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## How Biden Can Liberate Americans Shackled Abroad

*Washington Should Not Tolerate Foreign Actors Who Wrongfully or Unlawfully Imprison U.S. Citizens*

**By Jared Genser**

As President Biden revamps many aspects of U.S. diplomacy and national security, he should adopt a policy that none of his predecessors had the courage or resolve to: zero tolerance for the unjust detention of Americans abroad. The wrongful detentions of some 40 to 50 U.S. citizens have been publicly reported, but the real number is likely much higher. The State Department in 2019 estimated that around 3,000 Americans are imprisoned abroad, but it has never looked into whether the detentions are just.

The U.S. government has increased its focus on freeing unlawfully or wrongfully detained Americans in recent years, but it hasn't gone far enough. President Obama created an interagency system to assist families and coordinate government response. President Trump went further, securing the release of dozens of Americans from a variety of countries including Egypt, Turkey and Iran, as well as from terrorist groups such as the Taliban.

Yet the Trump administration's efforts were uneven. It failed to secure the release of longtime American hostages such as Siamak and Baquer Namazi in Iran or Austin Tice in Syria. And it went strangely out of its way to assist some Americans whose detentions appeared to be legitimate, such as rapper A\$AP Rocky, who was arrested in Sweden after a street fight, and three University of California, Los Angeles basketball players arrested in China for shoplifting.

Not every important change has come from the executive branch. Under a new provision, tucked into a law passed in late December, the State Department must review all cases involving U.S. citizens detained abroad and determine, based on 11 criteria, which are unjustly detained. When this determination is made, the case must be referred to the special presidential envoy on hostage affairs to develop and implement a strategy to secure their release. These collective efforts in individual cases will be presented in an annual report to Congress, creating greater visibility and focus on bringing them home.

Secretary of State Antony Blinken is off to a strong start in building on these efforts. At his confirmation hearing, he testified that "doing everything we possibly can to bring any American

home who is being unjustly detained anywhere in the world or is a hostage” is a priority. This was an important warning to governments that wrongfully detain U.S. citizens.

In addition, he retained Trump appointee Roger Carstens as hostage affairs special envoy. Mr. Blinken had been urged by many families of wrongfully imprisoned Americans to keep Mr. Carstens because he has been brilliant and nonpartisan in carrying out his work. Earlier this month Mr. Blinken hit exactly the right notes on a moving call with detainees’ families, demonstrating empathy and resolve and committing the State Department to transparency and honesty in how these cases are handled—which aren’t traditional hallmarks of how Washington engages detainees’ families. And the U.S. joined 58 countries in supporting a Canada-sponsored Declaration Against Arbitrary Detention in State-to-State Relations, launched Monday.

A zero-tolerance policy would also mean America always imposes severe and disproportionate consequences on those who wrongfully detain U.S. citizens. Take Iran, which faces enormous economic challenges and asks for an end to all American sanctions. Mr. Biden should, as a matter of principle, refuse to engage in any bilateral discussions on any topic until Tehran releases its U.S. hostages.

This would clearly demonstrate that Washington won’t tolerate hostage taking as a foreign policy tool. It would be especially powerful if this position were taken in conjunction with other countries whose citizens Iran has taken hostage in recent years. This list includes Australia, Austria, Canada, France, the Netherlands, Sweden and the U.K.

Then there American allies like Egypt, which receives \$1.3 billion in military assistance from the U.S. each year and unjustly detains numerous Americans. Egyptian-American Mustafa Kassem was held for five years without charge in an Egyptian prison and denied medical care for diabetes and a heart condition. He died after a hunger strike in January 2020.

The Biden administration should cut off aid to Egypt until it stops wrongfully imprisoning, injuring and killing U.S. citizens. As Mr. Biden tweeted from the campaign trail in July, there should be “no more blank checks for Trump’s ‘favorite dictator’ ”—a reference to Egyptian President Abdel Fattah al-Sisi. The Biden administration can go even further and punish senior officials responsible for these abuses by imposing targeted sanctions and denying visas for their family members to visit, attend school or work in America.

The State Department can’t always get Americans released from unjust imprisonment abroad. But by identifying, tracking and advocating for the release of unjustly detained citizens—and doing so in a highly coordinated and strategic manner—the U.S. can do much to fulfill its most sacred obligation: Protecting the life and liberty of Americans against tyranny.

*Mr. Genser is an international human-rights lawyer. He represents Siamak and Baquer Namazi.*