

**2022 Executive Summary**

# **Bringing Americans Home**

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

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JAMES W. FOLEY  
LEGACY FOUNDATION

# More and more countries are unjustly detaining Americans overseas.

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

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## AUTHOR'S NOTE

This report, conducted by the James W. Foley Legacy Foundation (JWFLF), consists of two sections. The first section, "U.S. National Hostage-Taking and Wrongful Detention Landscape," used two JWFLF datasets containing information on 387 U.S. nationals held hostage or wrongfully detained abroad from 2001–August 2022 to discuss trends in hostage-takings and wrongful detentions.

The second section, "Perception of the U.S. Government's Hostage Enterprise," is a continuation of JWFLF's assessments of the efficacy of the 2015 U.S. Hostage policy review and the implementation of Presidential Policy Directive 30 (PPD-30) and Executive Order 13698.

Section two is based on 60 confidential interviews and conveys the perspectives of U.S. hostages, wrongfully held detainees, their family members, and others involved in the hostage enterprise. All interviews were conducted between August 2021 and July 2022 and do not represent the perspectives of all hostages, wrongful detainees, and their families. This section does, however, represent the perspectives of the participants included in this study. This report is intended to spark and inform discussions that will continue to improve the U.S. government's provision of support to hostages, wrongful detainees, and their families.

# It's time to act.

## A NOTE FROM THE PRESIDENT AND FOUNDER

Dear Fellow Americans,

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

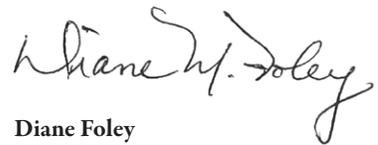
Since the 2014–15 horrific torture and murders of Americans Kayla Mueller, Peter Kassig, Steven Sotloff, and James Foley, progress has been made by the 2015 establishment of the hostage enterprise, the 2020 Levinson Hostage Taking and Accountability Act, which outlined wrongful detention criteria, and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

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

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

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

Sincerely,



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

# The numbers are alarming.



**580%**

increase in number of U.S. nationals continued to be wrongfully held overseas this decade compared to previous decade.



**60%**

increase in the average duration of a U.S. national's captivity when taken hostage over the past eleven years.



**175%**

increase of incidents of U.S. nationals being wrongfully detained compared to previous decade.



# 58%

of U.S. nationals are held by designated terrorist groups for more than 30 days before release.



# 19

countries in 2022 either wrongfully detained or continued to hold a U.S. national in captivity.

# 75%

of U.S. nationals currently wrongfully detained are in Iran, China, Venezuela, Syria, and Russia.

## KEY FINDINGS

# American Hostage and Wrongful Detainee Landscape

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

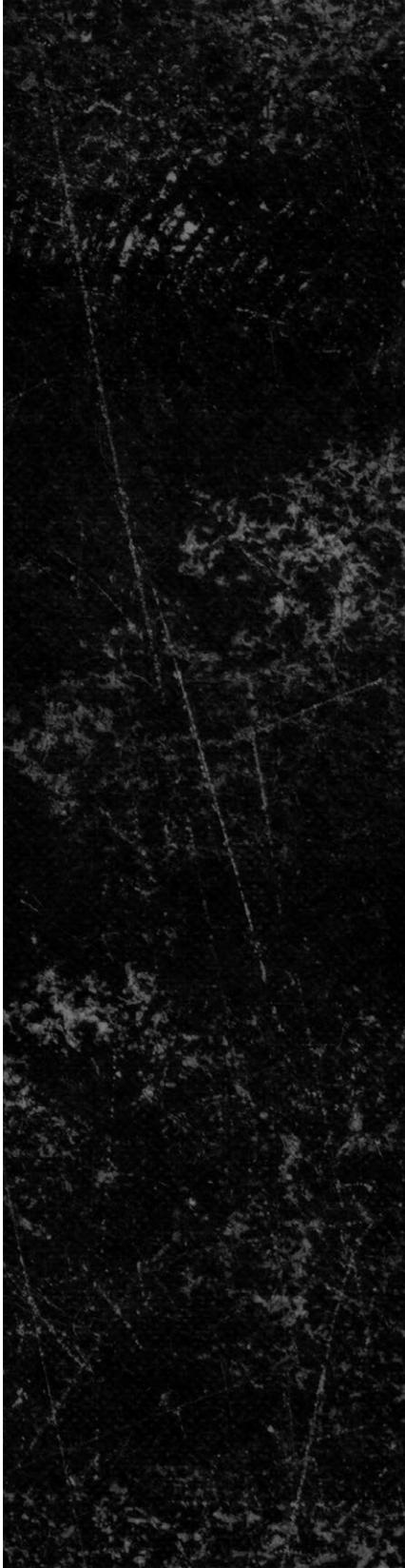
They have on average, longer captivities and a greater likelihood of death.

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

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

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

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



## KEY FINDINGS:

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

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

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

## **2 Recovering Americans held hostage overseas remains a challenge.**

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

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

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

## **4 More negotiation expertise is required within the administration.**

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

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

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

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

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

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

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

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

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

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

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

## **10 Wrongful detention cases continue to languish in Consular Affairs.**

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

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

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

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

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

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

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

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

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

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

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

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

## 2 Empower and relocate the Hostage Recovery Fusion Cell.

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

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

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

## 4 Create a new position at the National Security Council.

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

## 5 Appropriate funds.

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

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

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

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

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

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

## **8 Mandate a reporting obligation for all wrongful detention requests.**

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

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

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

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

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

## About the James W. Foley Legacy Foundation

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

### Vision

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

### Mission

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

Learn more at [jamesfoleyfoundation.org](https://jamesfoleyfoundation.org)

### DEDICATION

The James W. Foley Legacy Foundation dedicates the *Bringing Americans Home 2022* report to the Bring Our Families Home Campaign. The campaign consists of family members of current American hostages and wrongful detainees who have joined together to work towards the immediate release of their loved ones.

### ABOUT THE AUTHOR

Cynthia T. Loertscher is the Director of Research, Hostage Advocacy, and Legislative Affairs at the James W. Foley Legacy Foundation and a former contracted researcher at the Combating Terrorism Center. Cynthia's research focuses on hostage and wrongful detainee affairs, defense related technological innovation, and terrorism.