated may also speak to the challenges of the effort. While the SDGT and Global Magnitsky programs both target similar types of individuals that hold U.S. nationals hostage and wrongfully detain them, it should be noted that there are far more easily identifiable terrorists and human

rights abusers than those involved in hostage-taking and wrongful detentions. Identifying and establishing evidence of involvement is likely simpler for SDGT and Global Magnitsky programs. This, however, would also argue for additional resourcing, synchronization, and prioritization. Debriefing returning hostages or wrongful detainees could provide an important part of developing the intelligence picture required for this.

Notably, the number of individuals and entities sanctioned is useful, but is not always an indicator of effectiveness. To be effective, sanctions must be in service of a clear policy goal. Pursuing these goals requires a deliberate approach. For instance, if the goal of hostage and wrongful detention sanctions is to change behavior, then the application of the sanctions must be clearly communicated to the target, as well as the fact that the sanctions will be removed following a release of a hostage or wrongful detainee. Should a release occur, the sanctions need to be quickly removed as a signal to others that compliance is rewarded. In August 2018, for instance, the U.S. government sanctioned two Turkish officials for their role in wrongfully detaining a U.S. national. While it is unclear what role these sanctions played in Turkey's decision to release the detainee amid all the other pressure the U.S. government leveraged, the sanctions were lifted within a month of the release.¹⁷⁸

If, however, the purpose of the sanctions program is to punish those who have wrongfully detained or held U.S. nationals hostage as a means to deter future kidnappings and

detentions, the program should swiftly and rapidly be applied to anyone involved in such a case. In addition, achieving deterrence requires that this be communicated, so future detainers or abductors understand the implications. This, however, is only effective when the sanctions impose costs on their future target. Research on the effectiveness of counterterrorism sanctions, where the targets are unlikely to have substantial reliance on the U.S. global economic system, is inconclusive.¹⁷⁹ Applying additional sanctions to heavily sanctioned Russia and Iran, for instance, risks a lack of effectiveness. Most of those designated in the hostage and wrongful detention program, as shown in Table 4, have already been designated through other U.S. government programs, lessening the impact of the hostage and wrongful detainee sanctions.

Recent sanctions research indicates that sanctions are most effective when a multi-lateral approach is adopted, and other countries or international bodies join in applying their own sanctions.¹⁸⁰ Targets with substantial ties to the U.S. economic system are also more likely to change their behavior and seek sanctions relief. Neither of these conditions is necessarily present in the current environment. The smaller number of designees, then, might reflect the challenges with developing an effective program.

The development and use of mechanisms to try to deter hostage-takings and wrongful detentions is generally welcomed by the families of American hostages and wrongful

detainees. At the same time, the employment of these mechanisms and the means to establish deterrence in hostage-takings and wrongful detentions is less well understood. More theoretical work is needed to understand what deterrence is possible, while more deliberate applications of these tools and broader multilateral strategies will be required as well. While this work is ongoing, it requires more resources — inside and outside of government — and dedicated, sustained focus.

Multilateral and Bilateral Responses to Hostage-Taking and Wrongful Detentions

Global responses to wrongful detentions are increasingly problematic, especially given the rise in competition and adversarial relationships between the United States and its allies. The limited means of resolving these issues creates significant challenges for Western governments when their citizens are detained, often resulting in long-term detentions. Considering the importance of security interests, economies, and navigating foreign policies, Western populations will continue to travel abroad, making it unlikely to prevent wrongful detentions entirely. Therefore, it is important for Western governments to find ways to mitigate and manage this threat effectively.

On February 15, 2021, Canada launched the Declaration Against

Arbitrary Detention in State-to-State Relations. The declaration seeks to protect citizens worldwide who live, work, and travel abroad by promoting core principles of human rights, consular relations, the rule of law, and judicial independence. It aims to raise awareness and halt the practice of arbitrary detention. The declaration, with 77 endorsements, urges all states to take action to prevent and end harsh detention conditions, denial of legal counsel, torture, and other cruel, inhuman, or degrading treatments against countries arbitrarily detaining innocent citizens for the purpose of leveraging concessions, affecting foreign or domestic policies, and/or force prisoner exchanges.¹⁸¹

The benefits of a multilateral approach to addressing arbitrary detention are substantial, offering a cohesive strategy to amplify pressure and mitigate risks associated with this pervasive human rights violation. By fostering solidarity among states, such an approach enhances the effectiveness of responses aimed at combating harsh detention conditions, denial of legal counsel, torture, and other forms of abuse outlined in the declaration. However, achieving consensus and coordinated action presents a significant challenge due to differing interpretations of sovereignty and legal jurisdiction. States must navigate these complexities diplomatically, balancing the imperative to protect their nationals abroad with the potential diplomatic and legal consequences of intervention. Sustained advocacy efforts at international forums and robust engagement with civil society

are important in bolstering support for multilateral initiatives, ensuring they resonate globally and lead to tangible improvements in the protection of human rights worldwide.¹⁸²

Additionally, using cohesive language to describe wrongful detentions globally is critical for facilitating effective bilateral and multilateral responses. As shown in Section 1 of this report, data indicates that U.S. nationals being wrongfully detained by state actors is an increasing problem and increasingly complicated to resolve. The United States and other allied governments currently use different terminology to discuss these matters. Defining terms such as “state hostage-taking,” “hostage diplomacy,” and “wrongful detentions,” has been challenging.¹⁸³ The United States and other allied governments must come to some understanding about these terms and standards associated with these detentions to explore methods to deter these practices.

Increasing the coherence of Western nations’ responses could be achieved by integrating elements from the U.S. hostage enterprise, as defined by the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, to strengthen governmental reactions to hostage-taking and wrongful detentions.¹⁸⁴ This framework emphasizes the establishment of clear protocols, interagency coordination, and robust communication channels to ensure swift and effective responses to hostage situations. By adopting similar frameworks internationally, allied governments can streamline

their efforts, enhance cooperation, and align strategies in addressing hostage-taking and wrongful detentions. This approach not only improves the chances of successful resolution in individual cases but also sets a precedent for collective action and solidarity among nations in combating these egregious human rights violations.¹⁸⁵

Ultimately, as global responses to wrongful detentions continue to face mounting challenges amidst geopolitical tensions and increasing international travel, the need for effective multilateral action remains paramount. The Declaration Against Arbitrary Detention in State-to-State Relations, launched by Canada, exemplifies a critical step toward protecting citizens worldwide from arbitrary detention and abuse, advocating for universal principles of human rights and judicial independence. While the benefits of a multilateral approach are evident in amplifying pressure on offending states and mitigating risks faced by detained individuals, achieving consensus and coordinated action among diverse sovereign nations remains a complex endeavor. It is imperative that Western governments, in collaboration with allies, adopt unified terminology and strategic measures to deter and manage wrongful detentions effectively. By navigating these challenges with diplomatic finesse and sustained engagement, nations can uphold fundamental rights globally and work toward a world where arbitrary detention is universally condemned and prevented.

RESPONSE

As discussed in Section 2 of this report, the response to a hostage-taking or wrongful detention is undoubtedly critical in most regards. The effectiveness of hostage-takings and wrongful detentions hinges on the fact that a human life hangs in the balance. “Hostages,” writes noted scholar Thomas Schelling, “represent the power to hurt in its purest form.”¹⁸⁶ Governments are forced to choose between actions they would prefer not to take and citizens whose lives or well-being they could protect.

When operating at its best, the U.S. government’s response to hostage-taking incidents would be characterized by a comprehensive and dynamic approach, designed to counter such threats with precision and efficiency. Central to this strategy are hostage rescue operations, where highly trained and specialized military units supported by elements from across the interagency play a pivotal role. These units are equipped with advanced training, intelligence-gathering capabilities, and cutting-edge technology to execute swift and effective hostage extraction missions.¹⁸⁷ With a focus on rapid response and precision, these operations aim to neutralize threats, secure the safety of hostages, and bring perpetrators to justice. Whether conducted domestically or abroad, hostage rescue operations represent a critical component of the U.S. government’s commitment to protecting its citizens and combating terrorism and criminal activities

worldwide. Oftentimes however, given the circumstances of an individual’s captivity, the ability to deploy these elite resources can be quite limited.

Wrongful detention cases, on the other hand, are characterized by developing strategies, diplomatic engagements, and negotiations. This involves leveraging diplomatic channels — including through third-party intermediaries, engaging in dialogue with foreign governments to negotiate for the release of wrongfully detained U.S. nationals. Diplomatic efforts often include high-level negotiations, applying economic and political pressure, and mobilizing public opinion to highlight the unjust nature of the detentions. The goal is to secure the release of wrongful detainees through peaceful means while maintaining international relations and upholding human rights standards.

Overall, successful responses to hostage-taking and wrongful detentions require a multifaceted approach that combines military precision, diplomatic negotiation, and a strategic public messaging strategy. They require intelligence gathering and analysis, support for victims and their families, expert negotiators, and on-demand medical service and support for returning hostages and wrongful detainees. Both tactics aim to protect U.S. nationals, uphold international law, and deter future incidents, ensuring that the safety and rights of individuals are prioritized in the face of such critical challenges.

ACCOUNTABILITY AND JUSTICE

The pursuit of justice plays a crucial role in holding perpetrators accountable for their actions and providing redress to victims. Legal mechanisms for prosecuting perpetrators, including criminal liability and restitution, are essential in ensuring accountability and promoting respect for the rule of law. Gathering the evidence needed to secure convictions in hostage-takings is often a long and complicated process.¹⁸⁸ The U.S. government must often marshal significant resources and sustain focus over time in order to see the process through to a successful conclusion. This effort is important, however. Not only are transparent judicial processes and the pursuit of justice an obligation to the families of U.S. hostages and its citizens, they also send a clear message that perpetrators will be held accountable for their actions, increasing the deterrent value of these actions. Prosecutions of these heinous crimes through rule of law and due process are also a powerful moral signal of our values as a nation.

In some cases, however, justice has been pursued through lethal force and military action, targeting individuals involved in the hostage-taking of Americans. While largely unsatisfying to some families, it may be the only mechanism available for securing justice for individuals who may be beyond the reach of the U.S. justice system.

Justice for wrongful detentions is more complicated, given a lack of legal



Benjamin Gray

statute for prosecutions to be perused. In some cases, sanctions have been leveraged punitively against those responsible for wrongful detentions. In others, families have won settlements against the countries responsible for holding their loved ones. Many of these families have expressed a desire to see justice for their loved ones and believe that securing such justice would help deter future wrongful detentions.

It is important to note that there are linkages between deterrence and past actions to resolve cases or hold perpetrators accountable. There is some evidence to suggest, for instance, that hostage rescue

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DURING THOSE LONG
YEARS OF CAPTIVITY,
I ALWAYS KEPT MY FAITH,
NOT IN A PARTICULAR
RELIGION OR GOD,
BUT MY FAITH IN AMERICA,
AND THAT MY GOVERNMENT
WOULD DO WHATEVER IT
COULD TO SET ME FREE.
THE ONLY THING THAT
KEPT ME GOING EVERYDAY
WAS KNOWING THAT
I WAS AN AMERICAN
AND THE BELIEF THAT
AMERICA DOES NOT LEAVE
ITS OWN BEHIND.

”

EMAD SHARGI

wrongfully detained in Iran

operations — either successful or unsuccessful — serve to temporarily deter hostage-takings in the same country and subregion.¹⁸⁹

The strategies outlined in this section address the complex challenges posed by hostage-taking and wrongful detentions involving U.S. citizens. By prioritizing prevention through education, enhancing awareness, and improving notification systems, governments and organizations can empower individuals to minimize their vulnerability and respond effectively to crises. Furthermore, robust deterrence measures, including targeted sanctions and diplomatic efforts, may dissuade potential perpetrators from engaging in such actions while holding them accountable for their crimes. Additionally, a swift and coordinated response, coupled with a commitment to justice, is paramount in safeguarding the lives and rights of individuals affected by these violations. By focusing on these phases, the U.S. government, international community, and NGO partners can work together to prevent and address hostage-taking and wrongful detentions.

This quote was collected separately by the Foley Foundation and not during the author's interviews for this report. The quote does not indicate the individual's participation in *Bringing Americans Home* 2024.

APPENDIX A

RECOMMENDATIONS AND REQUESTS MADE BY HOSTAGE, WRONGFUL DETAINEE, AND OTHER FOLEY FOUNDATION REPORT PARTICIPANTS

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

- Improve reintegration support for all returned hostages and wrongful detainees.¹⁹⁰
- Broaden the scope of healthcare to include dental care.¹⁹¹
- Provide health insurance for a short period of time.¹⁹²
- Assistance in navigating tax issues after recovery.¹⁹³
- Replace the reimbursement process for supporting travel and mental health services for hostage and wrongful detainee families with a renewable annual fund dedicated to their support, accessible in partnership with credible NGOs specializing in aiding hostage and wrongful detainee families.¹⁹⁴
- Improve guidance and support services for wrongful detainee families to navigate legal and judicial proceedings overseas.
- More access to pro bono lawyers to assist families in understanding international laws and procedures.¹⁹⁵
- Enhance the process of debriefing former hostages and wrongful detainees — involve applicable departments and agencies to ensure comprehensive support and context.¹⁹⁶
- Expand the Consular Affairs office to provide comprehensive support for families under the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act review and evaluation process, offering dedicated personnel, regular updates, and enhanced resources to assist families throughout the review process.¹⁹⁷
- Flexible resourcing involves the allocation of funding and personnel that can be reallocated between hostage and wrongful detainee cases as needed.¹⁹⁸
- Co-locating the Special Presidential Envoy for Hostage Affairs and the Hostage Recovery Fusion Cell in a single location with both Sensitive Compartmented Information

Facilities (SCIF) and non-SCIF spaces, situated outside of FBI-controlled premises.¹⁹⁹

- Establish a Deputy Assistant to the President and Special Coordinator for Hostage & Detainee Affairs, to whom the chair of the Hostage Response Group should report.²⁰⁰
- Relocate the Hostage Recovery Fusion Cell²⁰¹ and rotate its leadership among directors from

the FBI, the Departments of State and Defense, and the intelligence community.²⁰² Ensure that the Chair of the Hostage Response Group is included in the decision-making process.²⁰³

- Ensure that the director of the Hostage Recovery Fusion Cell and the Special Presidential Envoy for Hostage Affairs have access to the President of the United States.²⁰⁴

APPENDIX B

SECURITY TIPS – JAMES W. FOLEY LEGACY TRAVELER SAFETY GUIDE

Innocent Americans are increasingly at risk of kidnapping while abroad. Here is information on how to mitigate the risk. The Foley Foundation developed the **Traveler Safety Guide**²⁰⁵ to help prepare Americans when traveling internationally or domestically.



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