

CYNTHIA LOERTSCHER

# **BRINGING AMERICANS HOME**

**The First Non-Governmental Assessment of  
U.S. Hostage Policy and Family Engagement**

JUNE 2019

## About the Author(s)

**Cynthia Loertscher** is the author and lead researcher of the James W. Foley Legacy Foundation's (JWFLF) review of U.S. Hostage Policy, *Bringing Americans Home*. Loertscher's research has focused on drawing hostages, their families, and the government closer to better support hostages and their families. Prior to working for JWFLF, Loertscher was a research fellow with First Division Consulting in support of the Combating Terrorism Center (CTC) at West Point. There she researched a variety of topics including counterterrorism sanctions, hostage-taking, irregular warfare, radicalization, and WMD terrorism.

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## About New America

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The International Security program aims to provide evidence-based analysis of some of the thorniest questions facing American policymakers and the public. We are focused on South Asia and the Middle East, extremist groups such as ISIS, al Qaeda and allied groups, the proliferation of drones, homeland security, and the activities of U.S. Special Forces and the CIA.

## Acknowledgments

I wish to thank Cynthia Loertscher for undertaking the first James W. Foley Legacy Foundation American hostage review. Her compassionate and painstaking qualitative research is a vital first step to "Bringing American Home." We are also indebted to our Foley Hostage Advisory group, which includes David G. Bradley, Emily Lenzner, Aretae Wyler, James O'Brien, Peter Bergen, Jen Easterly, David Rohde, Luke Hartig, Wendy Morigi, Jere VanDyk, John E. Foley, Joshua Geltzer, Rachel Briggs, Dana Smith, Chris Costa, and Rob Saale. I also wish to thank Kathy Gest, Ellen Shearer and New America and its staff, including David Sterman, Joanne Zalatoris, and Chris Mellon, for editing and publishing this report.

With sincere gratitude,

### **Diane M. Foley**

*Founder, James W. Foley Legacy Foundation*

## Dedication

This report is dedicated to David G. Bradley, whose generous support of American hostage families gave hope and inspired the James W. Foley Legacy Foundation to take on this first non-government review of the experiences of American hostage families and returning American hostages.

## About the James W. Foley Legacy Foundation

The James W. Foley Legacy Foundation advocates for the freedom of all Americans held hostage abroad and promotes the safety of journalists worldwide. Find out more at [www.jamesfoleyfoundation.org](http://www.jamesfoleyfoundation.org) and by viewing the documentary, *Jim, the James Foley Story*.

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## Author's Note

First and foremost, I would like to extend a warm and heartfelt thanks to the many people who unfortunately cannot be named, but who trusted me with their hostage-related experiences. Some of you invited me to sit next to you in your grief as you shared your trauma and the gravity of the loss you endured. Your strength and courage redefined what service is for me and also gave me the strength to see this report through to the end. Many of you shared more than what is revealed in this report, but I believe those stories are meant to be shared by you alone. Even though sharing your stories is the purpose of this report, it has been my goal, from the beginning, to do so responsibly and with integrity. I hope I have realized that intention. Working with you has been a great honor and privilege and my hope and prayer is that this report brings a level of peace and comfort to you and your families.

I am greatly indebted to Diane Foley and the James W. Foley Legacy Foundation Board of Directors and Advisory Group who provided me with this opportunity and offered invaluable advice. I also owe a special thanks to Amy Coyne, Margaux Ewen, and Lucy Perkins; without their support, this project would have been unachievable. I would also like to thank Bryan Price, without whose recommendation and encouragement, I would have never been affiliated with this project.

I would like to express my deepest gratitude to David Bradley whose early advice helped provide structure to the experiences shared by our participants. I would like to thank several other extraordinary individuals who generously offered their time, support, and guidance: Peter Bergen, Jen Easterly, Josh Geltzer, Mary McCord, Don Rassler, Rachel Briggs, Rob Saale, John E. Foley, Kathy Gest, and Mark Krekeler. Their sound advice and sharp intellects helped provide context and elevated this report.

I'm also incredibly grateful to David Sterman for editing this report. Without his meticulousness and attention to detail this report would not be where it is today. I'm also very appreciative to the graphics team at New America; their keen eye has enhanced this report in a way that I could not have done alone.

Last, but certainly not least, I would like to thank my husband, Seth Loertscher, and family and friends for their unwavering support throughout this process. Without their sustained support, this report would not have been possible.

In short, this report has been the work of many hands. Any success within these pages is shared with a number of people; any mistakes that remain are mine alone.

**Cynthia T. Loertscher**

## Foreword

In the fall of 2014, in the wake of a failed hostage rescue operation, courageous journalists and aid workers were brutally murdered by the terrorist group known as the Islamic State (ISIS). The brightest of lights, among the best of their respective generations, extinguished in the dark horror of ISIS' evil. The anguish and the anger of their families—that the government had not done enough to bring their loved ones home safely, that its structures and policies were opaque and confusing, that it had not treated them with the respect and attention that they deserved—were all justified and led President Barack Obama to direct a comprehensive review of U.S. hostage policy. At the time, I was serving as the Senior Director for Counterterrorism on the National Security Council staff, responsible for the development and coordination of counterterrorism and hostage policy. My team and I were tasked to lead the policy process governing the review. It was the most demanding and emotionally-wrenching mission I would take on in a career spanning nearly three decades of public service. It was also one of the most important.

Informed by the tremendous efforts of an interagency team of senior officials from across the U.S. government and led by Lieutenant General Bennet Sacolick of the National Counterterrorism Center, the review focused on four major areas:

- U.S. government coordination
- Engagement with families and external stakeholders
- Intelligence sharing and collection
- U.S. policy

The review team, which conducted extensive interviews with former hostages and families of hostages, noted in particular that, “the courageous and generous contributions received from numerous families who shared their concerns and their experiences...reinforced the critical importance of a comprehensive, coordinated, and coherent approach to hostage recovery efforts.”<sup>1</sup>

Based on the team's key findings and recommendations, on June 24, 2015, President Obama introduced a series of reforms designed to reimagine how the U.S. government handles hostage cases and to improve its effectiveness in bringing home American hostages. Presidential Policy Directive-30 (PPD-30), “U.S. Nationals Taken Hostage Abroad and Personnel Recovery Efforts,” set forth a renewed, more agile U.S. government response to hostage-takings, which included a recognition that the government may communicate with hostage-takers to secure the safe recovery of a hostage. With respect to family

engagement in particular, the review team highlighted the need for a “new paradigm” that not only focuses on providing support services to the family but also prioritizes continual collaboration with the family in the safe recovery of the hostage, since “no one has a greater stake in the response than the hostage and his or her family.” In announcing the new policy during a meeting with many of the hostage families, the President acknowledged that the government had let them down, emphasizing: “We can do better.” The new policy reflected this imperative.

Structural changes were also needed to ensure the U.S. government was set up to handle these complex cases. Executive Order 13698 directed critical organizational changes to ensure that the government was well organized to take rapid, coordinated action in response to a hostage-taking event. These management innovations included the establishment of a Hostage Recovery Fusion Cell (HRFC) to focus full-time on the development and execution of individualized recovery strategies for Americans held hostage overseas; a Hostage Response Group, chaired by the National Security Council Staff at the White House, to provide policy guidance to the HRFC and accountability to the highest levels of the U.S. government; an Issue Manager for Hostage Affairs within the Intelligence Community to ensure focused and prioritized intelligence support for hostage cases; the appointment of a Special Presidential Envoy for Hostage Affairs, based at the Department of State, to lead diplomatic efforts on all U.S. hostage-related matters; and the establishment of a Family Engagement Coordinator to help provide consistent, coordinated support and information to families of hostages.

While the new policy and structural changes were important, the true measure of the review’s success would always be in the actual impact the reforms would achieve over time. And so, under Executive Order 13698, the U.S. government was required to conduct two separate reviews; one a report on the status of the HRFC six months after its establishment, the other an update on the full implementation of the Executive Order a year after its issue. The latter report, published on September 30, 2016, found that the new policy and organizational structures had improved coordination on hostage recovery and support for hostage families, but also identified several recommendations for further improvement for consideration by the next administration.

This assessment, conducted by the James W. Foley Legacy Foundation, is the first non-governmental review of the implementation of PPD-30 and Executive Order 13698. Intended to inform continued discussions on the government’s provision of support to U.S. hostages and their families, as well as those Americans detained unlawfully abroad, it provides an important new perspective, conducted from the point of view of former U.S. hostages and family members of current and former U.S. hostages. Their views reinforce the importance of the partnership embodied in the notion of the “new paradigm,” an effort to ensure

that this new model of engagement is sustained constructively and collaboratively over time.

As noted in the assessment, four years after the implementation of the findings of the 2015 Hostage Policy Review, progress has indeed been made, resulting—most importantly—in the safe return of dozens of Americans held unjustly around the world. And while we celebrate those who have returned, we must acknowledge the many others whose freedom is still denied, and we must ensure that the policies and structures established to enable their safe return remain vibrant and well-resourced and that their efforts continue to be prioritized at the very highest levels of the U.S. government.

Until every American held unjustly abroad has returned home safely, we can, indeed, always do better.

**Jen Easterly**

*Former Special Assistant to the President and Senior Director for Counterterrorism*

*National Security Council Staff, The White House*



## Executive Summary

This assessment, conducted by the James W. Foley Legacy Foundation, (JWFLF) is the first non-governmental review of the efficacy of the 2015 U.S. Hostage Policy Review and the implementation of Presidential Policy Directive 30 (PPD-30) and Executive Order 13698 (EO 13698) concerning hostage recovery activities. This study was conducted from the perspective of former American hostages, family members of current and former U.S. hostages, and others detained unlawfully or wrongfully by a foreign government. This study does not represent the perspective of all former hostages, detainees, and their families, but only presents the perspectives of those who participated in this study.

Based on confidential interviews with 27 participants, this report provides insights into how the U.S. government's restructuring of its hostage enterprise has impacted American hostage families. Additionally, this report provides an initial examination of the type of support unlawfully or wrongfully detained U.S. nationals and their families received from the government. All interviews were conducted between April 2018 and August 2018. This study is intended to spark and inform discussions that will continue to improve the U.S. government's provision of support to hostages, detainees, and their families.

### Key Findings and Recommendations:

#### **1) The reforms implemented in June 2015 have had significant success, but hostage cases demand continued U.S. leadership and prioritization.**

- Americans held unjustly abroad deserve continued attention at the highest levels of the U.S. government. Often, it is leadership from the President himself and the Secretary of State that is necessary to bring these Americans home to their families. *That leadership must continue.*
- One structural innovation of the government's June 2015 policy—the creation of the interagency Hostage Recovery Fusion Cell (HRFC) as the center of gravity for hostage-related matters—has been welcomed by most families as a single point of entry for discussing hostage-related matters with the government. However, families have noted with concern the gradually decreasing representation of officials from the Department of Defense (DOD) and the Joint Personnel Recovery Agency assigned to the HRFC. This impacts interagency coordination and influences how the government handles hostage matters. *The U.S. government should restore hostage recovery experts across the HRFC in full-time capacities and also ensure the HRFC's sustainability through legislation by providing dedicated funding.*

- Another structural innovation of the government’s June 2015 policy—the creation of the office of the State Department Special Presidential Envoy for Hostage Affairs—has proven essential in assisting families and managing the diplomatic aspects of hostage recovery efforts as well as improving engagement with key personnel, at home and abroad. However, families noted with deep concern the temporary vacancy of the Special Presidential Envoy for Hostage Affairs. ***Appointing a Special Presidential Envoy for Hostage Affairs must become an early priority for incoming administrations.***
- Since the government issued its June 2015 policy, families perceive that the U.S. government is placing a higher priority on bringing their loved ones home and is providing more candid assessments of both their relative’s circumstances and potential recovery options. This contrasts sharply with the experience of families of hostages prior to the 2015 policy change, where families perceived little to no priority was placed on the recovery of their loved ones. ***Increasing prioritization of bringing Americans held as hostages home must be continued.***

**2) Clarifications in laws and policies must be communicated more effectively to families.**

- The U.S. government’s June 2015 reforms clarified key policies on hostage recovery. This includes the government’s willingness to support families as they attempt to negotiate the release of their relatives and the disavowal of consideration of criminally prosecuting families for ransom payments that might technically qualify as material support to terrorism. Nonetheless, given the complexity revolving around negotiations and private payments of ransoms, confusion among hostage families persists. ***The U.S. government must ensure that the HRFC and others who interact with families of hostages are able to explain more clearly and consistently what the government’s policies are regarding hostage recovery efforts, to include the ability of hostage families to make ransom payments and communicate with hostage-takers without fear of prosecution.***

**1. U.S. government communication with families should become more regular.**

- Since the U.S. government implemented its new policy in 2015, families are receiving more frequent and accurate briefings. Additionally, family engagement efforts have also been largely successful, with families describing the HRFC as “very helpful, consistent, and absolutely essential in coordinating efforts” on behalf of U.S. hostages. The government has been more successful in corresponding with hostage families, including

responding to phone calls and emails as well as scheduling meetings more promptly. However, even after the 2015 policy changes, some families still expressed confusion over roles within government agencies and have requested more regularly scheduled meetings and updates. Additionally, families noted with concern that, recently, the information they receive feels incomplete and emphasized the need for fuller, faster information sharing by the U.S. government. ***Consequently, there must be an increase in communication and coordination efforts from the HRFC, ensuring that relevant information is shared quickly and fulsomely with families.***

**3) Critical needs of hostages and their families remain unaddressed.**

- Returning hostages need continuing mental and physical health support upon their return. The families of hostages also require robust assistance to address ruined credit and other day-to-day financial challenges both during and after hostage incidents. ***The U.S. government should explore how it can help address these critical but unmet needs of hostages and their families, including whether the government can provide greater support to non-governmental organizations that might be better placed to address these challenges.***

**4) Americans unlawfully or wrongfully detained by foreign governments and their families deserve more attention and information from the U.S. government.**

- The U.S. government's June 2015 reforms are applied in full to all cases in which an American is held abroad and not acknowledged as held by a government—often hostage-takings by criminals, terrorists, or pirates—but applied only optionally and partially to cases in which an American is held abroad unlawfully or wrongfully and is acknowledged to be held by a foreign government. What has emerged since is a notable disparity in treatment, with families in the first category often receiving more attention and information from the U.S. government. ***The U.S. government, and more importantly the State Department, must ensure that cases in the second category also benefit from the June 2015 reforms. This includes an increase in information sharing and U.S. government support for families, both foreign and domestic. Any support provided by the HRFC would require additional personnel and resources to offset the added case load. Additionally, mechanisms should be established to identify monetary resources and manage the flow of information to Congress regarding the status of unlawfully or wrongfully detained U.S. nationals.***

## Introduction

On June 24, 2015, President Barack Obama entered the Roosevelt Room of the White House and announced the findings of a review of U.S. policy regarding American hostages held abroad by terrorist groups. The review established a series of reforms. This report presents the first non-governmental review of the impact of these reforms and their implementation. It is the only such review—governmental or non-governmental—conducted since a National Counterterrorism Center (NCTC) review in 2016.

The reforms established in June 2015 came in the wake of a particularly tragic period for Americans held hostage and their families. In the span of seven months, from August 2014 to February 2015, six U.S. citizens had been killed or died after being taken hostage by terrorist groups, while others who had been kidnapped escaped or were released. The abductions were not the work of a single group, nor confined to a single country. Instead several jihadist terrorist organizations across the Middle East and South Asia had been holding the Americans. The murders of several of the hostages were used as propaganda, creating a global firestorm of attention. Others died during hostage rescue operations or in airstrikes targeting the terrorist organizations.

Underpinning the entire tragic episode were the experiences of the hostages and their families. The families felt that the government, for all its global power, had failed to make the return of their loved ones a priority. Looking at those gathered in the West Wing that Wednesday afternoon, President Obama addressed the government's failure, saying: "I acknowledged to [the families] in private what I want to say publicly, that it is true that there have been times when our government, regardless of good intentions, has let them down. I promised them that we can do better."<sup>2</sup>

President Obama's announcement that day in June was designed to reshape the way the U.S. government was organized to handle hostage-takings, as well as improve its ability to support the families of U.S. hostages. For the previous ten months, officials conducted an extensive review of the organizations and stakeholders directly engaged in hostage recovery efforts.<sup>3</sup> The Hostage Policy Review, coordinated by the White House and informed by recommendations from a team of senior interagency officials, resulted in the creation of Executive Order 13698 "Hostage Recovery Activities" (EO 13698) and Presidential Policy Directive 30 (PPD-30).<sup>4</sup> Together, these documents called for a broad reorganization of personnel and intelligence-sharing in federal hostage recovery efforts, creating the Hostage Recovery Fusion Cell (HRFC), Hostage Response Group (HRG), Intelligence Manager for Hostage Affairs, Special Presidential Envoy for Hostage Affairs (S/SPEHA), and designating a Family Engagement Coordinator.<sup>5</sup>

The executive order also clarified and reiterated the U.S. no-concessions policy, while upholding the priority of bringing hostages home safely.

The executive order further called for a comprehensive review of the U.S. government's ability to coordinate response efforts to hostage-taking events. In 2016, in compliance with direction from PPD-30,<sup>6</sup> the NCTC convened a review team to conduct interviews with former U.S. hostages, families of U.S. hostages, elected officials, and senior government officials to examine U.S. support for hostage families and the implementation of EO 13698 and PPD-30.<sup>7</sup> The NCTC review, published in September 2016, found "significant progress in implementing EO 13698 and PPD-30 in the past twelve months" and that "families and members of the [government] interviewed for this report indicated overall satisfaction with [U.S. government] progress and effort on this issue since June 2015."<sup>8</sup> However, the report also expressed concern for the future of the implementation of EO 13698 and PPD-30. "In some areas," the report cautioned, "achievements to date could be eroded or erased without consistent senior policymaker attention."<sup>9</sup>

To date, the only examinations thus far of the implementation of EO 13698 and PPD-30 are the 2016 NCTC review mentioned above and a classified 180-day assessment of the HRFC's creation conducted by the HRG.<sup>10</sup> This new study, sponsored by the James W. Foley Legacy Foundation (JWFLF), represents the first non-governmental systematic review of the effects of EO 13698 and PPD-30 of U.S. nationals taken hostage abroad.

This report is based on interviews conducted between April 2018 and August 2018 with former hostages and families of current and former U.S. hostages, including those who have experienced a family member held in captivity both before and after the implementation of EO 13698 and PPD-30 on June 24, 2015.<sup>11</sup> The purpose of this study is to continue the evaluation begun during prior reviews conducted by the NCTC in 2015 and 2016. Specifically, this study will attempt to: (1) Determine, to the extent possible, if the implementation of PPD-30 increased the U.S. government's coordination efforts, improved engagement with families of hostages, and increased prosecution of hostage-takers of U.S. nationals; (2) Identify what shortcomings exist in the support for families of hostages and former hostages; (3) Identify what non-governmental resources and/or organizations have helped former hostages and their families in addition to U.S. government support; and (4) Identify if U.S. nationals and their families, who are unlawfully or wrongfully detained by a foreign government, receive the same level of support from the government as families of hostages described in EO 13698 and PPD-30.

This report is also the first attempt to examine the potential for expanding EO 13698 and PPD-30's support to include detainees regarded by the U.S. government as held "unlawfully" or "wrongfully" by foreign governments (but

acknowledged by those foreign governments as detained) and the experiences of such detainees and their families.

This report focuses exclusively on the hostages, detainees, and their families' perspectives. It is important to note that this report does not represent the perspective of all former hostages, detainees, and their families, but only presents the perspectives of those who participated in this study.

## **Methods and Definitions**

This report is based on a series of interviews with 27 individuals personally connected with cases of Americans taken hostage or detained abroad (hereafter referred to as participants). In every case examined here, the hostage or “unlawfully” or “wrongfully” detained person was a U.S. citizen.<sup>12</sup> This report distinguishes in its analysis between hostage cases and detainee cases. The differentiation is explained in detail below.

Of these 27 individuals, 22 participants were associated with hostage cases and five participants were associated with detainee cases. These participants were involved in 14 separate hostage cases, and four separate detainee cases, for an overall total of 18 cases. The participants included five former hostages, 14 hostage family members, three hostage family representatives, one former detainee, and four detainee family members (see Figure 1).

Of the 14 hostage cases, 10 cases began and ended prior to the implementation of PPD-30. Within these individual 10 cases, there were 16 participants. Cases that occurred before the implementation of PPD-30 will be referred to as “pre-PPD-30” for the remaining sections of this report. Three of the 14 hostage cases began prior to the implementation of PPD-30 and continued to be active after the directive was in place. Within these three cases, there were five participants. This study includes only one case that began after the implementation of PPD-30 (Figure 2). These combined four cases with six total participants will be referred to as “post-PPD-30” cases for the remaining sections of the report. The difference in timing of the examined hostage cases allows for a comparison of participants' views before and after the implementation of the June 2015 reforms. For comparison, it is important to note the NCTC's 2016 report on the implementation of EO 13698 extended invitations to 20 former hostages and families and received responses from only eight families and former hostages. Despite the small number of participants, the sample presented here is a meaningful improvement for the study of the reforms' implementation and the perspectives of participants in hostage and detainee cases.

### Figure 1. Interviewed Participants

The James W. Foley Legacy Foundation interviewed 27 people connected to hostage and detainee cases. The connection between these individuals and the hostage/detainee cases is shown below.

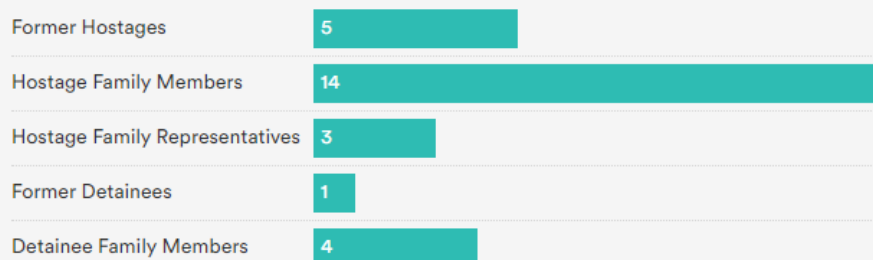


Chart: New America and James W. Foley Legacy Foundation • [Get the data](#) • [Download Image](#)

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The cases represented in this study took place from the mid-1990s to 2018.<sup>13</sup> While including specific dates for each case would have a detrimental effect on the anonymity of the participants, it is important to recognize when these events occurred since this has a significant impact on the interactions between family members and the U.S. government. Further detailed analysis on the victim's occupation, region where they were held, terrorist organization responsible for kidnapping, duration of captivity, and the outcome of each case can be found in Appendix B.

#### *Interview Method*

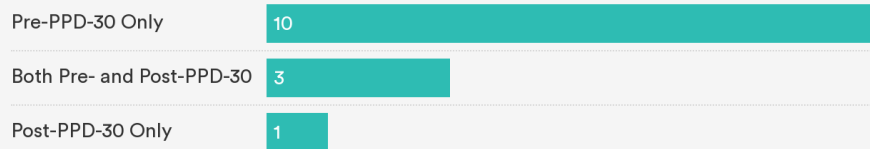
Interviews consisted of a series of questions focused on thematic areas drawn directly from PPD-30 to provide a qualitative understanding of the experiences of hostages, detainees, and their families. Each interview was followed up with a written survey to provide a more in-depth, quantitative assessment of the effectiveness of PPD-30. As part of the written survey, participants were asked to assign a numerical value to indicate the degree to which they agreed or disagreed with questions or statements about U.S. government support and interactions. The aggregated results of the written survey, its scale, and the questions asked can be found in Appendices C and D.

JWFLF sought to ensure confidentiality throughout the interview process. In an attempt to prevent bias and protect the identity of the hostage or detainee victim and their families, JWFLF assigned a random six-digit serial number to each case and permanently discarded each participant's name. Analysis of each case was then carried out using the six-digit serial number. Dates and specific timeframes of kidnapping events were not recorded to ensure the protection of the

participant’s identity. However, general timeframes were recorded in order to provide context and a better understanding of how the longevity of kidnapping cases impacts families and their interaction with U.S. government agencies. All interviews and written surveys were confidential and conducted between April 2018 and August 2018.

**Figure 2. Examined Hostage Cases by Relation to PPD-30**

The James W. Foley Legacy Foundation sample of hostage cases included 14 cases from which 22 people were interviewed. The cases spanned the time period before and after PPD-30 was issued in June 2015.



Note: Each category of case represents 16, 5, and 1 participants, respectively.

Chart: New America and James W. Foley Legacy Foundation

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In order to help provide information to assess the effectiveness of PPD-30, it was important to this study to have as large and representative sample of individuals impacted by the directive as possible. To do this, JWFLF actively sought ways to invite as many hostages, detainees, and families as possible. Contacting families is particularly challenging because U.S. hostage cases and detainees held abroad are often not reported in the media, and/or are protected under privacy laws. In order to reach these families, JWFLF contacted the HRFC, the State Department, and non-governmental organizations who work with hostages, detainees, and their families and asked for them to inform the families about the JWFLF hostage survey. It is important to note that while JWFLF requested that these organizations inform their families of the survey, the HRFC, the State Department, and various non-governmental organizations did not endorse the project or encourage families to participate in the survey. It was incumbent upon each individual to contact JWFLF themselves and request to participate in the survey.

*Sample Selection and Limitations*

Research in hostage-taking and kidnapping is often challenged by several factors that make creating representative samples difficult. First, it is likely that the phenomena of hostage-takings and unlawful or wrongful detentions of U.S. nationals is underreported for a variety of reasons. Stakeholders in such events have incentives not to bring attention to kidnappings, whether it is to protect the well-being of the hostage or detainee, prevent perceptions of instability, or avoid



issues with liability, privacy concerns, or the facilitation of ransom payments. These incentives have a significant impact on the reporting of kidnapping events, making open source research challenging. Second, due to the Privacy Act, the U.S. government is restricted in certain ways from revealing information regarding individuals maintained in their records. Due to these limitations, drawing a representative sample from this special population was, and will continue to be, a challenge in hostage-taking and detainee research.

In addition to concerns about sample size, JWFLF was particularly concerned with removing bias from the interviews, which were often emotionally charged. The JWFLF interviewer asked several open-ended questions for the purpose of having the ability to hear and understand what types of challenges the participant faced. This open-ended method was used throughout the interview phase of this study and answers were freely given by each participant. For example, the interviewer would ask: “What was most difficult for you while your loved one was being held,” or “with respect of your greatest need being the return of your loved one, what is your second greatest unmet need?” Each response was then grouped into categories<sup>14</sup> created by the JWFLF interviewer and analysis was drawn from the open-ended responses. The JWFLF interviewer used reflective listening techniques<sup>15</sup> and did not bait or try to sway specific responses from its participants.

Another challenge that impacted obtaining information for this report was the emotional nature of the interviews. JWFLF consistently put the safety and emotional needs of its participants above gaining information from the participants’ experience. Many families who have experienced the effects of hostage-taking or an unlawful detention find it extremely difficult and are understandably unwilling to further examine their trauma. The interviewer consistently put the well-being of the participant first and formulated a protocol intended to alleviate any additional stress and/or anxiety for the participant. For example, participants were given the opportunity and were strongly encouraged to refrain from answering questions that made them feel uncomfortable. All interviews were completely voluntary. Prior to each interview, participants received and signed a consent form and were given the opportunity to ask any questions or address any concerns. The interviewer discontinued the interview or redirected questions if the participant showed signs of anger, stress, and/or anxiety. It was not the intent of the interviewer for the participants to relive these traumatic events, but to allow each of its participants the opportunity to share their experience and be heard. Where this conflicted with gathering information, the interest of the participant took priority.

#### *Defining Hostages and Detainees*

This study recognizes the government’s response to a U.S. national being taken hostage abroad differs greatly from a U.S. national who has been detained by a foreign government. Some of those differences include access to allocated

funding and compliance with legislation. These are important factors that drive how the government responds to a hostage or detainee case. Therefore, it is important for the purpose of this report to describe how the U.S. government defines a hostage and a detainee.

According to the United Nations, a hostage is defined as a person detained and under the threat of death, injury, or continued detention by an individual or group 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.<sup>16</sup> While PPD-30 adopts this general definition, it then goes on to narrow the scope of the directive's application, excluding<sup>17</sup> those individuals whose detention is confirmed by a foreign government.<sup>18</sup> In doing so, it implicitly indicates that, for the purposes of the U.S. government, the term "hostage" applies to someone detained abroad by a non-state actor, such as a militant group or terrorist organization, a criminal group, or unknown captors. This report will combine the United Nations' definition and PPD-30's refinement of the term's application as the basis for the definition of the term "hostage." Additionally, while hostage-takings can refer to a variety of events,<sup>19</sup> this report will focus entirely on kidnapping events, and references to "hostage-incidents" throughout this study will refer specifically to kidnapping events and not hostage-barricade incidents.<sup>20</sup>

The U.S. government has drawn a distinction between those held by state and non-state actors for the purposes of the implementation of PPD-30. This report adopts that same distinction, referring to those individuals whose detention is confirmed by a foreign government as "detainees." This report will use the term "detainee" to refer to only those individuals detained "unlawfully" or "wrongfully" by a foreign government, as opposed to those individuals incarcerated for legitimate infractions of a foreign government's criminal code. For the purposes of this report, a U.S. national will be considered "unlawfully" or "wrongfully" detained by a foreign government if they have either:

- Been subjected to arbitrary arrest or detention
- Not been informed at the time of arrest, or thereafter, of the reasons for their arrest and have not been informed of any charges against them
- Not been entitled to a trial within a reasonable timeframe<sup>21</sup>

## **Former Hostage and Hostage Family Interactions with the U.S. Government**

This section analyzes the impact of EO 13698 and PPD-30 on U.S. hostages and their families and evaluates their interactions with the U.S. government. It analyzes eleven key thematic areas drawn from EO 13698 and PPD-30 to examine how the perspective of participants in hostage cases varies depending on whether the case was pre or post-PPD-30. All interview responses were analyzed in conjunction with the written survey responses. Of the 22 participants, who were connected to hostage cases,<sup>22</sup> only 13 provided responses to the written<sup>23</sup> survey questions. Those 13 survey respondents' answers are analyzed in quantitative form in this section. Even among these thirteen respondents not everyone responded to every question. In particular, survey respondents only responded to questions with which they had relevant experience or insight (for example, former hostages who did not interact with institutions aimed at engagement with families did not respond to questions about such engagement).

### **U.S. Government's Overall Helpfulness Towards Former Hostages and Their Families**

Living through a hostage-taking experience or learning of a loved one's hostage-taking is unquestionably a difficult and traumatic experience. Both pre- and post-PPD-30 family members of loved ones who have not returned home expressed an understandable level of grief and frustration over not having heard from their relative since the day they were taken hostage. They described the day they learned of their relative's kidnapping and how they urgently reached out and sought help from the U.S. government. However, those with experiences reaching out to the government pre-PPD-30 varied greatly from post-PPD-30 experiences.

One grieving pre-PPD-30 family member recalled:

I remember reaching out to my loved one's employer, State Department, FBI, and my Senator and Congressman, but no one would help us! I had to pull newspaper articles from a foreign country in a language I didn't understand. I needed help, my kids were being accosted by reporters, but we were on our own! My [relative's] captors would call and call, demanding more and more money, which even continued after they murdered him! It's still just so frustrating to this day that my country would not help us!

Other pre-PPD-30 family members shared how they sought help from government officials at the White House and the State Department in an attempt to develop foreign and domestic contacts. To their surprise, some government officials simply told them to “go away.” Others felt lied to or were sent to other agencies as if they were a burden. “No one would help us!” was the cry of several pre-PPD-30 families. “We didn’t know where to turn or what to do. It was very frustrating then and it still is, nobody helped,” one family member shared, while another said: “I felt like they [the U.S. government] just abandoned us!”

The difference between pre- and post-PPD-30 experiences becomes even clearer when concentrating on the agencies and offices who are primarily responsible for hostage related matters, including family engagement with American hostage families. JWFLF asked its participants to describe how helpful the State Department, the Special Presidential Envoy for Hostage Affairs, FBI Victims Assistance, and the HRFC were in dealing with their cases. Pre- and post-PPD-30 families shared strikingly different experiences.

#### *Former Hostages and Hostage Families Interactions with the State Department*

When asked whether the State Department was helpful with their case, four out of six pre-PPD-30 survey respondents who interacted with the State Department strongly disagreed. The remaining two respondents somewhat agreed that the State Department was helpful with their case (Figure 3).

A look at the statements provided in the interviews by participants supports the survey’s findings that experiences regarding the State Department’s role improved after the implementation of PPD-30.

Though not universally held, several pre-PPD-30 participants relayed negative experiences with the State Department. One pre-PPD-30 family member shared that the State Department was “useless” and it felt like the State Department “could not wait to get rid of us.” Another pre-PPD-30 family member recalled reaching out to the State Department soon after learning of their loved one’s kidnapping and the individual on the phone said, yawning, “we’ll get back to you.” Other pre-PPD-30 families expressed their frustration and disbelief over the fact that the individual working the regional desk lacked rudimentary knowledge of the region where their loved ones were being held. Other family members expressed that it was impossible to get any information from the State Department and that they had to continually press hard for answers. Meetings at the State Department were kept short, as one pre-PPD-30 family member described. One family member shared an experience where a high-ranking State Department official who made several attempts to end a meeting because they were late to a sporting event.

Pre-PPD-30 families also stated that it was unclear who was handling their case and they made several requests to meet with the Secretary of State, most of

which were denied. Some families felt that the Secretary of State was “hands off” and the State Department as a whole was unapproachable.

Other pre-PPD-30 families shared more positive experiences with the Secretary of State and claimed that the Secretary of State’s office did make helpful suggestions to families regarding who they should contact (foreign and/or domestic), helped initiate meetings, and allowed families to meet with the Secretary of State. Some pre-PPD-30 families stated that the State Department, specifically the Secretary of State, became a “serious partner” in the recovery efforts of their relative.

Pre-PPD-30 families responded favorably when the Secretary of State personally reached out to the families and answered their questions and concerns. In one case, the Secretary of State addressed the family’s concern about drone strikes that were being conducted in the region where their loved one was being held. Even though the family member was unable to influence the government’s decision to use drones in the area, they walked away with a deeper understanding of the situation and were satisfied with the opportunity to voice their opinions and concerns. Afterwards, the family expressed their gratitude and stated that the Secretary of State was particularly “proactive,” which brought a sense of comfort to the family.

In contrast, all four post-PPD-30 survey respondents who interacted with the newly created Special Presidential Envoy for Hostage Affairs housed in the State Department had a very positive experience and strongly agreed that the Special Presidential Envoy for Hostage Affairs was helpful with their case (Figure 3).

After the implementation of EO 13698 and PPD-30, the office of the Special Presidential Envoy for Hostage Affairs was established within the State Department and was put in charge of handling all hostage related issues. Since its inception, Jim O’Brien<sup>24</sup> who was later succeeded by Robert O’Brien,<sup>25</sup> filled the position for the Special Presidential Envoy for Hostage Affairs.<sup>26</sup> The primary responsibility of the Special Presidential Envoy for Hostage Affairs is to work with the Secretary of State to lead and coordinate diplomatic efforts overseas on hostage related issues.<sup>27</sup> Additional responsibilities of the Special Presidential Envoy for Hostage Affairs include:

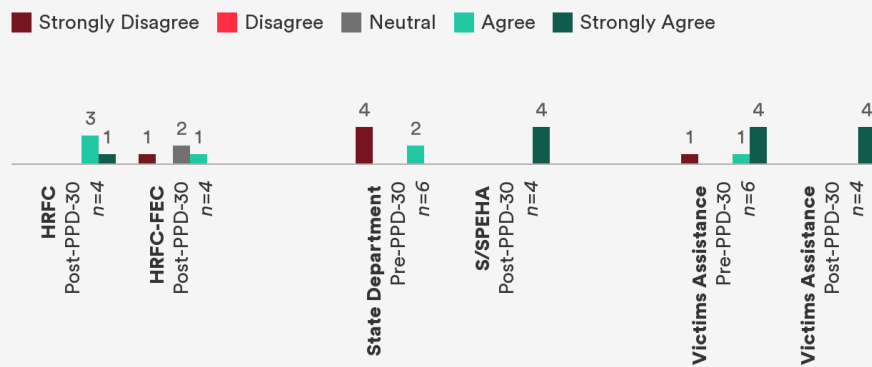
- Supporting hostage recovery efforts
- Working closely with families of American hostages, advising senior leadership of the U.S. government on hostage related issues
- Providing senior representation in strategy meetings with the HRG
- Working closely with the HRFC<sup>28</sup>

Families commented on how helpful the role of the Special Presidential Envoy for Hostage Affairs has been in developing strategy and in interagency relations. Post-PPD-30 families commented that the Office of the Special Presidential Envoy for Hostage Affairs was absolutely essential. Their ability to discuss their case with relevant diplomatic personnel from regions where their loved ones were being held (and in some cases are still being held) was particularly helpful from the perspective of family members. This is also consistent with one family member’s remark: “The Special Presidential Envoy for Hostage Affairs would travel to [the regions where the hostage was being held] and discuss my loved one’s case. Staff members arranged meetings for me with the [foreign] ambassador and made numerous attempts to meet with other [foreign] ambassadors to discuss my loved one’s case.”<sup>29</sup> In addition, families commented on how the Special Presidential Envoy for Hostage Affairs was always well-informed and managed complicated interactions and relationships with their relative’s captors.

Families also shared how helpful it was when the Special Presidential Envoy for Hostage Affairs would work with their closest advisors to discuss strategy. One family member commented: “He would engage with our closest advisors, who were experts [in the field and in the region holding our loved one]<sup>30</sup> and would implement what he learned from their expertise.” Another family member said: “He was very clear about explaining the strategy they were pursuing, especially when I had to play a role in this, through appeals in media, etc.”

**Figure 3. Evaluation of Helpfulness of U.S. Government Institutions Pre- and Post-PPD-30**

In response to: “The [HRFC; State Department; S/SPEHA; FBI OVA] was helpful in dealing with my loved one’s case.”



Note: The HRFC did not exist prior to PPD-30, so is only evaluated for post-PPD-30 cases. The State Department’s interactions were centralized in the S/SPEHA after PPD-30, and is evaluated in comparison with the State Department as a whole prior to PPD-30. Responses for “mostly” and “somewhat” agree/disagree were combined.

Chart: New America and James W. Foley Legacy Foundation

NEW AMERICA

*Former Hostages and Hostage Families Interactions with the FBI Office for Victim Assistance*

JWFLF asked its participants if the FBI Office for Victim Assistance (OVA) was helpful with their or their relative's case. Participants were generally positive before the implementation of PPD-30. Five out of six pre-PPD-30 survey respondents either mostly agreed (one respondent) or strongly agreed (four respondents) that OVA was helpful with their case (Figure 3).

However, after the implementation of PPD-30, responses were universally positive with all four post-PPD-30 respondents strongly agreeing that OVA was helpful in dealing with their loved one's case (Figure 3).

Pre-PPD-30 family members said that their specialist was very "sympathetic," "compassionate," "intelligent," and made "no false claims." Their specialist would regularly call the family with updates and would keep the family informed throughout the progression of their relative's case. One family member was particularly touched when their specialist was present when their relative returned home safely from captivity. Even in cases where their relative was tragically killed, families stated that their specialist saw their case through and was dedicated to the very end. They too were especially touched that their specialist was present during the moment their relative's remains were returned to U.S. soil and expressed gratitude that the specialist attended the burial.

Other pre-PPD-30 hostage families stated that they found it helpful when their specialist inquired about their overall well-being, specifically asking if they were eating and/or sleeping well. The specialists would also check in on the family members after they received a phone call from their relative's captors but would quickly distance themselves when calls became potential negotiations. Regardless of the strain, family members expressed that they knew their specialist would be there to support them. One family member described OVA as "a lifeline for us" and said that "[they] did everything possible to help my family." "We felt like we were their only case, even if it wasn't true," the family member stated, going on to explain that "they came to the house whenever we needed them. They treated us with kindness, compassion and care. We felt we could trust them and even vent when we needed to."

Other pre-PPD-30 responses were less positive, including one respondent who strongly disagreed that OVA was helpful. One individual stated: "Victim services really didn't know how to help. They were kind but not specific in the ways on how they could provide help. It wasn't until after their [relative's] murder when Victim's Assistance offered help with travel to and from Washington, D.C."

OVA not only interacted with the families of hostages, but with former hostages themselves. The responses of former hostages varied with regard to their interaction with OVA. Some former hostages mostly agreed that their victim specialist was helpful, stating that their specialist was there for them and they felt cared for and listened to; but other former hostages reported fewer positive experiences.

Some former hostages expressed their concern over the FBI retaining their belongings and the lack of options for counseling and housing services. Other former hostages were uneasy about sharing their experience in captivity with a psychiatrist provided by the FBI and would have preferred to speak to a psychiatrist not associated with the U.S. government, a specific recommendation they shared for future cases. Speaking to a therapist or psychiatrist outside of the U.S. government would help former hostages with issues of mistrust that developed and materialized during captivity. Additionally, former hostages felt that pairing a male therapist or psychiatrist with a male former hostage and a female therapist or psychiatrist with a female former hostage would provide a safer and more trusting environment.

The quality of medical care and the ability to choose their own doctors was also a major concern for former hostages. Some expressed concerns about receiving medical care from a doctor provided by the U.S. government and who, according to the former hostages, refused to fully help or treat them. In addition, some medical practices suggested or recommended by the U.S. government were located over an hour away from the former hostage's residence, making receiving treatment an overwhelming task for the former hostage.

Other former hostages expressed needing assistance with being able to rent an apartment or purchase a car due to ruined credit while they were being held captive. This deep frustration stems from the fact that some of these individuals had very good credit scores before their captivity but now they struggle to qualify for loans to make essential purchases due to low credit scores caused by events outside their control. One hostage suggested it would be nice to be able to get a new social security number or have some way to obtain a new identity in order to have a "fresh start." Another suggestion was to have the option to receive disability because of their inability to work as a result of the trauma they experienced during their captivity. One former hostage who expressed fear of being targeted in the future, mentioned that it would be helpful to be able to enter into a program, similar to the witness protection program, to avoid continued threats from their previous captors.



Remarks by those participants involved in hostage cases after the implementation of PPD-30 reflected their more positive survey responses. Post-PPD-30 families shared that their victim's specialist was "very sensitive to their concerns for privacy and responded to emails and voicemails quickly (even when the message was not urgent)." Families also reported that their victim's specialist contacted financial institutions on their behalf, gave advice on receivership cases, wrote letters on their behalf, provided reimbursement for travel expenses, and assisted in intra-governmental communication and media relations. Additionally, some family members found their specialist "wonderfully understanding and communicative" and appreciated having the option of continuing to work with their specialist after the formation of the HRFC.

*Former Hostages and Hostage Families Interactions with the Hostage Recovery Fusion Cell*

JWFLF also asked participants about their interactions with the HRFC as well as specifically about the HRFC Family Engagement Coordinator. These institutions did not exist before PPD-30, so no quantitative comparison can be made.

Post-PPD-30 respondent reactions to the HRFC were generally positive, with two of four respondents somewhat agreeing, one mostly agreeing, and one strongly agreeing that the HRFC has been helpful with their relative's case (Figure 3). The interviews with family members supported these positive results regarding the Cell as a whole. Family members commented that the two former heads of the HRFC, Michael McGarrity and Rob Saale, "were outstanding men who were very dedicated to the hostage mission." Others stated that the HRFC has been "very helpful, consistent, and absolutely essential in coordinating efforts [in their relative's case]."

A major concern for families was the transition between administrations, where hostage families expected to have to "start from scratch" with the incoming government officials. Instead, as one family member stated, "the Hostage Recovery Fusion Cell did a really good job briefing the new administration." The family also found that the National Security Council and other White House staff members were well-briefed about their relative's hostage case.

Families also reported: that they "do not have any problems contacting anyone at the Hostage Recovery Fusion Cell and have a very good rapport with the Cell. Questions are answered as clearly as they can be, given the sensitivity of the [hostage situation]. They are helpful in arranging meetings and making accommodations for [the family] when we travel to Washington, D.C." They have also been helpful for families deciding when and how to deal with the media, especially in trying to keep reporters from publicizing hostage cases when families request privacy. Families also shared that the HRFC had been very helpful in connecting them with their Senators and Congressmen and other influential people within the U.S. government.

Responses regarding the Family Engagement Coordinator at the HRFC showed more variability. Responses ranged from strongly disagree (one respondent), neither agree nor disagree (two respondents), and strongly agree (one respondent) (Figure 3). It is not clear to what extent these more mixed reactions reflect the Family Engagement Coordinator’s role or other factors that limited her interaction with families in lieu of other institutions.

Family remarks, however, also showed variability with regards to the Family Engagement Coordinator specifically. One family whose loved one was kidnapped before the creation of the HRFC commented that there was tremendous improvement in terms of communication after the creation of the Cell. They said that Family Engagement Coordinator “is very kind, and very responsive. She’s excellent if I send her a text or an email. She’s very skilled at scheduling meetings. She helped arrange a meeting at the White House regarding prosecution, powerful and very understanding.” Another family commented how helpful it was when the Family Engagement Coordinator called before disturbing videos released by a terrorist group that showed other hostages held by the same captor as their loved one went public.

One potential reason why half of respondents reported that they neither agreed nor disagreed that the Family Engagement Coordinator was helpful with their loved one’s case could be due to the fact that several families worked more closely with their victims’ specialist or FBI agent rather than the Family Engagement Coordinator. Several families indicated that the HRFC allowed families to continue to work with their original agents or assigned teams (i.e. OVA or their agent at their local Field Office) for cases that occurred before the creation of the HRFC. It is important to remember, for the purposes of this report, that post-PPD-30 cases consisted of four separate cases and three of those cases with five participants occurred both before and after the implementation of PPD-30. Additionally, the Family Engagement Coordinator’s responsibilities include other duties such as engaging with the HRG on a weekly basis (sometimes more). This can reduce the visibility of the Family Engagement Coordinator to families.

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**After the implementation of PPD-30, U.S. families of hostages perceived that the U.S. government has been more helpful in managing their loved one’s hostage case.**

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Overall, families specifically shared their need for additional help in knowing what appropriate steps to take in preparing for when their relative returns home. In addition, some family members expressed concerns and reported that their communication with the HRFC was “cut off” since their relative returned home, leaving the families in a challenging situation where they don’t know who to turn to for help. In addition, some former hostages and family members shared that they or their relative are experiencing great difficulty in getting back on their feet. Due to the length of captivity and experience of traumatic events, some former hostages find it difficult to maintain a job, and therefore cannot afford food, basic amenities, or a place to live.

### **Explanation of U.S. Government’s Laws and Policies**

A key theme raised by hostage families and previous governmental reviews was the effectiveness of the government’s explanation of its laws and policies and the extent to which hostage families understood those laws and policies. JWFLF asked about hostage families’ perceptions before and after the directive’s implementation of the extent to which the government as a whole provided effective explanations of law and policy regarding hostage incidents.

#### *Did PPD-30 Increase Understanding of U.S. Laws and Policies?*

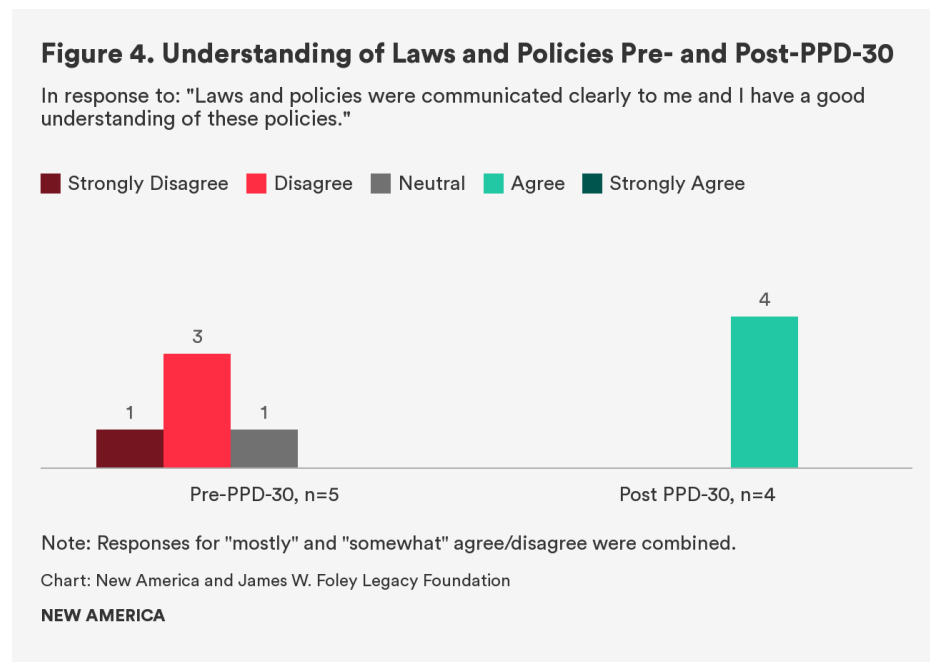
Survey responses suggest that PPD-30 improved hostage family understanding of the laws and policies surrounding hostage incidents. When asked if the U.S. government provided effective explanations of its laws and policies as they related to hostage incidents, the majority of JWFLF’s pre-PPD-30 respondents disagreed. Of these participants, one respondent strongly disagreed, three respondents mostly disagreed, while one was neutral on the subject (Figure 4).

In contrast, after the implementation of PPD-30, respondents reported having a better understanding of the U.S. government’s stance on hostage incidents. Post-PPD-30 respondents all generally agreed that they were provided an effective explanation of the U.S. government’s hostage policy. Three of four post-PPD-30 respondents mostly agreed, while one somewhat agreed (Figure 4).

The classification of the U.S. government’s overarching policy for responding to hostage-taking incidents prior to the release of EO 13698 and PPD-30 appears to have played a major role in the pre-PPD-30 failure to effectively explain U.S. policy. Prior to PPD-30, the government’s hostage recovery policy, NSPD-12 *United States Citizens Taken Hostage Abroad*, written in February 2002, was a

classified document.<sup>31</sup>This policy’s classification prevented officials from sharing it during discussions with family members.<sup>32</sup> This, in turn, meant that family members did not understand either the government’s capability to respond to a hostage incident, the specifics of their loved one’s case, or to what extent, if any, the government was taking action.

“We heard a lot about the reasons why [the U.S. government’s] hands were tied, that [the government] could not do more than what they were already doing,” one family member shared when discussing the challenges of understanding what actions the government was taking. “Whatever [it was they were doing], we’ll never know,” they said. “It was hard to know how much I understood,” another family member explained, echoing the same concerns, “we relied on information from experts we found through friends and family and meetings we arranged on our own.”



The decision to ensure that PPD-30 was created as an unclassified document<sup>33</sup> seems to have had an impact on the ability of officials to explain laws and policies as they relate to hostage incidents. One family member shared that, after the release of PPD-30, they were able to have an in-depth discussion with a member of the National Security Council where they discussed a variety of different response options. While the official “rejected” many of the family’s suggested recovery plans, the official was able to provide explanations about why the options were not feasible, helping the family understand what options the government could not pursue. This type of in-depth discussion could likely not have been possible if, like NSPD-12, PPD-30 was an entirely classified document.

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**From the perspective of families of hostages, the implementation of PPD-30 has increased their general understanding of U.S. government laws and policies as they relate to hostage incidents.**

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*Continued Lack of Clarity Regarding Ransom Payments and Negotiations*

Some of the most consequential issues and interactions between hostage families and the government prior to the hostage policy review revolved around negotiations and private payments of ransoms to terrorist organizations. Despite the review and a variety of statements made by U.S. officials, post-PPD-30 families still reported a lack of clarity on the policy regarding negotiations with and private payment of ransoms to terrorist organizations.

As a tool to end a hostage incident, the private payment of ransom in a criminal (i.e. non-terrorist) kidnapping is not illegal.<sup>34</sup> Questions of legality begin to come into play, however, when a U.S. citizen provides money to a group designated as a foreign terrorist organization by the U.S. government, a transaction that could be interpreted as a violation of the material support statute, 18 U.S.C. § 2339B.<sup>35,36</sup> Although the government continues to maintain its policy of not providing concessions to terrorist groups,<sup>37</sup> the United States has not created separate and specific criminal charges penalizing the private payment of ransoms and has generally not interfered with a family’s decision to provide a private ransom.<sup>38</sup>

Prior to the implementation of PPD-30, the question of whether ransom payments were considered material support to designated terrorist groups was left open to interpretation. This created challenges for hostage families seeking to recover their relatives. Pre-PPD-30 families reported not having a clear understanding of the U.S. hostage policy and whether or not they were legally allowed to pay ransoms. In discussions with these families, the Department of Justice (DOJ) and FBI would point to the fact that no family had ever been prosecuted for such activity. One pre-PPD-30 family member described the government's stance on private payments of ransom as "vague." "I asked FBI agents if my family would be prosecuted if we paid ransom," the family member continued, "[but all] they said was 'we never prosecuted a family for this.'" Multiple families reported receiving this type of ambiguous response during pre-PPD-30 discussions with FBI or DOJ officials. Discussions with other government agencies were often even less helpful and involved overt pressure to prevent families from paying private ransoms. "We heard a lot of 'we don't negotiate with terrorists,'" one family member shared. Another family member reported that an official from the National Security Council "threatened us with prosecution if we tried to raise a ransom for [our relative]."

These interactions played an important role in the push to have the government review and change the way it handles hostage-taking incidents.<sup>39</sup> When the review was released, President Obama addressed this concern in his comments. "In particular," he said, "I want to point out that no family of an American hostage has ever been prosecuted for paying a ransom for the return of their loved ones. The last thing that we should ever do is to add to a family's pain with threats like that."<sup>40</sup> The same day, the DOJ released a statement addressing the same concern:

When a U.S. citizen is taken hostage, the Department of Justice's top priority is the safe return of the hostage. The families who have been affected by hostage-takings have endured extraordinarily difficult circumstances. In light of recent hostage-takings perpetrated by terrorist groups, some families have expressed concerns that their efforts to retrieve their loved one could lead to potential prosecutions under the statute prohibiting the provision of material support to designated foreign terrorist organizations. In the face of their loved ones being held captive indefinitely by terrorist groups, families have understandably explored every option to secure their loved ones' safe recovery.

In these cases, the department has focused on helping the families, consistent with the government's no-concessions policy, and will continue to focus on exploring all appropriate options. The department does not intend to add to families' pain in such cases by suggesting that they could face criminal prosecution. Perhaps the best indication of how the department will exercise its prosecutorial discretion in enforcing the material support statute is the department's past record of prosecuting cases under the statute. The department has never used the material support statute to prosecute a hostage's family or friends for paying a ransom for the safe return of their loved one.<sup>41</sup>

These statements were designed to help clarify the government's stance on private negotiations, but aside from these assurances, the review did not take a firm stance on the legality of the payment of private ransoms.<sup>42</sup> The DOJ's statement that it would, in essence, look the other way for families paying private ransoms provided a signal to all the U.S. government's components and the public that ransom payments would not be considered material support for terrorist organizations. This resolved the most urgent issue experienced by pre-PPD-30 families, namely threats that families would be prosecuted for considering ransom payments.

By not providing a firm stance or limits on what conduct is considered protected from prosecution, however, the policy created additional questions for post-PPD-30 families. Post-PPD-30 families echoed pre-PPD-30 families' concerns about a variety of issues concerning the payment of private ransoms. Additionally, the issue of what constitutes negotiations with a terrorist organization has also become a topic of concern.

What constitutes a negotiation with a proscribed group? How far does this immunity from prosecution extend? Can friends and acquaintances be in prosecutorial danger for contributing to a ransom fund? Will the government seize funds from public fundraising campaigns? Are third-party intermediaries safe from prosecution associated with communication with individuals either designated as terrorists themselves or associated with groups designated as terrorist organizations? If third party intermediaries are at risk, can they obtain immunity? Therefore, despite an increase in the understanding of U.S. laws and policies after the implementation of PPD-30, there remains a level of confusion over the extent to which the government will allow families to pay private ransoms or negotiate with terrorist organizations designated by the U.S. government.

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**Despite an increase in the understanding of U.S. laws and policies related to hostage incidents, there remains a level of confusion on the U.S. policy toward private ransoms and negotiations with organizations designated as terrorist groups by the U.S. government, even after the implementation of PPD-30**

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*U.S. Government Coordination, Intelligence Sharing, and Communication*

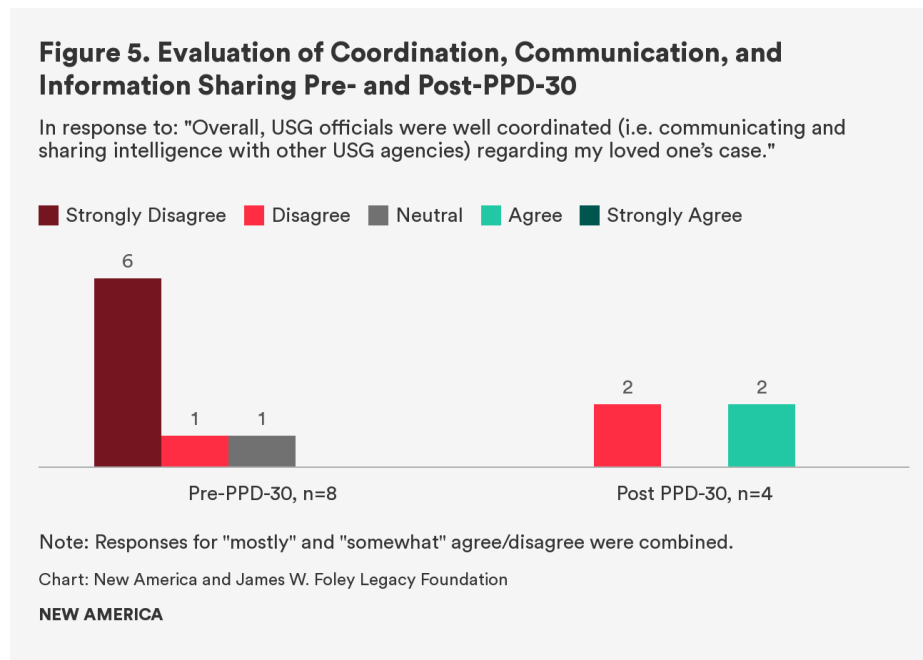
The HRFC was created to serve as the U.S. government's primary organization and interagency body responsible for directing and coordinating responses to all hostage-taking incidents of U.S. nationals kidnapped abroad.<sup>43</sup> The HRFC is responsible for coordinating intelligence and information sharing, which includes declassification of information pertaining to hostage-taking incidents.<sup>44</sup> In addition to creating the HRFC, PPD-30 gave the Director of National Intelligence the authority to establish a new Intelligence Community Issue Manager for Hostage Affairs to help increase interagency coordination.<sup>45</sup>

Although interactions between hostage families and the officials tasked with identifying and declassifying information are rare, JWFLF asked its participants if they perceived that government officials were well coordinated, i.e. communicating, sharing intelligence, and declassifying information regarding their relative's case.

As with other measures examined previously, the survey revealed improvement after the implementation of PPD-30, though the subject remained a concern for many. Among pre-PPD-30 respondents, six out of eight indicated that they strongly disagreed that officials were well coordinated regarding their relative's case. Another one mostly disagreed, and one neither agreed nor disagreed (Figure 5).



In contrast, after the implementation of PPD-30, no one strongly disagreed, one respondent mostly disagreed, one respondent somewhat disagreed and two mostly agreed, showing improvement in the perception of U.S. government coordination, intelligence sharing, and declassification to support families as compared to pre-PPD-30 experiences (Figure 5).



Despite the improvement shown in the survey, remarks by family members show that coordination remains an area of concern for many even after PPD-30's implementation. "The level of completeness of information sharing ebbs and flows, and pockets of siloed information still appear from time-to-time," as one post-PPD-30 family member stated. Other families reported that they had been misinformed by the HRFC regarding the degree to which the government shared information it had regarding their relative's case. Families compared this to the information received from their sources (private investigators, NGOs, their relative's employer, foreign government officials, and/or other U.S. officials) and the discrepancies often led family members to believe that the government continues to withhold information regarding their relative's case or filter what families perceive as relevant and important information.

Other families shared their concerns that information sharing between government agencies and receiving declassified information still remains a serious challenge. Both pre- and post-PPD-30 families reported ongoing

challenges in obtaining declassified information connected to their relative's case. The predominant issue for these families is learning the truth about what happened to their loved one. One family member explained the anxiety this caused: "Our fear is that we may never know the whole truth!" This inevitably prevents family members from receiving any closure while they are left wondering if their relative is still alive; leaving families in a perpetual state of grief.

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**From the perspective of the families of hostages, there has been an increase in U.S. government coordination in intelligence sharing and communication after the implementation of PPD-30.**

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*Candid Assessments and Recovery Efforts Shared with Hostage Families*

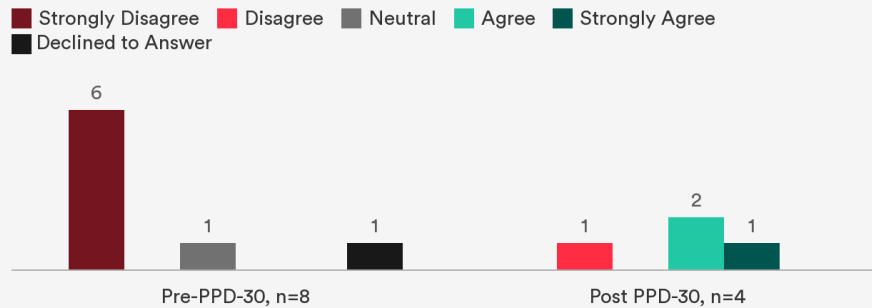
A key area of concern that helped prompt the government's review of hostage policies was the feeling on the part of families that the government was failing to share candid assessments and information regarding recovery efforts with family members.

The survey found substantial improvement in the provision of candid assessments regarding recovery efforts. Pre-PPD-30 families reported having a difficult time gaining access to information concerning the U.S. government's recovery efforts for their relative. All but two pre-PPD-30 family members responded that no candid assessments were given. One participant declined to answer. The majority of pre-PPD-30 family respondents (six of eight) strongly disagreed that specific candid assessments and plans of hostage recovery efforts were communicated clearly while one neither agreed or disagreed and one specifically declined to answer (Figure 6).<sup>46</sup>

In contrast, post-PPD-30 families responded more favorably. Although one post-PPD-30 respondent indicated that they mostly disagreed, the remaining three were evenly split between somewhat agreeing, mostly agreeing, and strongly agreeing (Figure 6).

### Figure 6. Evaluation of Information Sharing Regarding Hostage Recovery Plans Pre- and Post-PPD-30

In response to: "Specific candid assessments/plans of hostage recovery efforts were communicated clearly to me."



Note: Responses for "mostly" and "somewhat" agree/disagree were combined.

Chart: New America and James W. Foley Legacy Foundation

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What appeared to be most frustrating for several pre-PPD-30 families was the fact that the location of their relative had been identified and, for an extended period of time, no recovery efforts were made, or at least none that were shared with the families. The most difficult challenge reported by hostage families was knowing that their loved ones were wounded, hurt, and being mistreated and abused. From the perspective of pre-PPD-30 families, the government continued to delay any attempt to recover their loved ones. One family reported that they did not receive any information regarding recovery plans until only after the murder of their loved one. Another family stated that they were, "constantly told that nobody [in the U.S. government] could help [them] due to poor relations with the country holding their loved one." The family member struggled to understand this insistence on poor relationships when, shortly after the murder of their relative, the U.S. government was able to quickly retrieve their remains.

Post-PPD-30 families continue to advocate for more opportunities to be part of planning and recovery options for their relatives being held hostage. One family member requested that the government should allow, to the extent each family cares to, for families to:

- Be involved in the development of all strategy related to their relative's recovery efforts
- Have the ability to obtain advance notice of any proposed action
- Have the unrestricted right to veto any proposed action that they feel could harm their loved one

One family member shared their satisfaction with having the opportunity to speak with a high-ranking government official about the complexity of the geopolitical situation and why recovery efforts were particularly challenging in the area where their relative was being held. In addition, this family member was provided the opportunity to provide their own assessments concerning the recovery of their relative. Even though their recommendations were rejected, the family member had a good understanding of why when the government offered an adequate explanation.

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## **The implementation of PPD-30 has increased the U.S. government’s ability to share candid assessments and plans regarding recovery efforts of hostages.**

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### **Contextual Understanding of Geopolitical Situation**

Another key area of concern was the provision of information and the family’s understanding regarding the geopolitical situation as it related to hostage incidents. Here too, families’ experiences appear to have improved following the implementation of PPD-30.

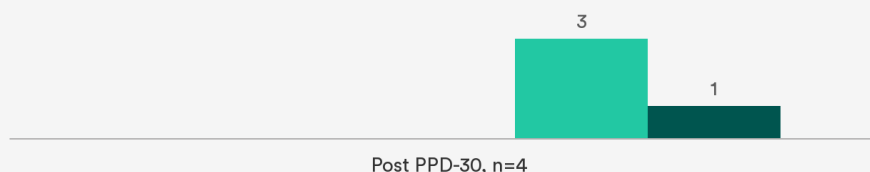
When asked if the U.S. government provided families explanations of the geopolitical situation as they related to hostage incidents, all pre-PPD-30 respondents indicated that they were never briefed. This contrasts with post-PPD-30 respondents who all indicated that they were briefed on the geopolitical situation.

Among the four post-PPD-30 respondents, one strongly agreed, two mostly agreed, and one somewhat agreed that the frequency with which they received periodic briefings on the geopolitical situation where their relative was being held was sufficient (Figure 7).

### Figure 7. Evaluation of Sharing of Geopolitical Context Post-PPD-30

In response to: "The frequency with which I received briefings on the geopolitical situation was sufficient."

■ Strongly Disagree ■ Disagree ■ Neutral ■ Agree ■ Strongly Agree



Note: Responses for "mostly" and "somewhat" agree/disagree were combined. All Pre-PPD-30 respondents reported that they were never briefed on geopolitical context.

Chart: New America and James W. Foley Legacy Foundation

NEW AMERICA

Overall, families have become more knowledgeable about the geopolitical situation surrounding their relative's case and they have also demonstrated an awareness of the national security implications of these cases. While this awareness helps them understand some of the challenges associated with recovery options, these families voiced their anger and frustration that their relatives have become political "chess pieces" or "bargaining chips" for terrorist organizations.

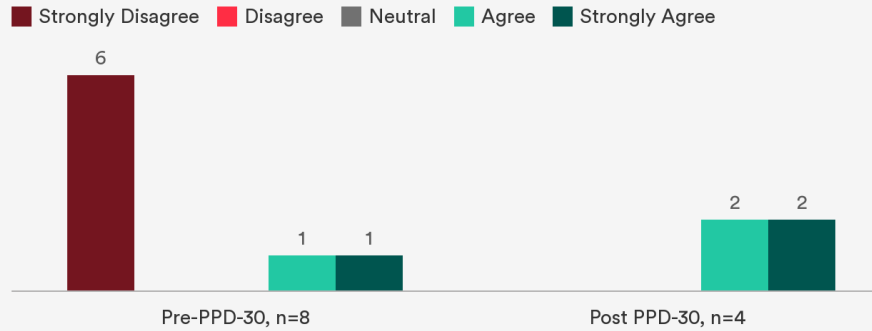
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**PPD-30 has increased the U.S. government's ability to update families on the geopolitical situation surrounding their loved one's case.**

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### Figure 8. Understanding of Geopolitical Context Pre- and Post-PPD-30

In response to: "I had an understanding of the complexity of the geopolitical situation."



Note: Responses for "mostly" and "somewhat" agree/disagree were combined.

Chart: New America and James W. Foley Legacy Foundation

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### Priority of U.S. Hostages

Following the implementation of PPD-30, there was a substantial increase in the extent to which hostage families reported that they believed that they or their relatives were a priority of the U.S. government.

The majority, (seven of eight) of pre-PPD-30 respondents said that they either strongly disagreed (six) or mostly disagreed (one) that their relative was a priority of the U.S. government. One respondent somewhat agreed that their relative's case was a priority (Figure 9).

For post-PPD-30 respondents, their view of whether the U.S. government saw their loved one's case as a priority increased favorably, with two respondents saying they somewhat agreed, two respondents saying they mostly agreed, and one saying they strongly agreed that the U.S. government considered their case a priority (Figure 9).

The comments during interviews make clear the substantial difference in experience. In response to the question about whether the government viewed them or their relative as a priority, one pre-PPD-30 family member simply stated "not at all, not for a single day."

Pre-PPD-30 family members described a bureaucracy where their cases' level of priority varied significantly among U.S. government agencies and officials, and one in which it was no one's job to bring their loved one home. One pre-PPD-30

family member indicated that they somewhat agreed because “our Ambassador arranged meetings for our family with the [foreign government’s]<sup>48</sup> officials.” On the other hand, one family member lamented over their relative being such a “low priority,” saying that the “U.S. government seemed to tie the hands of the FBI or anyone that wanted to help us. There didn’t seem to be anyone within the administration [who saw the] importance of bringing our loved one home.”

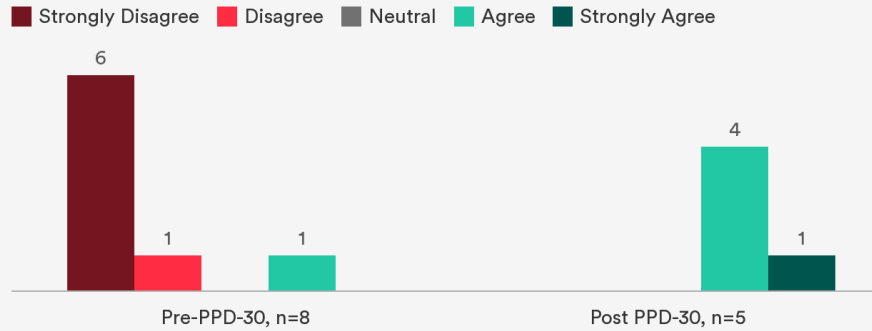
A tremendous amount of grief and frustration was shared by pre-PPD-30 families when they discussed how their relative’s return could not have been priority for the U.S. government when no action was taken even after the exact locations of the American hostages were discovered. That the President did not clearly articulate his stance on their relative’s case made it very difficult for some families to believe that it was a priority.

The worst part, as one family member shared, “was that we were led to believe that the U.S. government actually cared and that our loved one was a high priority, when in fact, they were not.” The family said that they trusted that the government was doing all that they could and only later learned that was not the case. This family felt that if the government had been clearer about the prioritization of their relative’s recovery and what was or wasn’t being done to aid in recovery efforts and had not made empty promises, they would have hired someone to privately handle their loved one’s case. Ultimately, the family felt like they wasted valuable time that a private security team could have used to potentially recover their relative because the government gave them the impression their case was being handled. The family felt lied to and they suggested that the government should be honest about their capabilities, helping families better understand the ways they can and cannot help to allow families to make more informed decisions about how to proceed.

Post-PPD-30 families had more positive comments. One family member stated that “it helped when the White House and the National Security Council personally reached out [after another American hostage was released].” This made the family member feel like they were always working behind the scenes and were concerned about recovering their loved one. Another family member responded favorably that they viewed the announcement of a monetary reward for information about their relative’s case as a sign that the U.S. government considered it a priority.

**Figure 9. Perception of Priority of Hostage Cases Pre- and Post-PPD-30**

In response to: "I felt that the return of their loved one was a priority of the USG."



Note: Responses for "mostly" and "somewhat" agree/disagree were combined.

Chart: New America and James W. Foley Legacy Foundation

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Other post-PPD-30 family members, however, expressed their concern that they were told they were a priority, but did not see the government's actions as reflecting that priority. The family felt that if their relative's case was a higher priority, then a high-ranking U.S. official (the President or Secretary of State) would demand the release of their relative. "This would show us that the U.S. government is taking our loved one's case seriously and making it a priority," as one family member stated.

---

## **Families feel that their loved ones who are being held hostage are a greater priority of the U.S. government since the implementation of PPD-30.**

---

### **Honesty and Transparency from U.S. Government Officials**

After the well-being and safe return of a family member's loved one, honesty and transparency in the government's communication was the most frequently



reported issue raised by both pre- and post-PPD-30 families. Families voiced their frustration over:

- Not being able to discern whether or not the government was being completely honest in discussions surrounding its capabilities and limitations in recovery efforts
- The priority level assigned to their relative's return
- The U.S. government's willingness to share details about their relative's case, including the location where they were being held and information regarding the outcome of the case

From the perspective of the family members, this breakdown in honesty and/or transparency sometimes seemed based on the desire of officials to try and shield families from hard truths. Families asserted that they want to be spoken to directly and not placated; to be told hard truths and not how to feel. One family member stated, "the U.S. government should not make assumptions on what I can and cannot handle. Many people shield information about [my loved one] thinking that I cannot handle the truth. I don't care what it is; I want to know the hard truth about what happened to [my loved one]!"

In other instances, families were unclear on what government officials knew, what they didn't, and what they were not able to share because of classification concerns. Both pre- and post-PPD-30 families consistently commented that officials need to be clearer on "what they know and what they don't know."

Hostage families expressed a desire to know as much about their relative's case as possible and, in large measure, believe that the U.S. government knows many of the details. In some cases, families reported that their interactions left them with the impression that officials knew more than they were sharing. Families also highlighted the fact that the information they received from officials was no more detailed, or timely, than information available in the media. While the families did share an understanding that, in some cases, issues of classification would restrict the government's ability to share information, they often felt there was a lack of transparency in their interactions.

Ultimately, from the perspective of both pre- and post-PPD-30 families, the importance of honesty and transparency in communication from the government is paramount. These families have consistently expressed a desire to know even hard truths about their loved one's cases, rather than have their feelings spared, and for government officials to be clearer about what information is known, unknown, or classified.

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**Both pre- and post-PPD-30 families expressed the need for more honesty and transparency from U.S. government officials.**

---

**Changeover of Administrations and Key Personnel**

Several family members shared their concerns over the loss of key personnel during administration turnovers and expressed concerns linked to personnel shortfalls. Their fears were three-fold:

- Whether incoming personnel would be knowledgeable enough about the region where their relatives were or are currently being held, and if not, how much time and effort would it require to bring them up to speed
- Whether incoming personnel would have enough authority and influence to effectively work towards the recovery of their relatives
- Whether these individuals would maintain or increase the priority level of their hostage cases

In the context of hostage related matters, turnover of key personnel most often occurs during the changeover of an administration or through reorganization of personnel within an organization. During an administration changeover, members of the Hostage Recovery Group and the office of the Special Presidential Envoy for Hostage Affairs, primarily political appointees, see the highest rates of change in personnel. Career government servants, such as personnel from the HRFC and the wider U.S. government hostage enterprise, are less affected. Families fear that during these transitions the primary focus shifts from working on strategy and recovery efforts to briefing and educating the incoming personnel on the specifics and history of each case. During their interviews, several participants emphasized the importance of the Special Presidential Envoy for Hostage Affairs role and position within the State Department. They also voiced their concerns over the vacancy of the Special Presidential Envoy for Hostage Affairs position during the change of administrations.<sup>49</sup> One family member shared that during the vacancy of the Special Presidential Envoy for Hostage Affairs, they “felt the State Department

and Special Presidential Envoy for Hostage Affairs office has little capacity and expertise to carry on their duties with the grievous loss of personnel.”

Several other participants expressed their concern that the lowering of the Special Presidential Envoy for Hostage Affairs’ position within the State Department will hamper the diplomatic arm of PPD-30’s interagency restructuring. In addition, family members expressed that they would have liked to have been provided the opportunity to participate in the vetting process of the next Special Presidential Envoy for Hostage Affairs. They did, however, express deep appreciation for the current administration’s continuing support of PPD-30.<sup>50</sup> The current administration’s appointment of a Special Presidential Envoy for Hostage Affairs is an important step in maintaining the durability of U.S. government improvements in hostage-related activities and signals the U.S. government’s enduring commitment to families of those taken hostage.

Participants also expressed concern that the HRFC was making it more difficult to speak to other departments and agencies regarding their hostage case. JWFLF sought out former U.S. government officials and found that, in some cases, support from participating departments and agencies has decreased since the creation of the HRFC. As the organization charged with coordinating the government’s response to the kidnapping of U.S. nationals and the interaction with their families, liaison officers with U.S. government organizations throughout the interagency are crucial to ensuring clear communication and coordinated efforts.

At the beginning and shortly after the creation of the HRFC, the DOD and Joint Personnel Recovery Agency placed representatives within the HRFC to participate in the recovery of U.S. nationals held hostage abroad. Over time, their presence, specifically that of the Joint Personnel Recovery Agency, has become increasingly limited. This mirrors concerns expressed in the National Counterterrorism Center’s 2016 review of the implementation of PPD-30 that “while most departments and agencies have assigned staff to the HRFC, some staffing gaps and shortfalls remain.”<sup>51</sup>

Additionally, other participants shared that “the Hostage Recovery Fusion Cell acts as a barrier and prevents other agencies from discussing our case with us.” After sharing this concern with former U.S. government officials, one individual commented that the concern is over family members making multiple recorded statements to different agencies, which has the potential to negatively impact future prosecutions. Although the HRFC does not have an issue with family members speaking to other departments or agencies in general, the HRFC’s concern lies over the fact that it is the FBI’s responsibility to investigate these matters and to “collect evidence and conduct forensics in furtherance of a potential prosecution.”<sup>52</sup> It is then the HRFC’s responsibility to “coordinate efforts by relevant departments and agencies to ensure that all relevant material and information acquired by the U.S. government in the course of a hostage-

taking event is made available for use in the effort to recover the hostage and, where possible and consistent with that goal, is managed in such a way as to allow its use in an ongoing criminal investigation or prosecution.”<sup>53</sup>

Therefore, it is imperative that the HRFC manage these interactions in such a way as to provide strong cases for potential prosecution. Increasing communication and coordination between the HRFC, former hostages and/or their families, and other departments and agencies will improve the U.S. government’s efforts in engaging with its families.

In addition, the role of the HRFC and professional staff of the Special Presidential Envoy for Hostage Affairs remain critical for the successful resolution of future hostage-taking incidents involving U.S. citizens. While the number of U.S. citizens kidnapped by terrorist organizations changes over time<sup>54</sup> and officials within administrations will have varying degrees of familiarity with resolving hostage issues, maintaining a robust government interagency capability to coordinate responses and retaining institutional knowledge of hostage resolution and family engagement best practices will be critical for success when future hostage crises erupt.

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**Families of hostages have noted concern over the gradually decreasing seniority of U.S. government officials assigned to the HRFC, which impacts interagency coordination and influences how the government handles hostage matters.**

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**U.S. Government Briefings and Correspondence with Hostage Families**

Overall, the government’s briefing and correspondence with hostage families have been more effective following the implementation of PPD-30. This section examines this issue with a focus on three areas:

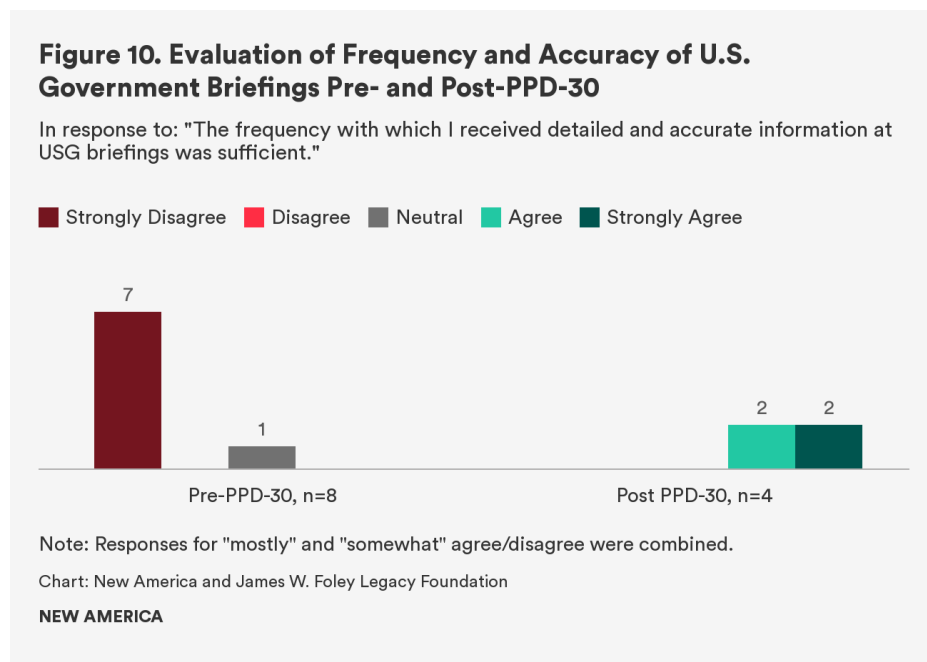
- The provision of regular briefings by the government
- The explanation of the institutions available to aid hostages and hostage families

- The effectiveness and nature of government correspondence with hostage families

*Detailed and Regular Government Briefings*

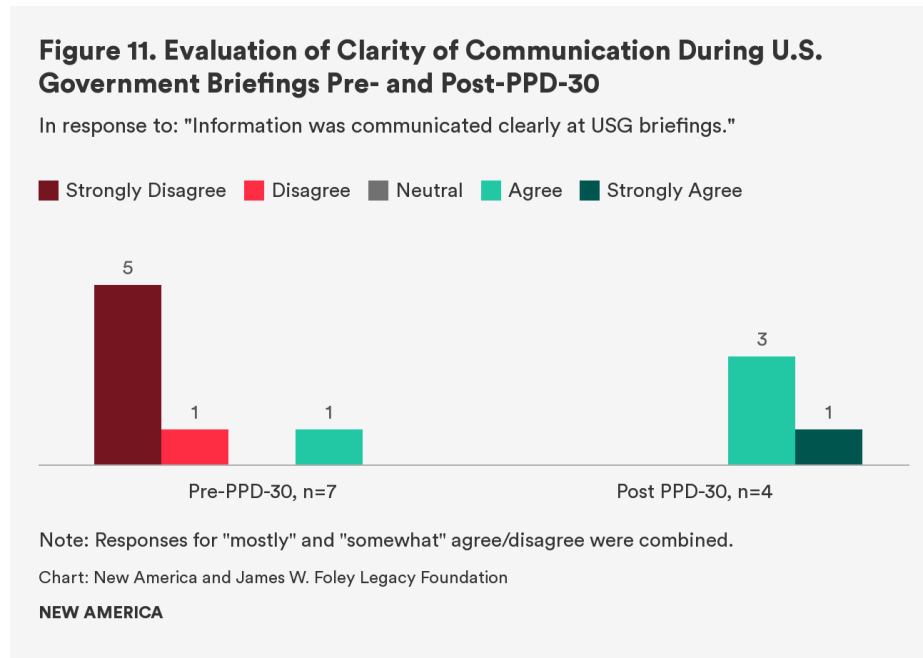
The majority (seven of eight) of pre-PPD-30 respondents reported that they did not receive frequent and accurate briefings from the U.S. government while only one respondent neither agreed nor disagreed that they received such briefings (Figure 10).

After the implementation of PPD-30, respondents reported a substantial increase in the frequency with which they received detailed and accurate information at briefings held by the U.S. government. All post-PPD-30 respondents voiced some form of agreement that they received detailed and accurate information at briefings. Two respondents strongly agreed, one respondent mostly agreed, and one respondent somewhat agreed (Figure 10).



The improvement after the implementation of PPD-30 is mirrored in the results regarding whether the information conveyed in the briefing was conveyed clearly. Among pre-PPD-30 respondents, five strongly disagreed that information was conveyed clearly, one mostly disagreed, and one somewhat agreed (Figure 11). After the implementation of PPD-30, two respondents somewhat agreed, one respondent mostly agreed, and one respondent strongly agreed that information

was being communicated clearly during briefings with the U.S. government (Figure 11).



Several pre-PPD-30 participants shared that they were often the ones briefing the U.S. government on their relative's case. Families described providing videos, emails, or other forms of communication that they received from their relative's captors with the FBI. Families expressed their frustration over the fact that the FBI very rarely shared new information with them regarding their relative's case. Again, a similar source of frustration was shared when FBI agents would call the family and ask for updates instead of calling the family to update them on new information pertaining to their case.

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**After the implementation of PPD-30, information shared at U.S. government briefings was communicated clearly according to hostage families.**

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In addition to rarely learning anything new at government briefings, pre-PPD-30 families described U.S. officials as being “vague” and “non-committal,” and often deflecting responsibility. In one case, a family member reported receiving misinformation from a high-ranking U.S. government official, and felt that they were purposely sent in the wrong direction.

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## **From the perspective of hostage families, the frequency and accuracy of U.S. government briefings overall have increased since the implementation of PPD-30.**

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### *Explanation of U.S. Government Roles*

JWFLF asked participants if they had trouble understanding the roles of the individuals with whom they interacted with at meetings with the State Department, the Special Presidential Envoy for Hostage Affairs, OVA, and the HRFC.

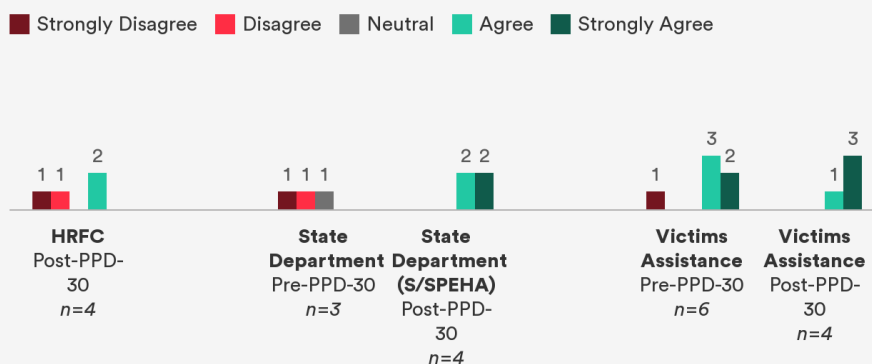
In reference to the State Department, one pre-PPD-30 respondent strongly disagreed that they had a clear understanding of the roles of State Department officials, and another mostly disagreed while the remaining respondent neither agreed nor disagreed (Figure 12).

After the implementation of PPD-30 and the creation of the Office of the Special Presidential Envoy for Hostage Affairs, post-PPD-30 respondents had a more positive response; two strongly agreed and two mostly agreed that they had a good understanding of the Special Presidential Envoy for Hostage Affairs’ role (Figure 12).

When JWFLF asked its participants if they had a good understanding of the roles of officials from FBI’s OVA, two pre-PPD-30 respondents strongly agreed and two mostly agreed that they had a good understanding of their roles whereas one somewhat agreed and one strongly disagreed. Among post-PPD-30 respondents, three strongly agreed that they had a good understanding of the role of OVA, and one mostly agreed, showing a great improvement (Figure 12).

### Figure 12. Evaluation of Clarity of U.S. Government Institution Roles Pre- and Post-PPD-30

In response to: "The [HRFC; State Department; S/SPEHA; FBI OVA] roles were made clear to me."



Note: The HRFC did not exist prior to PPD-30, so is only evaluated for post-PPD-30 cases. The State Department's interactions were centralized in the S/SPEHA after PPD-30, and is evaluated in comparison with the State Department as a whole prior to PPD-30. Responses for "mostly" and "somewhat" agree/disagree were combined.

Chart: New America and James W. Foley Legacy Foundation

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With regard to the HRFC, one post-PPD-30 respondent strongly disagreed and one somewhat disagreed that they understood the individual roles at the HRFC. The remaining two respondents indicated that they somewhat agreed that they had a good understanding of individual roles at the HRFC (Figure 12).

Although family members did not elaborate on why they did not have a good understanding of the HRFC officials' roles, it is possible family members of these particular cases interacted less with the HRFC and directed more of their interactions to their victim specialist and/or FBI agent. Several post-PPD-30 families indicated that they were given the option to continue to work with the original team they had established with an FBI Field Office and/or victim specialist, meaning these families had few substantive interactions with the HRFC.



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## **Families expressed confusion over roles within U.S. government agencies even after the implementation of PPD-30.**

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### *Government Correspondence with Hostage Families*

JWFLF asked its participants about the nature of their correspondence with the U.S. government post-PPD-30, specifically asking families:

- If all people on calls/meetings were introduced
- If any requests for meetings were denied
- If requests were denied, whether a reasonable explanation was given or if the call or meeting was rescheduled
- Whether all emails and calls answered within a reasonable amount of time<sup>55</sup>

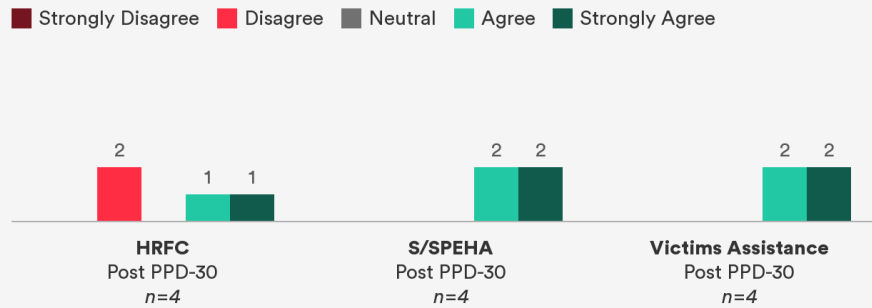
According to post-PPD-30 respondents, all people on calls and in meetings with the HRFC, Special Presidential Envoy for Hostage Affairs, and Victims Assistance were introduced to them. Additionally, all individual respondents requested to be included on calls or in meetings were also allowed with the exception of one case where the family's third party intermediary was not allowed in particular meetings with the HRFC. All respondents indicated that no requests for meetings were denied by the HRFC, Special Presidential Envoy for Hostage Affairs, or OVA.

Additionally, JWFLF asked its post-PPD-30 respondents if emails and calls were answered promptly by the HRFC, Special Presidential Envoy for Hostage Affairs, and OVA. Two respondents somewhat disagreed, while one mostly agreed, and one strongly agreed that the HRFC correspondence was prompt (Figure 13).

Among post-PPD-30 respondents, two mostly agreed and two strongly agreed that the Special Presidential Envoy for Hostage Affairs' correspondence was prompt. Two mostly agreed and two strongly agreed that FBI OVA's correspondence was sufficient (Figure 13).

### Figure 13. Evaluation of Promptness of U.S. Government Institution Responsiveness Post-PPD-30

In response to: "All of my emails and calls were answered promptly by the [HRFC; S/SPEHA; FBI OVA]"



Note: Responses for "mostly" and "somewhat" agree/disagree were combined.

Chart: New America and James W. Foley Legacy Foundation

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### Empathy and Compassion for Hostages and Family Members

Pre-PPD-30 former hostages and families across the board expressed the importance of being treated with empathy and compassion by government officials, and that these officials should not be too focused on bureaucratic matters. One former hostage mentioned the necessity of having someone who has the ability to connect with hostages and their families, someone with “more of a personal touch” and who can manage “not to be detached.” Ultimately, family members do not want to be “placated” and insist on being “spoken to directly and not told how to feel.” Families do not want the government to “manage” their feelings and stressed how important “tone” is when communicating with a family.

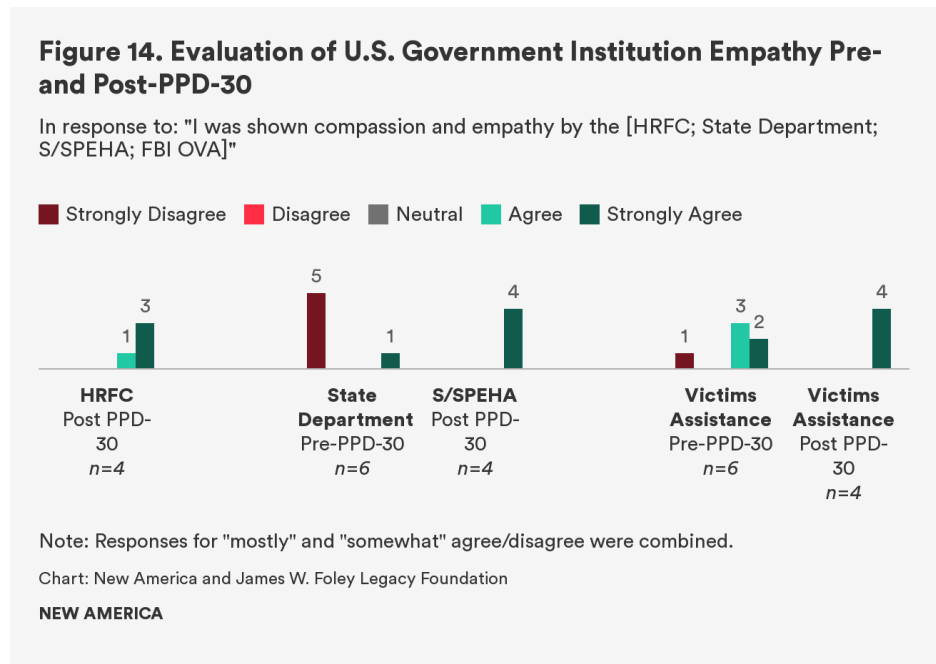
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**Correspondence between the U.S. government and families of hostages have improved since the implementation of PPD-30.**

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JWFLF asked its participants if the State Department, Special Presidential Envoy for Hostage Affairs, OVA, or HRFC showed empathy and compassion throughout their interactions. The majority of pre-PPD-30 respondents (five of six) strongly disagreed that the State Department showed empathy and compassion, whereas one respondent (a former hostage themselves), strongly agreed (Figure 14). The former hostage complimented the State Department, saying that they “went through the emotions” with them and their family.

After the implementation of PPD-30, all four respondents were unanimous in strongly agreeing that the Special Presidential Envoy for Hostage Affairs was empathetic and compassionate (Figure 14). Families commonly said that “he was open, honest, and a wonderful addition to our support team.”



Pre-PPD-30 respondents who interacted with OVA shared a variety of responses; with one strongly disagreeing that OVA showed empathy, one somewhat agreeing, and two each mostly and strongly agreeing. One former hostage expressed their frustration over being told to live in a homeless shelter after sharing that they were having a difficult time finding an apartment upon their return. However, another former hostage shared that their victim specialist listened intently and was there for them when the hostage “needed them.” Ultimately, this individual felt that their victim specialist showed them that they “cared.” All four post-PPD-30 respondents strongly agreed that OVA was empathetic and compassionate (Figure 14).

Post-PPD-30 respondents also described the HRFC favorably. Three strongly agreed and one somewhat agreed that the HRFC showed empathy and compassion (Figure 14).

JWFLF also asked its participants if they felt understood and supported by the State Department, Special Presidential Envoy for Hostage Affairs, OVA, and the HRFC. Before the implementation of PPD-30, the majority of pre-PPD-30 respondents (five of six), strongly disagreed, whereas one (again, a former hostage) strongly agreed that they felt understood and supported by the State Department. After the implementation of PPD-30, two respondents mostly agreed and two respondents strongly agreed that they felt understood and supported by the Special Presidential Envoy for Hostage Affairs (Figure 15).

The majority of pre-PPD-30 respondents either somewhat agreed (three) or strongly agreed (two) that they felt understood and supported by OVA. After the implementation of PPD-30, all respondents either mostly agreed (one) or strongly agreed (three) that they felt understood and supported by OVA (Figure 15). Regarding the HRFC, one respondent somewhat disagreed that they felt understood and supported, whereas, three strongly agreed that they felt understood and supported (Figure 15).

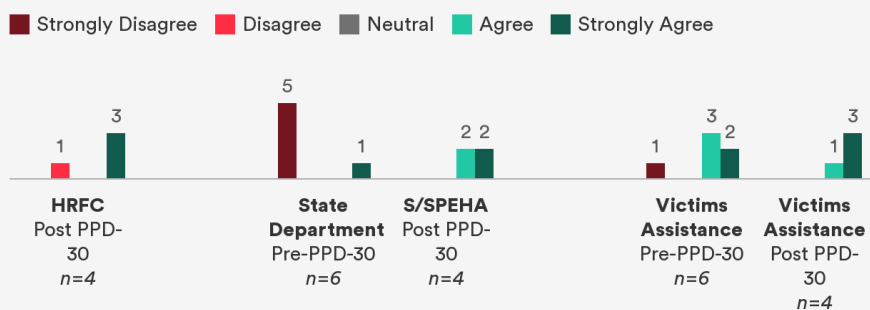
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**After the implementation of PPD-30, former hostages and their families are being treated with more empathy and compassion and generally feel better understood and supported by the U.S. government.**

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**Figure 15. Evaluation of U.S. Government Institution Supportiveness Pre- and Post-PPD-30**

In response to: "I felt understood and supported by the [HRFC; State Department; S/SPEHA; FBI OVA]"



Note: Responses for "mostly" and "somewhat" agree/disagree were combined.

Chart: New America and James W. Foley Legacy Foundation

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## Justice for Hostages and Hostage Families

One of the most emotionally charged issues for JWFLF’s participants was the fact that their or their relative’s kidnapper(s) and/or murderer(s) have not been taken into U.S. custody nor have they been brought back to the United States to face prosecution in a federal court for their crimes. PPD-30 states:

The United States shall diligently seek to ensure that hostage-takers of U.S. nationals are arrested, prosecuted, and punished through a due process criminal justice system in the United States or abroad for crimes related to the hostage-taking.<sup>56</sup>

Several participants reported that they continue to press the government to bring kidnappers associated with their case to justice. In one instance, a former hostage was told that their case had been closed by the FBI due to a lack of evidence. However, the FBI did state that they would reopen the case if new evidence were to surface. Other participants indicated that they have been working closely with the FBI, the HRFC, and the DOJ. Several families commented, however, that they would like to see the DOJ hold their hostage-takers accountable and bring them to justice in federal court.

JWFLF asked its participants:

- Has the kidnapper been arrested or captured?
- Has the kidnapper been prosecuted?
- Has the kidnapper been convicted?
- (If yes to conviction) Has the kidnapper been convicted of crimes related to the hostage-taking?<sup>57</sup>

Of the 14 hostage cases, there were five cases where kidnappers were arrested or captured. Of the five cases, the kidnappers in two sets of cases overlapped. In only one case was the kidnapper prosecuted. However, there were no cases where kidnappers were convicted, either for unrelated crimes or crimes related to the hostage-taking (Figure 16).

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## **Former hostages and family members of hostage victims want their kidnappers prosecuted and brought to justice.**

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It is important to note that these findings are not representative of all cases involving the kidnapping of U.S. nationals. While the exact number of prosecutions and convictions are unclear, the U.S. government has been successful in charging and convicting hostage-takers in the past,<sup>58</sup> with other cases currently ongoing.<sup>59</sup> The relative scarcity of arrests and convictions is likely the result of a variety of factors. Kidnappers and their associates, often fugitives in foreign countries, are difficult to identify, locate, and arrest. In some cases, the United States is able to work with foreign law enforcement, but in others, where civil wars and other conflicts have eroded state authority, the United States lacks viable partners to support arrests and extradition. Even if the kidnappers are found and arrested, U.S. prosecutors face significant evidentiary challenges in acquiring witnesses and physical evidence tying the kidnappers to the abduction or captivity of U.S. nationals. In addition, any information that the government has connecting these individuals to terrorist groups and kidnappings is often classified, creating another barrier to public prosecutions in federal courts.

While conviction in federal courts is often the most satisfying result for families, it is not the only form of justice for hostage-takers. Those who have taken U.S. nationals hostage may be prosecuted and convicted in foreign courts.<sup>60</sup> They are sometimes killed in U.S. counterterrorism operations overseas.<sup>61</sup> Early research on kidnapping indicates that the suppression of kidnapping organizations through arrests and convictions has an important “discouraging effect” on future kidnappings.<sup>62</sup> Increased efforts to bring the kidnappers of U.S. nationals to justice are important, not only to support the families of their victims, but also to protect Americans overseas.

**Figure 16. Judicial Accountability for Kidnappers in Sample Cases**

In no cases have kidnappers been convicted of hostage-related crimes.

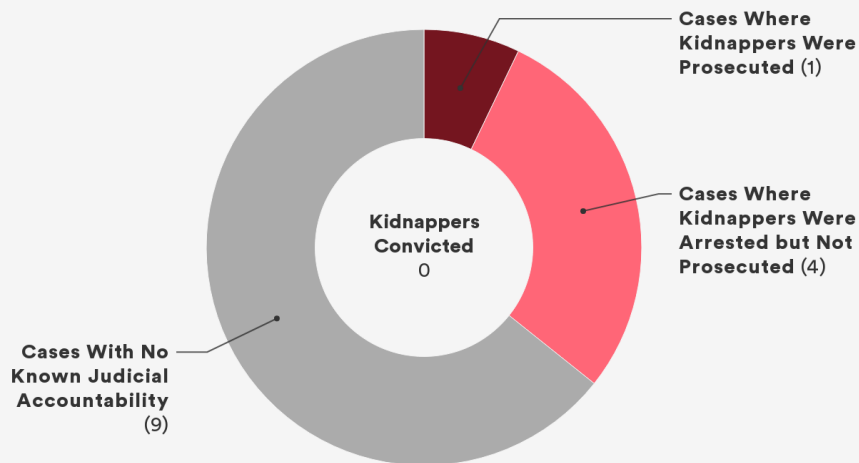


Chart: New America and James W. Foley Legacy Foundation  
NEW AMERICA

## Former Hostage and Hostage Family Interactions with Non-Governmental Organizations

Returning hostages and their families reported the need for additional guidance and support during and after a hostage-taking event. During a hostage-taking event, several families sought help from non-governmental organizations (NGOs) for additional support that the U.S. government was unable to provide. Although some former hostages and their families were open about sharing which NGOs were helpful with their case, several families respectfully declined to share to what extent the organizations helped out with their case.

Some of the most frequently reported organizations that participants interacted with were: International Committee of the Red Cross, Reporters Without Borders, Committee to Protect Journalists, Hostage US, and JWFLF. In addition, some families reported receiving assistance from academic institutions and other regional experts in the field.

At the time of their relative's captivity, family members reported utilizing NGOs to:

- Enhance communication with the captors
- Raise awareness of their relative's case and/or bring attention to the U.S. government<sup>63</sup>
- Identify and form foreign and domestic contacts
- Obtain additional geopolitical context
- Connect with other hostage families
- Receive financial and mental health support

After a hostage-taking event, life can undeniably be very difficult for the returning hostage. "Ordinary daily tasks can quickly become overwhelming as you try to adjust to your new normal," one former hostage said. Several former hostages reported the necessity of ongoing mental health support, since trauma can persist for a number of years after captivity. Another important issue hostages face after returning home is learning how to deal with the financial devastation that occurred while they were in captivity. Some former hostages reported having bad credit due to missed payments on taxes, credit cards, and other bills, as well as defaulting on loans—all of which occurred while they were held against their will. Not knowing how to navigate these financial issues was an experience that was widely reported among former hostages and family members who committed to helping their relative get back on their feet.

It was also reported that some former hostages have been unsuccessful in obtaining and/or maintaining a job due to persistent trauma from their captivities and from being overwhelmed by unwelcome attention received from the media and public. Not only can this impede their recovery progress, but it also furthers the decline of their already devastated finances. Some former hostages seek assistance in obtaining disability benefits while they try to recover from the effects of their hostage-taking experience.



Some hostage victims reported suffering from Post-Traumatic Stress Disorder (PTSD). Hostage victims and their supportive family members have requested that former hostages receive the same level of mental health support as U.S. veterans who suffer from PTSD, citing the fact that the perpetrators of the kidnappings are often members of designated terrorist organizations, the similarity of the trauma to combat stress, and the experience of the Department of Veteran's Affairs with PTSD cases.

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**Non-governmental organizations continue to have an important role in helping hostages and their families both during a hostage-taking event and after the return of a hostage. Former hostages reported needing continued mental health support and financial assistance after a hostage-taking experience.**

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Overall, continued mental health and emotional support for both former hostages and family members, including the former hostage's children, was a large concern for most of the participants. In addition to the safe return of a hostage being the primary concern, family members requested more support in having the ability to take control over their relative's financial holdings through legal and financial services if their relative has not returned home after years of captivity.

Not all families reported obtaining assistance from an NGO but did recognize, however, the important role NGOs play in assisting in a hostage case. One family member commented:

In retrospect, I wish I had availed myself of the support and services of NGOs such as the James W. Foley Foundation and Hostage US and perhaps other NGOs for additional support and information. I was overwhelmed during this ordeal and felt that additional players would further confuse and pressure me. Conflicting advice and information would put me over the edge. I don't know for sure how the NGOs that did reach out to us could overcome these fears and anxieties, but would hopefully suggest they take this into consideration with other hostage families.

## **Former Detainee and Detainee Family Interactions with the U.S. Government**

Although EO 13698 and PPD-30 directly address hostage related issues, JWFLF included detainee cases in this study to assess the types of issues detainees and their families face from unlawful or wrongful detention. This section explores the similarities and differences in the experiences of hostages, detainees, and their families.<sup>64</sup> It also examines what policy changes might effectively respond to the issues impacting detainees and their families.

### **Assessing Similarities and Differences Between Hostage and Detainee Cases**

#### *How are Hostage and Detainee Cases Similar?*

While there are important differences between hostage and detainee cases, it is important to highlight the fundamental similarities between the two. At their most basic level, both types of cases represent an attempt by an actor to use the continued detention (and potentially violent death) of a U.S. national to coerce the United States into some action. Like a terrorist group who kidnaps a U.S. national, foreign governments who detain Americans often attempt to bargain with the U.S. government for some concession. Foreign governments may seek the return of prisoners held in the United States, or may detain U.S. nationals to apply pressure on the U.S. government to obtain sanctions relief, trade deals, or other financial incentives.<sup>65</sup> In some cases, these foreign governments seek out U.S. nationals to detain specifically in order to force the U.S. government to bargain with them,<sup>66</sup> a phenomenon known as a “hostage diplomacy.”<sup>67</sup>

In addition to the similarities between their cases on the international stage, hostages and detainees are likely to have similar experiences during their detentions. Often these detainees are kept in poor conditions and are subjected to cruel and inhumane treatment and psychological abuse, leading to similar types of mental health challenges as those faced by hostages.<sup>68</sup> Detainees also face the potential for execution, just like hostages. While there are significant incentives for foreign governments to keep U.S. nationals alive, each detention is dangerously unique, a fact tragically proven by dual U.S. and Syrian citizen Layla Shweikani’s detention, trial, and execution at the hands of the Syrian government in 2016.<sup>69</sup>

#### *How are Hostage and Detainee Cases Different?*

While hostage and detainee cases are similar in many ways, there are also significant differences. The U.S. government’s decision to differentiate between

hostages and detainees based on who is holding them is no accident. The fact that detainees are held by another government, as opposed to a terrorist organization, is significant. This distinction allows the U.S. government to employ a larger number of tools to achieve the release of its citizens. Prisoner exchanges with other countries, sanctions relief, favorable trade deals, and other international bargains can all be used to incentivize a foreign government to release a U.S. national.

However, that the U.S. government is dealing with a foreign government means that, across the U.S. government's interagency, there are a larger number of stakeholders in any potential negotiation. The very decision to negotiate or not negotiate with a foreign government can have broader diplomatic, trade, security, or financial implications.<sup>70</sup> The potential for conflicts across the U.S. government increases the challenges associated with deconflicting priorities and creating strategies to achieve the release of detained U.S. nationals.

#### *Similarities in Detainee and Hostage Family Needs*

Just as hostages and detainees often have similar experiences, their families do as well. The family members of detainees that spoke to JWFLF shared experiences and frustrations much like many of the issues reported by hostage families that make up the bulk of this report. These challenges and concerns are similar to those shared by the families of other detainee families who have spoken about their cases publicly.

All detainee families expressed frustration with the lack of communication from the U.S. government on the status of their loved one's case and what actions the U.S. government was taking on behalf of their loved one. In feedback similar to that from hostage families, communication was consistently cited as a challenge, with families seeking more regular and transparent channels of communication with U.S. government agencies and administrations pre- and post-PPD-30.

All detainee families mentioned that they felt as though the U.S. government lacked a strategy for obtaining the release of their loved one. One detainee family member shared that the government never shared "what they were doing" and that the family was left "wondering if [the government] cared." "Nobody [from the U.S. government] helped us," another detainee family member shared, "fortunately, I have an employer that could help and a family that could help. Otherwise, we'd be adrift still." From the perspective of some detainee family members, the U.S. government needed to do more to decouple "political issues from detainee issues." Others offered similar feedback, highlighting the importance of an administration "having a stance" on how it would handle detainee issues.

Detainee families shared concerns and frustrations with the reintegration process. Detainee families voiced concern that, upon the return home of their loved one, little, if any, follow-up was conducted. In one case, a detainee family

indicated that “no physical [exam] or follow up was provided. No one [from the U.S. government] checked on [my relative’s] well-being after the fact.” Another detainee family expressed surprise that their loved one did not undergo any debrief with any U.S. government agency. Another shared:

There needs to be a person that handles [detainees] when [they] come back because it's not one person a year, it's not two people a year. There are dozens of people, most of them you never hear about, and all [of them] go through the same thing. Some of them end up in financial ruin because of this, and some people end up probably with mental and psychological problems that could be alleviated with some more government interaction.

#### *Unique Challenges for Detainee Families.*

In addition to having many concerns similar to those experienced by hostage families, detainee families shared specific unique challenges. Most of these challenges revolved around the difficulties experienced by detainee families dealing with a foreign government’s legal system. All of the detainee families highlighted the challenges involved in coordinating and communicating with legal teams and family members remaining in the country where their loved one was detained, often under surveillance from a hostile government. The potential for family members and supporters to be detained for assisting detained U.S. nationals is a significant threat. In addition, detainee family members shared their difficulties in trying to navigate the legal systems and understanding the prison systems of foreign governments, often without significant assistance from the U.S. government or the ability to get access to U.S. diplomats or embassies in the countries where their loved ones were detained.

### **Potential Policy Changes Regarding Detainees**

As the use of “hostage diplomacy” becomes increasingly prevalent,<sup>71</sup> a discussion has emerged about whether the U.S. government should provide the same support now available to U.S. hostages and their families to detainees and their families.<sup>72</sup> While the interviews that JWFLF has conducted cannot answer that question with complete certainty, the importance of supporting U.S. nationals detained abroad and their families requires an initial exploration of the issue and its challenges.

#### *The Scope of the Detainee Issue*

The question of scope looms large when considering the incorporation of detainees into the newly created hostage recovery enterprise. There are likely thousands of U.S. nationals detained abroad, including those in prison for actual

criminal infractions. Winnowing this number down to just the “unlawful” or “wrongful” detentions will be challenging and time consuming. There are, of course, several definitional challenges with determining whether a detention is “unlawful” or “wrongful.”<sup>73</sup> Foreign governments will often charge detainees with real crimes, although the actual guilt or innocence of the individual held is often a question of interpretation. Based on legal precedents, deciding the appropriateness of the detention of U.S. nationals detained overseas and deciding if U.S. government intervention is required appears to be a function of the executive branch.<sup>74</sup> Regardless of the final number of unlawful or wrongfully held detainees, their wholesale addition to the current U.S. government hostage enterprise would undoubtedly strain the system and, in the absence of additional personnel and resources, reduce its effectiveness. Some hostage family members shared concerns about the potential for the inclusion of detainees to the current system to negatively impact U.S. government efforts to return their loved one home.

#### *Challenges for Government Coordination*

In addition to the challenges with the number of potential detainee cases that might be included, the scope of the interagency concerns related to detainee cases poses additional challenges. Interagency coordination and deconfliction was a major consideration of pre-PPD-30 families and many of the changes recommended by the U.S. government’s Hostage Review dealt with the government’s deconfliction and coordination mechanisms.<sup>75</sup> It is likely that the competing demands of various U.S. government agencies make detainee cases more challenging from an interagency coordination aspect than hostage-recovery cases, as complex as they are. The challenge of competing interagency equities and the need for the State Department’s leadership on diplomatic negotiations with state actors are likely a significant reason for their exclusion from the newly established hostage recovery enterprise in PPD-30’s language.<sup>76</sup>

#### *The Use of Terrorism Related Funds*

The language in PPD-30 does make clear, however, that in dealing with detainee cases, “the State Department may draw on full range of experience and expertise of the Hostage Recovery Fusion Cell as appropriate” to support the families of these detainees.<sup>77</sup> One aspect of support that detainee families are currently unable to access is the funding available from the U.S. government to support hostage families, which is based on their status as victims of terrorism related crimes. There are concerns that, if detainee cases are reclassified as “terrorism cases” to provide the families with access to these lines of funding, U.S. government officials will lose flexibility in their ability to negotiate with the organizations holding those detained. Potential options for incentivizing a release, such as an exchange of prisoners with a foreign government, could no longer be available if these cases are reclassified as related to terrorism.

### *The Need for Further Exploration*

In addition to the difference in the sheer volume of detainee cases versus hostage cases, JWFLF recognizes that there are challenges in discerning between lawful and unlawful detentions. Likewise, there are considerable implementation challenges with expanding the scope of the current hostage enterprise while still maintaining its effectiveness and coordination. Regardless of those challenges, individuals associated with unlawful detentions undergo difficult experiences that largely mimic the challenges faced by hostages and their hostage families. In both instances, hostages and detainees are abhorrently misused as political collateral for terrorist organizations or foreign governments who exploit their lives as a means to obtain leverage, power, or influence. In the words of one detainee family member, support for U.S. nationals detained abroad is the “government’s duty.” They continued:

That responsibility towards Americans who have been [detained] abroad is not done, it’s never done. Most of these cases are for either journalists, government contractors, service members, or aid workers. These people are key parts of any civil society; they’re driving democracy. They care about the ideals that have been set up. People that have been wounded, hurt, mistreated, abused, and have had years in some cases stolen from them because of their commitment to the ideals of this country.

When he introduced EO 13698 in June 2015, President Obama stated: “It is true that there have been times when our government, regardless of good intentions, has let [the families of U.S. hostages] down. I promised them that we can do better.”<sup>78</sup> In the light of the increase in “unlawful” or “wrongful” detentions and the potential for the death and torture of U.S. nationals detained abroad, JWFLF calls upon the U.S. government to examine ways that it can “do better” for these detainees and their families, before more of them experience the horrific trauma experienced by hostage families that led to the U.S. Hostage Policy Review.

## Conclusion

Since the implementation of PPD-30 and EO 13698 and the creation of the HRFC, Family Engagement Coordinator, HRG, and Special Presidential Envoy for Hostage Affairs, the government's coordination and engagement with families of hostages has improved overall. Before PPD-30, the majority of hostage families did not feel that their relative's cases were a priority and that information and intelligence sharing was nearly nonexistent. In addition, families agreed that the government was inaccessible and unhelpful in dealing with their relative's hostage case. Overall, the majority of hostage families that JWFLF spoke to did not feel supported or understood and were not treated with empathy or compassion. After the implementation of PPD-30, significant improvement in these areas were reported by family members who participated in this survey.

This report also found that pre-PPD-30 former hostages and family members shared different experiences at the State Department. Former hostages, in general, had access and felt understood, supported, and were treated with empathy and compassion, whereas the family members strongly disagreed, indicating that State Department reintegration programs were strong and effective, while family engagement programs likely were not. After PPD-30, family member interaction with the State Department showed significant improvement after the installation of the Office of the Special Presidential Envoy for Hostage Affairs.

Overall, hostage families responded favorably to the addition of the Special Presidential Envoy for Hostage Affairs. This position was instrumental in:

- Helping families develop and understand strategies the U.S. government was pursuing,
- Developing foreign and domestic contacts, and
- Helping families understand and navigate the geopolitical situation regarding their relative's hostage case.

While every post-PPD-30 family member who participated in this survey expressed their disappointment and concern over the loss of the Special Presidential Envoy for Hostage Affairs during the change in administrations, the appointment of a new Special Presidential Envoy for Hostage Affairs, which occurred during this study, was well received by JWFLF's participants. Overall, post-PPD-30 families reported feeling better understood and supported and believed that they were being treated with empathy and compassion.

JWFLF families reported being pleased with both the creation of and their interactions with the HRFC. Family members perceive that the HRFC is working well with the HRG and has been essential in informing incoming personnel at the National Security Council. Some families expressed concerns that the HRFC did not have enough influence within the interagency to effectively direct the activity of other organizations, while others occasionally reported feeling as though the HRFC was a barrier to their interaction with other government agencies. In all, the HRFC is central to the perception that the government sees hostage-taking incidents as a priority and most JWFLF families would like to see it have the ability to take more action on their behalf.

While the U.S. government has made significant progress in both its interagency coordination and engagement with families of hostages, there still remain areas where it can continue to improve the relationship with hostage families and the level of support offered. One such area involves bringing captors to justice. Former hostages and their families want to see the captors prosecuted in the United States for the crimes they committed.

The legality of what constitutes a negotiation or the private payment of ransoms to militant groups designated as terrorist organizations by the U.S. government still needs to be clarified. As discussed in the report, the U.S. government's ambiguous stance on the legality of paying private ransoms creates concerns for families, third party intermediaries, and supporters.

Another area where families expressed considerable concern was the perceived level of honesty and transparency in their communication with government officials. Hostage-taking incidents are understandably complex and difficult, but families continue to press for the hard truths and definitive answers for what has happened to their relatives. Several families reported feeling as though they were being given an incomplete picture of what the government knew about their loved one's case. These families desire greater transparency and honesty about where the gaps in information exist and what information remains classified. In addition, while the government has made progress in declassifying and sharing information with families of hostages, this remains an area where JWFLF continues to hope for improvement.

In addition to hostage cases, this study identifies that the experiences of detainee families mirror those of hostage families before the implementation of PPD-30. The discussion about whether the U.S. government should provide the same support now available for hostage families to detainee families requires an initial exploration of the issue and its challenges.



## **Appendix A: Current Needs and Requests from Former Hostages and Hostage Families**

This appendix presents a list of current needs and requests expressed by former hostages and their families. The needs and requests are not listed in order of importance but are grouped by category. Although, not all of these needs necessarily fall under the purview of the government, they are listed here for reference.

### **Hostage Policy and Recovery Strategy**

- To the extent desired, involvement of families in the development of all strategy related to their relative's recovery efforts.
- Assistance in handling and speaking to captors.
- Utilization of former U.S. Presidents, U.S. Vice Presidents, or U.S. Secretaries of State to act on behalf of hostage victims.
- Advanced notice of proposed recovery options. Families would like to have the unrestricted right to veto any proposed action with which they disagree.
- For high ranking U.S. government officials to make public statements demanding the release and return of their loved one.
- For the government to fill positions at the Hostage Response Group and State Department with individuals who have greater authority and influence.
- For the Hostage Recovery Fusion Cell to utilize more terrorism experts i.e. FBI's Washington Field Office. Families recommended that the Washington Field Office be utilized more and help equip other field offices with the important background information regarding the terrorist organization and hostage case.
- Assurances from the Department of Justice that the U.S. government has no intention of charging families if they go about raising funds to pay ransom.
- Better definition of what constitutes negotiations with a terrorist organization.

- Clarity and assurance from the Department of Justice that families can negotiate with hostage captors i.e. terrorist organizations.
- For the Department of Justice to grant U.S. hostage negotiators immunity.
- The ability to reduce one's digital footprint online, i.e. personal information, price or pictures of homes. Captors misuse information as leverage.

### **Information Sharing and Government Transparency**

- Increased access to hostage related information for hostage families. The default should be full, complete, and timely access to all information and activities known or undertaken by the U.S. government in regard to a hostage case—regardless of security classification, sources and methods excluded as appropriate.
- A list of government services by agency. Families currently receive information from the Hostage Recovery Fusion Cell in the Family Resource Guide. However, families have requested a similar guide from the State Department.
- Provision of a more structured timeframe of when the Hostage Recovery Fusion Cell will be reaching out.
- Families want to be informed more frequently and have requested regular briefings and debriefings.
- For U.S. government officials to ask families upfront with the frequency in how often they would like to be contacted.
- Families would like the Hostage Recovery Fusion Cell to inform families about the importance of having an organizational system and provide assistance in how to keep and store information.
- Family members expressed concerns about being excluded during their loved one's reintegration process. Family members reported that the Hostage Recovery Fusion Cell will no longer work with them, even with the former hostage's permission.
- Creation of a mechanism to identify and acknowledge unlawful or wrongful detentions of U.S. nationals.

- Creation of an ombudsman group to assist relevant NGOs to identify resources for unlawful or wrongfully detained U.S. nationals.
- Families have requested to be part of vetting the incoming Special Presidential Envoy for Hostage Affairs.

### **Accountability for Hostage-Takers**

- Location and recovery of loved ones' remains.
- Bringing of kidnappers to justice.
- To be included in the sentencing considerations if/when captors are brought to justice.
- For the U.S. government to hold foreign governments responsible for the hostage-taking and/or detention of their loved one.

### **Physical and Mental Health**

- A reintegration process for loved one being held.
- Information on how to prepare family, specifically younger children, when loved one returns.
- Multiple resources for mental health assistance (outside of the U.S. government or NGOs). Families prefer private practices.
- Mental health/counseling sessions that pair males with males and females with females.

### **Financial Guidance**

- A proactive capability to assist families in the protection of their loved one's identity and assets should be developed and implemented, to the degree desired by the individual family.
- Assistance in being able to protect hostages' financial and physical assets if not previously named power of attorney.
- The ability to expunge financial records during the time of captivity.

## **Referrals to Non-Governmental Resources**

- Families would like to see an advisory team consisting of NGOs, academics, former ambassadors, individuals with high level foreign and domestic contacts, and an individual to act as a liaison.
- Assistance in developing foreign contacts.
- Advice on reputable security firms.
- Assistance in hiring a security team, families lack the expertise and need assistance in vetting each member.
- Some hostage families would like the opportunity to share their contact information with other hostage families, notwithstanding confidentiality considerations.

## **General**

- For American hostages and unlawfully detained American citizens to become a national priority.
- Assistance maintaining contacts and organizing materials.
- Support for families in managing day-to-day affairs, having a family coordinator to help family with everyday mundane things.

## Appendix B: Demographics of Participants

JWFLF adhered to strict parameters in order to keep the identity of its participants confidential. Therefore, details have been either generalized or limited in various sections of the report. This appendix, to the extent possible and in line with the commitment to confidentiality, provides details on the demographics of the participants that JWFLF interviewed with a focus on characteristics that could be factors in shaping perceptions of the handling of hostage and detainee cases.

### Occupations of Hostages and Detainees

One of these factors is a hostage victim's occupation, which research suggests can have an impact on both the duration of the captivity<sup>79</sup> as well as the outcome in kidnapping events.<sup>80</sup> Of the 18 individual cases examined, the majority of the captives were journalists. NGO workers were the second largest group, with the remainder of the victims consisting of government workers, students, tourists, and skilled workers (Figure 17). The category, "skilled workers," describes individuals who were hired by a business or corporation to conduct work overseas and whose occupation required them to obtain a technical background and/or education in order to conduct the work.

**Figure 17. Occupation of Hostages and Detainees in Sample**

Hostages and detainees in the James W. Foley Legacy Foundation sample represented a range of occupations, but the majority were journalists.

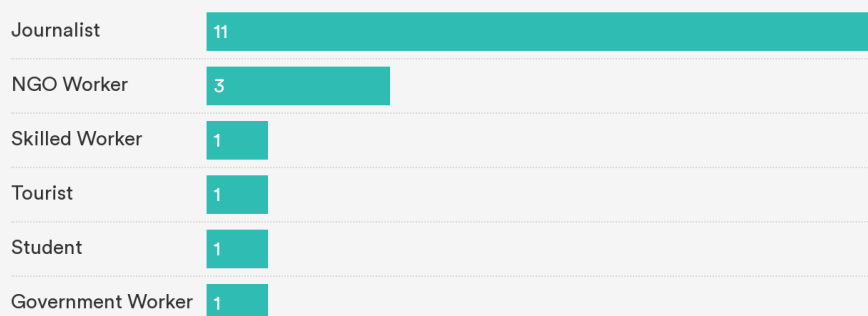


Chart: New America and James W. Foley Legacy Foundation

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## Regions Where Hostages and Detainees Were Held and Groups Who Held Hostages

The locations with the highest instances of kidnapping, especially those conducted by terrorist organizations, have shifted over time,<sup>81</sup> with each region providing regional-specific challenges.<sup>82</sup> In this study, the hostage-takings and detentions occurred in the Middle East (nine) South Asia (five), the Americas (two), and Africa (two) (Figure 18).

**Figure 18. Where Hostages and Detainees in Sample Were Held**

The James W. Foley Legacy Foundation sample of hostage and detainee cases in multiple regions, with half held in the Middle East.

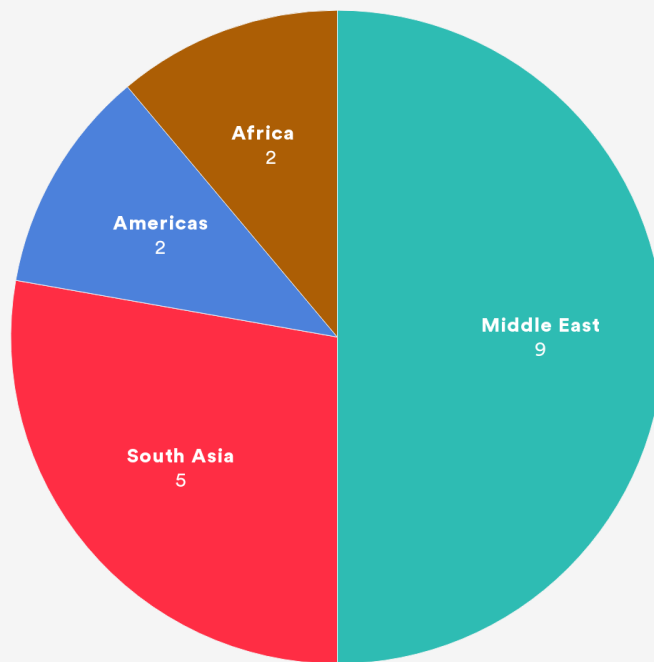


Chart: New America and James W. Foley Legacy Foundation

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In the same way that each region comes with its own specific challenges, the groups that are responsible for holding a hostage significantly affect the dynamics of the hostage-taking including duration, treatment of captives, and, most importantly, the outcome.<sup>83</sup> The identified terrorist organizations or groups responsible for holding the hostages represented in the sample examined here were: the Haqqani Network, al-Nusra Front,<sup>84</sup> Islamic State of Iraq and the Levant, al-Qa'ida, Afghan Taliban, and the Revolutionary Armed Forces of Colombia (FARC) (Table 1). All of these identified groups, with the exception of the Afghan Taliban, are designated as foreign terrorist organizations.<sup>85</sup>

**Table 1: Groups Who Held Hostages**

Haqqani Network
al-Nusra Front <sup>86</sup>
Islamic State of Iraq and the Levant
al-Qa'ida
Afghan Taliban
Revolutionary Armed Forces of Colombia (FARC)
Groups Unconfirmed

### **Duration of Hostage and Detainee Cases**

The length of captivity helps provide a better understanding of how long JWFLF's participants interacted with the U.S. government. Duration is often indicative of the complexity of the case and speaks to the difficulty of the experience on both hostages and their families. The majority (twelve of eighteen) of cases associated with the JWFLF study lasted more than a year, with the longest cases lasting four years or more (Figure 19). These long-term kidnapping events place considerable amounts of strain on the relationships between hostage families and the U.S. government, making it imperative that duration be considered when examining the relationships between hostage families and the government.

**Figure 19. Duration of Hostage and Detainee Captivity in Sample**

The hostages and detainees in the James W. Foley Legacy Foundation sample were held in captivity for a range of lengths.

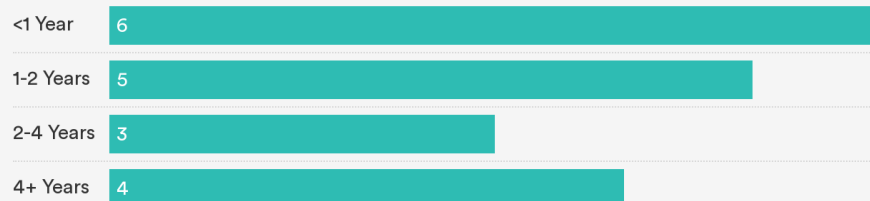


Chart: New America and James W. Foley Legacy Foundation

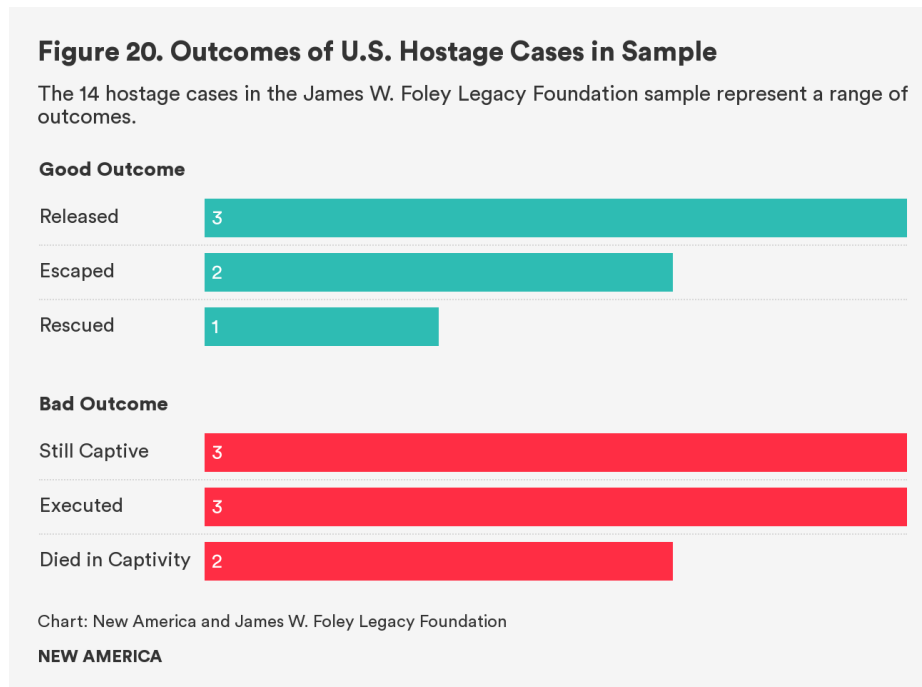
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## Outcome of Hostage and Detainee Cases

Without question, the aspect of hostage-taking and detention events that is the most impactful to both those held and their families is whether or not a hostage or detainee returns home. While explaining the outcomes of these events is not the purpose of this report, it is important to understand the outcomes of the captivities that shaped the experiences of the hostages, detainees, and families who shared their stories with JWFLF.

The outcomes of a hostage incident were placed into six categories: rescued, still captive, executed, escaped, released, or died in captivity. Victims who were classified under “died in captivity” were cases where the individual had suffered from an illness that resulted in death, or died due to militant infighting or accidental targeting. These cases vary from the victims who were killed by the group holding them, which were classified under “executed.”

Of the 14 hostage cases represented in the JWFLF Hostage Survey, six cases resulted in the release, rescue, or the escape of the hostage; five cases resulted in the unfortunate death of the hostage with three murdered by the group holding them and two dying while in captivity due to other causes; and in the remaining three cases, the hostage remains in captivity (Figure 20).



The relatively even distribution in hostage outcomes helps reduce the potential for bias associated with a large number of cases associated with any particular



type of outcome. Additionally, the outcome of a hostage event did not seem to have a major impact on the tone of a family member's comments. Individuals associated with hostage cases ending in a release were just as likely as those ending in the death of a hostage to have comments critical of the U.S. government and vice versa.

Three of the four detainee cases in the sample ended with the release of the detainee (Figure 21), while the other case remains unresolved, with the family's loved one still in detention. Of note, there were no deaths reported within the detainee sample.

### Figure 21. Outcomes of U.S. Detainee Cases in Sample

Three out of four detainee cases in the James W. Foley Legacy Foundation sample ended with the detainee's release. No detainees in the sample died.

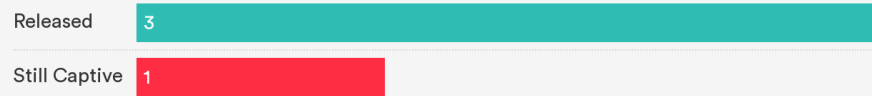


Chart: New America and James W. Foley Legacy Foundation

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## Appendix C: Written Survey Responses

Survey respondents were asked a series of questions where they were able to assign a numerical value (1-7) to the level in which they agreed upon for each question or statement. The numbers 1 = “strongly disagree;” 2 = “mostly disagree;” 3 = “somewhat disagree;” 4 = “neither agree nor disagree;” 5 = “somewhat agree;” 6 = “mostly agree;” or 7 = “strongly agree.”

<b>U.S. Government (Overall)</b>	<b>Pre-PPD-30(range; average)</b>	<b>Post-PPD-30</b>
The frequency with which families received detailed and accurate information at USG briefings was sufficient.	1-4; 1.4	5-7; 6.25
Information was communicated clearly at USG briefings.	1-5; 1.7	5-7; 5.75
Laws and policies were communicated clearly to hostage families and families understood those policies.	1-4; 2.2	5-6; 5.75
Specific candid assessments/plans of hostage recovery efforts were communicated clearly.	1-4; 1.4	2-7; 5.2
Assessment for recovery options and plans were shared and communicated clearly to families.	N/A	2-7; 5
The frequency with which families received briefings on the geopolitical situation was sufficient.	N/A	5-7; 6
Families had an understanding of the complexity of the geopolitical situation.	1-7; 2.4	5-7; 6.25
Families felt that the return of their loved one is a priority of the USG.	1-5; 1.6	5-7; 5.75
Overall, USG officials were well coordinated (i.e. communicating and sharing intelligence with other USG agencies) regarding their loved one’s case.	1-4; 1.5	2-6; 4.25

<b>Hostage Recovery Fusion Cell (HRFC)</b>	<b>Pre-PPD-30 (range; average)</b>	<b>Post-PPD-30 (range; average)</b>
The HRFC was accessible to me.	N/A	5-7; 6.25
The HRFC was helpful in dealing with my loved one's case.	N/A	5-7; 5.75
The role of each person at the HRFC was made clear to me.	N/A	1-5; 3.5
All people on calls/meetings with the HRFC were introduced to me.	N/A	All participants answered "Yes."
Were any of your requests for meetings with the HRFC denied?	N/A	All participants answered "No."
All of my emails and calls were answered promptly by the HRFC.	N/A	3-7; 4.75
The Family Engagement Coordinator within the HRFC was helpful to me in dealing with my loved one's case.	N/A	1-6; 3.75
I felt understood and supported by the HRFC.	N/A	3-7; 6
I was shown compassion and empathy by the HRFC.	N/A	5-7; 6.5
The HRFC informed me about reimbursement for travel/accommodations to Washington D.C.	N/A	All participants answered "Yes."
The HRFC is helping me handle the media.	N/A	60% of participants answered "Yes."
<b>Department of State (DoS)</b>	<b>Pre-PPD-30 (range; average)</b>	<b>Post-PPD-30 (range; average)</b>
The DoS was accessible to me.	1-7; 2.1	N/A
The DoS was helpful in dealing with my loved one's case.	1-5; 2.3	N/A

The role of each person at the DoS was made clear to me.	1-4; 2.3	N/A
All people on calls/meetings with the DoS were introduced to me.	N/A	N/A
Were any of your requests for meetings at the DoS denied?	N/A	N/A
All of my emails and calls were answered promptly by the DoS.	N/A	N/A
I felt understood and supported by the DoS.	1-7; 2	N/A
I was shown compassion and empathy by the DoS.	1-7; 2	N/A
<b>Special Presidential Envoy for Hostage Affairs (S/SPEHA)</b>	<b>Pre-PPD-30 (range; average)</b>	<b>Post-PPD-30 (range; average)</b>
The S/SPEHA was accessible to me.	N/A	7; 7
The S/SPEHA was helpful in dealing with my loved one's case.	N/A	7; 7
The role of the S/SPEHA was made clear to me.	N/A	6-7; 6.5
All people on calls/meetings with the S/SPEHA were introduced to me.	N/A	All participants answered "Yes."
Were any of your requests for meetings at the S/SPEHA denied?	N/A	All participants answered "No."
All of my emails and calls were answered promptly by the S/SPEHA.	N/A	6-7; 6.5
I felt understood and supported by the S/SPEHA.	N/A	6-7; 6.75
I was shown compassion and empathy by the S/SPEHA.	N/A	7; 7
<b>Office of Victim Assistance (OVA)</b>	<b>Pre-PPD-30 (range; average)</b>	<b>Post-PPD-30 (range; average)</b>

OVA was accessible to me.	6-7; 6.75	7; 7
OVA was helpful in dealing with my loved one's case.	1-7; 5.8	6-7; 6.75
The role of the OVA was made clear to me.	1-7; 5.3	6-7; 6.75
I felt understood and supported by the OVA.	1-7; 5	6-7; 6.75
I was shown compassion and empathy by the OVA.	1-7; 5.3	7; 7

## Appendix D: Written Survey Scale

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Written Survey Responses	
Strongly Agree	1
Mostly Agree	2
Somewhat Agree	3
Neither Agree nor Disagree	4
Somewhat Agree	5
Mostly Agree	6
Strongly Agree	7
Not Applicable	-
I Prefer not to Answer	-

## Notes

1 White House, *Report on U.S. Hostage Policy*. Washington D.C., June 2015. <https://fas.org/irp/offdocs/ppd/hostage.pdf>

2 President Barack Obama, “Remarks on Hostage Negotiation Policy,” *The White House*, June 24, 2015.

3 White House, *Report on U.S. Hostage Policy*. Washington D.C., June 2015. <https://fas.org/irp/offdocs/ppd/hostage.pdf>

4 White House, *Report on U.S. Hostage Policy*. Washington D.C., June 2015; Julie Hirschfeld Davis, “Families Press for Changes in Policy on Hostages,” *The New York Times*, May 29, 2015. <https://www.nytimes.com/2015/05/30/us/politics/families-press-for-changes-in-policy-on-terrorist-hostages.html>.

5 Ibid.

6 Exec. Order No. 13,698, 3 C.F.R. § 13698 (2016).

7 Ibid.

8 The National Counterterrorism Center, *Status Report on the Implementation of Executive Order 13698 Hostage Recovery Activities*, September 30, 2016.

9 Ibid.

10 Ibid.

11 Ibid.

12 In two cases, the hostage or detainee held dual citizenship. JWFLF did not disclose the origin of the individuals with dual citizenship in order to keep their identities confidential.

13 Only one of these cases represented in the JWFLF sample occurred in the mid-1990s. The remaining cases occurred after the year 2005.

14 Categories include: Family Engagement, Government Response, Recovery Efforts, Justice, and Additional Support.

15 Erik Rautalinko, Hans-Olof Lisper, and Bo Ekehammar, “Reflective Listening in Counseling: Effects of Training Time and Evaluator Social Skills,” *American Journal of Psychotherapy* 61, no. 2 (2007).

16 Language from Article 1 of the International Convention Against the Taking of Hostages (United Nations, 1979).

17 The language in PPD-30 makes clear that “the directive does not apply” in cases where a foreign government “confirms it has detained a U.S. national” and that, in those cases, the Department of State has the lead. However, it also emphasizes that, in dealing with those cases, “the Department of State may draw on the full range of experience and expertise of the HRFC as appropriate” to support the families of these detainees. See section six of this report (Former Detainee and Detainee Family Interactions with the U.S. Government) for a more complete discussion of the extension of the hostage recovery enterprise’s expertise and resources provided to detainees and their families.

18 White House, *Presidential Policy Directive—Hostage Recovery Activities*.

19 Brian Jenkins, Janera Johnson, and David Ronfeldt, *Numbered Lives: Some Statistical Observations from 77 International Hostage Episodes* (Santa Barbara, CA: RAND Corporation, 1977): 9; Jerome Corsi, “Terrorism as a Desperate Game: Fear, Bargaining, and Communication in the Terrorist Event,” *Journal of Conflict Resolutions* 25, no. 1 (1981): 51.

20 In general, hostage-taking events are conceived of falling into one of two broad categories: kidnapping or hostage-barricade situations. Hostage barricade situations, such as hijackings, often involve the hostage-takers and hostages being surrounded by law enforcement agents, while the abduction of

victims during kidnappings results in the location of the hostages being unknown. This study does not include hostage-barricade incidents because of the substantial differences between those situations and kidnappings and the fact that those victims and their families would not interact with the U.S. government's hostage recovery enterprise. This study also excludes incidents in which a missing person was never proven to have been kidnapped for the same reasons.

21 Language from Article 9 of the International Covenant on Civil and Political Rights (United Nations, 1966).

22 The five participants involved in detainee cases are excluded from analysis in this section on hostage and hostage family interactions with the government. They are instead analyzed in the section on detainees.

23 Two of the participants responded to the survey questions verbally during the interview rather than in written form after the interview. For ease of reference they are included when this report refers to the "written" survey. All other participants who responded to the survey did so in written form.

24 Served as the Special Presidential Envoy for Hostage Affairs between August 2015 and January 2017.

25 Currently serving as the Special Presidential Envoy for Hostage Affairs, appointed in May 2018.

26 Due to the temporary vacancy of the Special Presidential Envoy for Hostage Affairs and the timeframe JWFLF's interviews took place, post-PPD-30 participants only interacted with Jim O'Brien.

27 U.S. Department of State, Diplomacy in Action, <https://www.state.gov/r/pa/ei/biog/283437.htm>.

28 Ibid.

29 Information regarding the specific regional context was removed to protect the family's privacy.

30 Information regarding the specific group information and regional context was omitted in order to protect the family's privacy.

31 Shane Harris, "No One's Really in Charge in Hostage Negotiations," *Foreign Policy*, October 9, 2014, <https://foreignpolicy.com/2014/10/09/no-ones-really-in-charge-in-hostage-negotiations/>; William J. Rowell, *Whole of Government Approach to Personnel Recovery*, (United States Army War College: 2012).

32 Brian Dodwell, "A View from the CT Foxhole: Mark Mitchell, Principle Deputy Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict," *CTC Sentinel* 11, no.11 (December, 2018).

33 Dodwell, "A View from the CT Foxhole."; While PPD-30 is an unclassified document outlining the U.S. government's personnel recovery policy, it includes a classified annex encompassing the more sensitive aspects of U.S. government responses to hostage-taking incidents. This structure is unlike the document proceeding it, NSPD-12, which was written in such a way that the entire document was classified. The structure of PPD-30 indicates that it was intentionally "written for release" in order to share it more broadly.

34 Michael McGarrity, "U.S. Hostage Policy Update," Panel Discussion, *Overseas Security Advisory Council Annual Briefing*, U.S. Department of State, Washington, D.C., November 18, 2015, <https://www.c-span.org/video/?400913-2/us-hostage-policy>.

35 Providing Material Support or Resources to Designated Foreign Terrorist Organizations, 18 U.S.C. § 2339B (2016).

36 Charlie Dunlap, J.D., "Don't Change the 'No-Ransom' Policy," *Lawfire*, January 9, 2017, <https://sites.duke.edu/lawfire/2017/01/09/dont-change-the-no-ransom-policy/>.

37 This can include anything from reversals of policy, the release of prisoners, or the payment of ransoms or provision of other material support to an organization designated as a Foreign Terrorist Organization.

38 Brian Michael Jenkins, *Does the U.S. No-Concessions Policy Deter Kidnappings of Americans?* (Santa Barbara, CA: RAND Corporation, 2018); C. Elizabeth Bundy, “Rescuing Policy and Terror Victims: A Concerted Approach to the Ransom Dilemma,” *Michigan Journal of International Law* 37, no. 4 (2016): 717-746, <https://repository.law.umich.edu/mjil/vol37/iss4/4>.

39 Julie Hirschfeld Davis, “Families Press for Changes.”

40 President Barack Obama, “Remarks on Hostage Negotiation Policy.”

41 Department of Justice, “Department of Justice Statement on U.S. Citizens Taken Hostage Abroad,” Office of Public Affairs, Press Release 15-790, June 24, 2015.

42 McGarrity, “U.S. Hostage Policy Update.”

43 White House, *Report on U.S. Hostage Policy*

44 Ibid.

45 Ibid.

46 The individual who neither agreed or disagreed was not proactively provided assessments of recovery options, but did have a level of communication with the U.S. government. They reported being contacted by the Department of Defense and being asked if they would be in support of a raid.

47 Harris, “No One’s Really in Charge”; Rowell, *Whole of Government Approach*.

48 The name of the country has been omitted to protect family’s privacy.

49 The Special Presidential Envoy for Hostage Affairs position was vacant from January 2017 until the appointment of the current Special Presidential Envoy for Hostage Affairs in May 2018. David Rhode, “Is Trump Helping to Free American Hostages Worldwide,” *The New Yorker*, October 18, 2017, <https://www.newyorker.com/news/news-desk/is-trump-helping-to-free-american-hostages-worldwide>; White House, “President Donald J. Trump Announces Intent to Nominate and Appoint Personnel to Key Administration Posts,” May 10, 2018.

50 White House, “President Donald J. Trump Announces Intent to Nominate and Appoint Personnel to Key Administration Posts.”

51 National Counterterrorism Center, *Status Report on the Implementation of Executive Order 13698 Hostage Recovery Activities*.

52 White House, *Presidential Policy Directive—Hostage Recovery Activities*.

53 Ibid.

54 Committee to Protect Journalists, “Iraq: Journalists Abducted 2003—09,” <https://cpj.org/reports/2008/04/abducted.php>; Control Risks, “2017 Kidnapping Trends in Review,” March 22, 2018, <https://www.controlrisks.com/our-thinking/insights/kidnap-2017-wrap-up-article>.

55 Due to the limited pre-PPD-30 family interactions with the Department of State and the lack of HRFC and Special Presidential Envoy for Hostage Affairs, pre-PPD-30 and post-PPD-30 interactions were not compared in this section.

56 White House, *Presidential Policy Directive—Hostage Recovery Activities*.

57 JWFLF recognizes that there are various forms of justice and did not record events where kidnappers died due to drone strikes or combat related deaths.



58 Department of Justice, "Mustafa Kamel Mustafa, A/k/a 'Abu Hamza,' Sentenced In Manhattan Federal Court To Life In Prison," Press Release 15-007, January 9, 2015, <https://www.justice.gov/usao-sdny/pr/mustafa-kamel-mustafa-aka-abu-hamza-sentenced-manhattan-federal-court-life-prison>; Department of Justice, "Member of Colombian Terrorist Organization Sentenced to 27 Years in Prison for Hostage-Taking of U.S. Citizens," Press Release 15-1387, November 10, 2015, <https://www.justice.gov/opa/pr/member-colombian-terrorist-organization-sentenced-27-years-prison-hostage-taking-us-citizens>; Department of Justice, "Member of FARC Terrorist Organization Pleads Guilty to Hostage-Taking Charges in 2003 Capture of U.S. Citizens," Press Release 14-279, March 18, 2014, <https://www.justice.gov/opa/pr/member-farc-terrorist-organization-pleads-guilty-hostage-taking-charges-2003-capture-us>; Drug Enforcement Administration, "Three FARC Guerillas Convicted In Manhattan Federal Court Of Taking A U.S. Citizen Hostage," June 21, 2011, <https://www.dea.gov/press-releases/2011/06/21/three-farc-guerillas-convicted-manhattan-federal-court-taking-us-citizen>; U.S. Attorney's Office Southern District of New York, "Manhattan U.S. Attorney Announces Extradition of FARC Associate Charged with Hostage-Taking of U.S. Citizen," Press Release 10-234, July 28, 2010, <https://www.justice.gov/archive/usao/nys/pressreleases/July10/orobiolobonroqueextraditionpr.pdf>; Department of Justice, "Senior Member of FARC Narco-Terrorist Organization Sentenced to Sixty Years for Hostage-Taking Conspiracy," Press Release 08-069, January 28, 2008, [https://www.justice.gov/archive/opa/pr/2008/January/08\\_nsd\\_069.html](https://www.justice.gov/archive/opa/pr/2008/January/08_nsd_069.html); "Condenan a colombianos en EE.UU. por asesinato," *El Pais*, 29 September 2006.

59 "Somalia: How Somali Pirate Got Arrest By U.S. After Contacting Ex Hostage," *All Africa*, November 15, 2018.

60 Carlos H. Conde, "Philippine Court Convicts 14 in Kidnapping Case," *The New York Times*, December 7,

2007, <https://www.nytimes.com/2007/12/07/world/asia/07philippines.html>.

61 "IS hostage murderer Abu al-Umarayn killed in US air strike," *BBC News*, December 3, 2018, <https://www.bbc.com/news/world-middle-east-46430940>; Julia Jacobo, "ISIS Confirms Death of 'Jihadi John' in U.S. Airstrike," *ABC News*, January 19, 2016, <https://abcnews.go.com/International/isis-confirms-death-jihadi-john-us-airstrike/story?id=36384447>.

62 Brian Michael Jenkins, *Should Corporations Be Prevented from Paying Ransom?* (Santa Barbara, CA: RAND Corporation, 1974): 5.

63 The impact of public attention is not yet completely clear, though it's safe to say that it has a variety of impacts. In some hostage cases, increased attention to the case in the media helps families by creating awareness and capturing public opinion that forces the U.S. government to make their case a higher priority. In others, however, media attention benefits terrorist organizations that seek publicity for their cause. In one case within this study, a terrorist organization reached out to an NGO, asking them to encourage the family of the hostage to go public with their case in order to create such media attention. In other cases, media attention can negatively impact the well-being of the hostage.

64 Due to challenges with locating and contacting individuals who have been detained by foreign governments, JWFLF spoke with fewer individuals associated with detainee cases than hostage cases. To overcome the potential for bias within the sample, significant research effort was expended in exploring the stories shared publicly by detainees and their families to confirm the widespread applicability of the experiences shared by JWFLF detainee families. All experiences and frustrations shared in this section have been seen in multiple detainee stories. JWFLF researchers also spoke with former U.S. government officials within the hostage recovery enterprise to ensure the report had an appropriate level of context.

65 David E. Sanger, “U.S. Concedes \$400 Million Payment to Iran Was Delayed as Prisoner Leverage,” *The New York Times*, August 18, 2016, <https://www.nytimes.com/2016/08/19/world/middleeast/iran-us-cash-payment-prisoners.html>; Diego Cupolo, “Turkey’s Dangerous Game of ‘Hostage Diplomacy’: How an American pastor became a political pawn for Erdogan,” *The Atlantic*, May 6, 2018, <https://www.theatlantic.com/international/archive/2018/05/turkey-andrew-brunson-erdogan-coup-gulen-kurds/559748/>; Aykan Erdemir and Eric Edelman, *Erdogan’s Hostage Policy: Western Nationals in Turkish Prisons* (Washington, D.C.: Foundation for Defense of Democracies, June 2018).

66 In describing a spate of detentions across Turkey in 2017, one European law enforcement official highlighted the deliberate nature of the detentions and their country’s concern for continued detentions of their citizens. “The Turks have been shameless about [privately] linking arrests to people they want [released] in the US and Germany...We’re in the process of warning our own people to pay attention.” Mitch Prothero, “Turkey is Engaging in Hostage Diplomacy with the US, Officials Say,” *BuzzFeed News*, August 18, 2017, <https://www.buzzfeednews.com/article/mitchprothero/turkey-is-engaging-in-hostage-diplomacy-with-the-us>.

67 “Hostage diplomacy becomes new normal,” *The Japan Times*, January 15, 2019, <https://www.japantimes.co.jp/opinion/2019/01/15/editorials/hostage-diplomacy-takes-off/>.

68 For instance, several detainees freed from North Korea have committed or attempted suicide after struggling with mental health issues stemming from their detention. See Lyndsay Winkley and Teri Figueroa, “Prisoner freed from North Korea with help of President Carter found burned to death,” *The San Diego Union-Tribune*, November 21, 2017, <https://www.sandiegouniontribune.com/news/public-safety/sd-me-fire-death-20171121-story.html>; Chico Harlan, “Ex-prisoner can’t pull his mind away from North

Korea,” *The Washington Post*, February 1, 2011 [https://www.washingtonpost.com/world/ex-prisoner-cant-pull-his-mind-away-from-north-korea/2014/01/31/9417cdd4-8ab5-11e3-833c-33098f9e5267\\_story.html?utm\\_term=.d27a56737698](https://www.washingtonpost.com/world/ex-prisoner-cant-pull-his-mind-away-from-north-korea/2014/01/31/9417cdd4-8ab5-11e3-833c-33098f9e5267_story.html?utm_term=.d27a56737698); Timothy Egan, “Man Once Held as a Spy in North Korea Is a Suicide,” *The New York Times*, December 19, 1996, <https://www.nytimes.com/1996/12/19/us/man-once-held-as-a-spy-in-north-korea-is-a-suicide.html>.

69 Richard Hall, “An American woman died in a Syrian regime prison. Could the U.S. have done more to help her?,” *The Independent*, December 12, 2018, <https://www.independent.co.uk/news/world/middle-east/syria-layla-shweikani-prison-death-damascus-assad-chicago-us-terrorism-charges-a8679826.html>.

70 Elizabeth Dias, “The Art of the Hostage Deal,” *TIME Magazine*, July 27, 2017, <http://time.com/4876077/the-art-of-the-hostage-deal/>.

71 A 2018 report by the Thompson Reuters Foundation states: “In recent years, a trend involving certain States detaining or imprisoning civilians who are dual nationals has become increasingly common. Such detentions frequently follow unfounded criminal charges, as a means by which the detaining State pursues ulterior national interests (e.g., as bargaining chips vis-à-vis other States)...The rising number of individuals that are falling victim to this growing phenomenon highlights an urgent need for governments to develop a collective response to close this protection gap—whether through a multilateral instrument, enhancements to domestic legal and policy frameworks, or well-coordinated diplomatic demarches—to improve the protections afforded to affected individuals.” See “Held Hostage? A Legal Report on Hostage-Taking by States in Peacetime and the Victim Protection Gap,” *Thompson Reuters Foundation*, September 2018.

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- utm\_term=.3829cdc4c593; Christopher P. Costa, Jen Easterly, and Joshua A. Geltzer, “Trump and Obama have something in common when it comes to U.S. hostages held overseas,” *The Washington Post*, June 22, 2001, <https://www.washingtonpost.com/news/global-opinions/wp/2018/06/22/trump-and-obama-have-something-in-common-when-it-comes-to-u-s-hostages-held-overseas/>; Robin Young, “Mother of Slain Journalist James Foley On ‘Silent Crisis’ Of Americans Detained Abroad,” *Here and Now*, WBUR, 90.9, Boston Massachusetts, November 29, 2018, <https://www.wbur.org/hereandnow/2018/11/29/mother-james-foley-americans-captured-abroad>.
- 73 Abner J. Mikva and Gerald L. Neuman, “The Hostage Crisis and the ‘Hostage Act,’” *The University of Chicago Law Review* 49, no. 2 (1982): 292-354; Renzo Llorente, “The Concept of Political Prisoners – A Critique,” *Criminal Justice Ethics* 35, no.3 (2016): 249-267.
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- 75 “The Review Team found challenges in day-to-day operational coordination among U.S. government departments and agencies engaged in resolving a hostage event, as well as a need for a dedicated senior-level policymaking body responsible for coordinating and overseeing the pursuit of hostage recovery efforts across the government.” For additional detail on U.S. government deconfliction and hostage families, see the section entitled “U.S. Government Coordination, Intelligence Sharing, and Communication of this report and “Annex A: Major Findings and Recommendations of the Hostage Review Team,” *Report on U.S. Hostage Policy*.
- 76 The language in PPD-30 makes it clear that “the directive does not apply” in cases where a foreign government “confirms it has detained a U.S. national” and that, in those cases, the State Department has the lead.
- 77 White House, *Presidential Policy Directive—Hostage Recovery Activities*.
- 78 President Barack Obama, “Remarks on Hostage Negotiation Policy.”
- 79 Claudio Detotto, Bryan C. McCannon, and Marco Vannini, “Understanding Ransom Kidnapping and Its Duration,” *The B.E. Journal of Economic Analysis and Policy* 14, no. 3 (2014): 849-871.
- 80 Seth Loertscher and Daniel Milton, “Prisoners and Politics: Western Hostage Taking by Militant Groups,” *Democracy and Security* 14, no. 1 (2013): 23.
- 81 James J.F. Forest, “Global trends in kidnapping by terrorist groups,” *Global Change, Peace, and Security* 24, no. 3 (2012): 311-330; Loertscher and Milton, 2015.
- 82 Joseph Smith, “Kidnapping trends worldwide in 2016,” *Control Risks*, March 9, 2017, <https://www.controlrisks.com/our-thinking/insights/kidnapping-trends-worldwide-in-2016>.
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designated it a Specially Designed Global Terrorist Entity. Masood Farvivar, "Why Isn't Afghan Taliban on US List of Foreign Terror Groups?" *Voice of America News*, February 20, 2017, <https://www.voanews.com/a/afghan-taliban-us-list-foreign-terror-groups/3732453.html>.

86 In July 2016, al-Nusra Front changed its name to Jabhat Fateh al-Sham and in January 2017 the group merged with other militant organizations in Syria to become Hay'at Tahrir al-Sham (HTS).



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