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Human rights attorney Jared Genser (left) greets the family of former South Sudanese political prisoner Baraka Ajak (right), as they arrived at Washington Dulles International Airport on July 23, 2020. They were fleeing reports of death squads on their trail.

DIFFERENCE MAKER

FREEDOM

Freedom is his business: How Jared Genser extracts political prisoners

By Cathryn J. Prince, Contributor

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Human rights attorney Jared Genser didn't properly exhale until his South Sudanese client Peter Biar Ajak, his wife, two young sons, and newborn daughter touched down in Washington and walked through the customs security gate at Dulles International Airport that July 2020 evening.

After nearly two years in a South Sudan prison and six months in a Nairobi safe house, the peace activist’s attempt to escape to the United States with his family took a terrifying turn: South Sudanese death squads were allegedly on their trail. They changed their flight for immediate departure, but that presented a harrowing technicality: They had no U.S. visas and no COVID-19 tests.

More than 7,500 miles away, on his laptop and mobile phone for six excruciating hours, Mr. Genser worked his energetic brand of triangulation – reassuring his jittery client while diplomatically shaking every tree at the Departments of Homeland Security and State to get emergency visas and testing waivers.

WHY WE WROTE THIS

FREEDOM

Behind Iran’s release of its longest-held American prisoner Saturday is an attorney who strategizes relentlessly – and successfully – to get beyond “The Price Is Right” swaps to free prisoners in the darkest corners of the globe.

“He was relentless,” Dr. Ajak gratefully recalls of Mr. Genser’s constant, optimistic phone updates. Mr. Genser calmly and repeatedly assured him that he and his family would make it to the airport. And Mr. Genser was right.

As dramatic as it sounds, it was business as usual for the human rights lawyer who specializes in “extracting” people from unjust imprisonment in far corners of the world, from China and Venezuela to Iran and Myanmar (also known as Burma). His uncompromising goal is securing freedom for anyone held for their political or religious beliefs; his basic tools are the flashlight of hope and the know-how to influence the powerful, penning op-eds, dogging government officials, calling on human rights organizations around the world, and filing mounds of paperwork.

He says his efforts have helped free 350 prisoners in the past decade. And, during the weekend, two more of his clients – Iranian American businessman Siamak Namazi and his father, Baquer, were closer to freedom; the younger – the longest-held American

prisoner in Iranian custody – was given a temporary furlough from prison, and the elder was given freedom to travel.

“Jared Genser ranks amongst the best in securing releases of political prisoners whose arbitrary and prolonged detentions are increasing amidst a culture of impunity,” says Irwin Cotler, former minister of justice and attorney general of Canada and founder of the Raoul Wallenberg Center for Human Rights.

Some of Mr. Genser’s most hair-raising jobs grabbed the attention of actor Orlando Bloom, who is developing a TV series on the attorney’s work. Think “West Wing” with a dash of “Scandal” where, in one scene, the sharply dressed lead character corners a senator in a marbled hallway, while in another his outspoken dissident client endures brutal prison conditions.

Founder of Perseus Strategies, an international human rights law firm, Mr. Genser says his calling comes from an ingrained sense of obligation toward humanity and the idea that freedom should never be taken for granted.

His sense of duty to others comes from how he has experienced vulnerability, first through Jewish grandparents who survived antisemitic pogroms in Eastern Europe before immigrating to the U.S. in the late 1800s, as well as the defining moment at age 10 when he fell into a coma with a life-threatening illness.

“I remember some of the ride to the hospital and not feeling afraid,” he says, adding that the experience inspired him to help others feel calm in vulnerable situations.

No more ‘Price Is Right’

Mr. Genser, one of a few human rights attorneys in the field, doesn’t like what has, in his view, become a high-stakes game of “The Price Is Right,” or “incentivized hostage-taking.”

He traces this practice to 1979 when Iranian students stormed the U.S. Embassy in Tehran, Iran, and held 52 Americans hostage for 444 days until the U.S. released nearly \$8 billion in frozen Iranian assets. In a far more recent example, seven Americans were released from a Venezuelan prison Oct. 1 in exchange for two relatives of Venezuelan President Nicolás Maduro. The latter had been serving 18-year sentences in the U.S. on drug charges.

Mr. Genser estimates that between 65 and 85 Americans and countless more foreign nationals are being wrongly held worldwide, including professional basketball star Brittney Griner, who is serving a nine-year sentence for a drug conviction in Russia. As

such he's become a powerful voice for a new way of getting people back. "Most authoritarian countries and dictators are rational actors. They know we have struck deals over and over again," reasons Mr. Genser. "And so it's time to introduce draconian deterrents."

He envisions a new multilateral approach – modeled after NATO's Article 5. In short, a hostage taken from one signatory would be considered a hostage taken from all. Responses would include public condemnations and targeted sanctions on individuals and entities that conduct and support hostage-taking, as well as the blocking of economic development and security assistance.

"It won't stop the practice of hostage-taking, but it can elevate the cost and make deals happen more quickly," says Mr. Genser, who is strategizing with hostage affairs experts at the U.S. State Department to implement this approach.



Courtesy of Jared Genser

Jared Genser (right), who estimates he's helped free more than 350 political prisoners around the world, speaks with the South African theologian and Nobel Peace Prize winner Archbishop Desmond Tutu in June 2015.

Putting principle into practice

Mr. Genser first turned his principle into practice while attending Harvard University's John F. Kennedy School of Government. It was November 1997 and Chinese President Jiang Zemin was coming to speak.

"We weren't upset the university was inviting him," Mr. Genser says. "We were angry Harvard was rolling out the red carpet for him and that he was going to be allowed to stay in his authoritarian bubble."

He and four Chinese dissidents organized a protest that drew 5,000 students outside the lecture hall – the largest protest at Harvard since the Vietnam War.

"It was so loud outside. The moderator asked Mr. Jiang what he thought about the protest, and the Chinese leader said, 'Speak louder, I can't hear you,'" Mr. Genser recalls.

He took on his first case before graduating from the University of Michigan Law School. While spending a semester in London in 2000, he learned about James Mawdsley, a British Australian citizen who'd witnessed Myanmar government forces burn down a school in a refugee camp. Mr. Mawdsley was facing a potential 17-year prison sentence for publicizing it.

Mr. Genser filed the case with the United Nations Working Group on Arbitrary Detention in Geneva. Returning stateside that summer, he spent countless hours talking to legislative aides, ultimately persuading 23 members of Congress to sign a bipartisan letter pressing Myanmar to free Mr. Mawdsley. The State Department forwarded the letter to the Myanmar Consulate.

Later that fall back in his Ann Arbor dorm, Mr. Genser's phone rang: Mr. Mawdsley's release was imminent. And Mr. Genser flew to London and waited at Heathrow Airport.

"James walked in after 415 days in solitary confinement. His mother introduced us and then he shook my hand and said, 'Thanks, you saved my life.'" Mr. Genser recounts. "I was speechless. This was why I went to law school."

Buzzing from the success, he says, "I realized I could get a white man out of a Burmese prison, but could I get a Chinese man out of a Chinese prison, a Sudanese man out of a Sudanese prison?"

Juggling classes and cases

In his first job after law school, at the multinational law firm DLA Piper, Mr. Genser learned that the Chinese government had imprisoned his former Harvard classmate and fellow protest organizer Yang Jianli.

The son of a Communist Party leader, Dr. Yang left China in 1989, disillusioned with the party. He earned the Chinese government's ire by leading protests while attending the University of California, Berkeley and Harvard. In 2002 – with his wife's understanding – he defiantly returned to China to support the nonviolent labor movement. Arrested and sentenced to prison, he thought he'd be forgotten.

"Jared and I had very few interactions after graduation," Dr. Yang says. "The next time I heard his name was when my Chinese counsel visited me in prison. At the time I had been in solitary for 15 months."

"My first reaction was, 'That young man?' I later learned Jared had approached my wife and offered to act as my legal counsel pro bono."

Mr. Genser spearheaded the effort that led to his friend's 2007 release. He filed the case with the U.N. Working Group on Arbitrary Detention and got U.S. senators from both parties and Harvard faculty to sign petitions. He also pressed the issue with the State Department. "Now I help others languishing in prison under the yoke of dictatorships around the world," says Dr. Yang, the president and founder of Citizen Power Initiatives for China.

While Mr. Genser represents a foreign government that he wouldn't name facing human rights challenges and serves as outside general counsel to several nonprofit organizations, more than half of his clients are pro bono. He's working for Nicaraguan presidential candidates Juan Sebastián Chamorro and Félix Maradiaga, who have been imprisoned since before the 2021 elections.

Mr. Genser also serves as pro bono counsel for the Namazis. The younger Mr. Namazi, the Iranian American businessman, was arrested in Iran in 2015 for "collusion with an enemy state." He was left behind during a 2016 prisoner exchange, despite Iranian government promises that release was imminent, Mr. Genser says. Iranian authorities then arrested and imprisoned the father when he visited in February that year. The father, whose travel ban was dropped this weekend, cannot travel because he's ill.

When Roger Carstens, U.S. special presidential envoy on hostage affairs, first met Mr. Genser three years ago, he says he was impressed with his clarity of vision and tenacity. He suggested the attorney put his plan on paper. While he doesn't recall specifics, Mr.

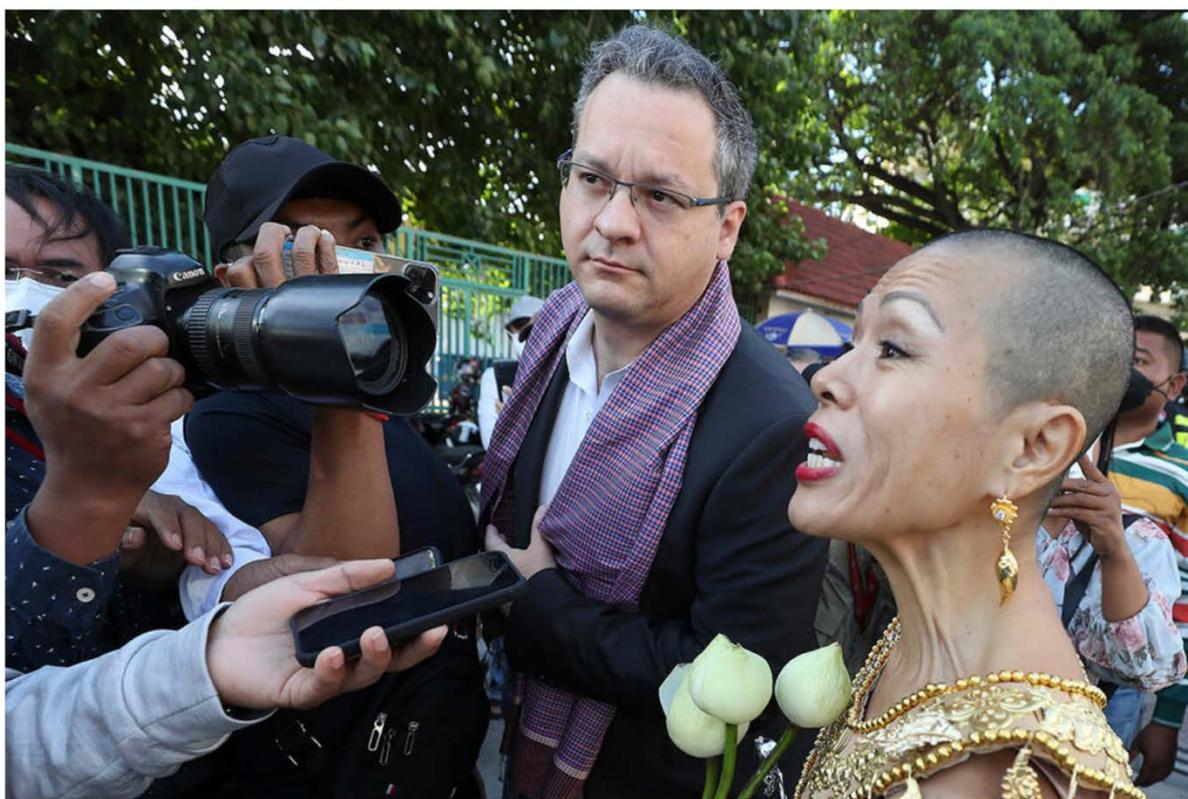
Carstens does recall waking up to “a beautifully worded, concise document outlining the plan. He must have stayed up all night.”

While incredible patience seems important to do his work, it’s actually relentlessness that’s required.

“I’ve done the work long enough to know that in stressful situations it’s important to take a deep breath, slow down, and try and keep my pulse at around 60,” Mr. Genser says, taking a sip from a can of Coca-Cola.

“The squeaky wheel gets the grease. I’ll call a congressional office five, 10 times or more, but you can’t be relentless to the point of self-destruction. I can’t go ballistic. It’s all about careful calibration,” he adds.

To release stress he plays ice hockey – he keeps a stick wedged between the passenger seat and console of his Lexus.



Heng Sinith/AP/File

Theary Seng (right), a Cambodian American lawyer, and human rights lawyer Jared Genser speak with the media outside a Phnom Penh, Cambodia, court in December 2021. She was on trial with 40 other defendants accused of treason for taking part in nonviolent political activities.

One of his ongoing cases involves his friend Theary Seng, a Cambodian American lawyer, activist, and critic of Prime Minister Hun Sen. She’s serving six years for conspiracy to commit treason. After attending one of her hearings in June, he held a press

conference on the steps of Phnom Penh Municipal Court and was promptly barred from Cambodia. It wasn't the first time he was bounced: In 2016, the Maldives deported him upon arrival there in an effort to secure release of former President Mohamed Nasheed. Venezuela also banned him. Throughout his career he's had moments of utter despondency, such as when his client Chinese writer and human rights activist Liu Xiaobo, the 2010 Nobel Peace Prize laureate, was denied medical treatment for an illness while in prison until it was too late.

"The day Liu died was the worst and most painful of my career," he says. "I know I can't save all of my clients, and I've come to learn that every case is a profound failure until I succeed."