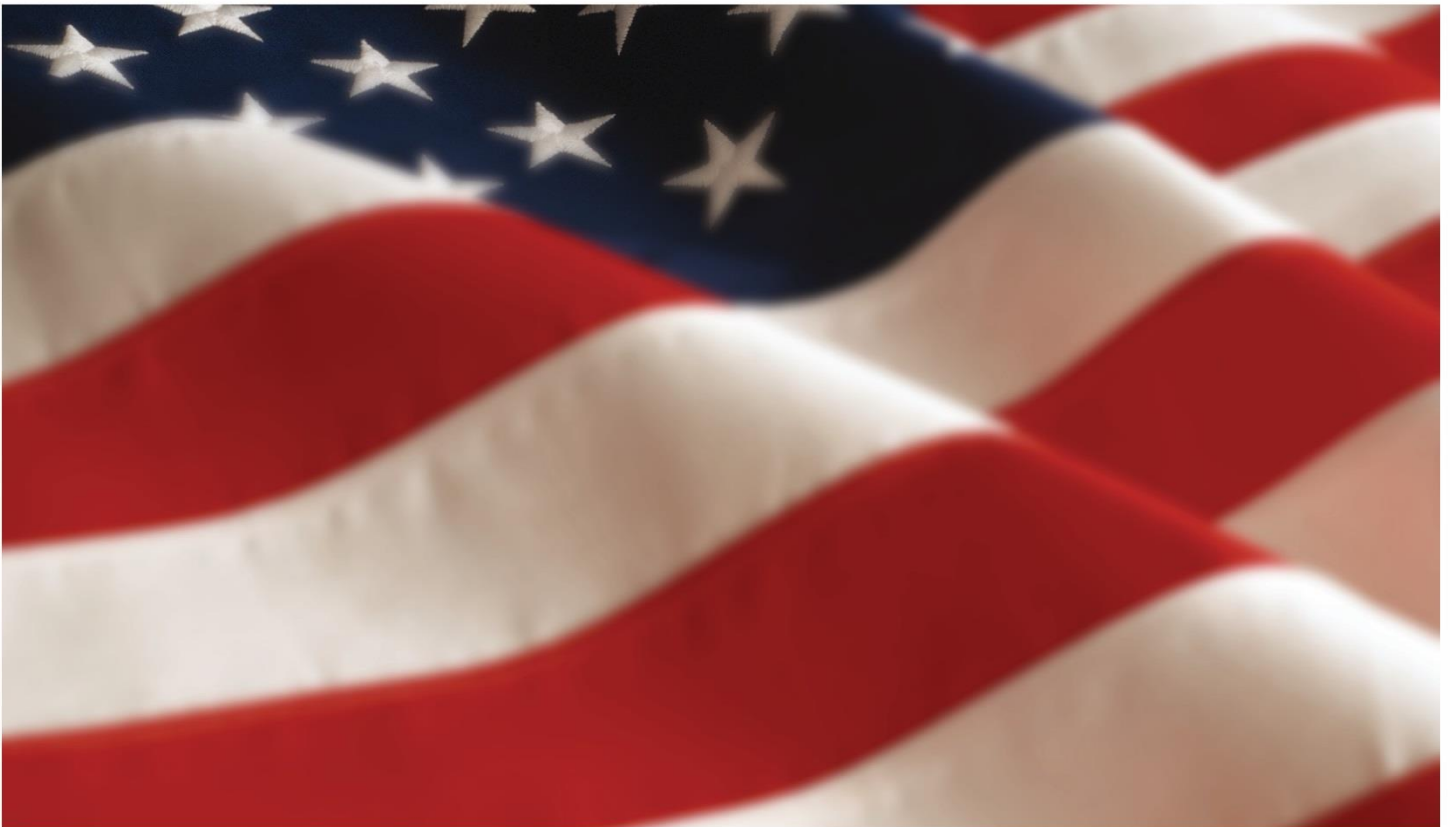




THE NATIONAL COUNTERTERRORISM CENTER

Status Report on the Implementation of Executive Order 13698 Hostage Recovery Activities



THE WHITE HOUSE

WASHINGTON

September 30, 2016

Last year the U.S. Government reaffirmed its unwavering commitment to ensure the safe recovery of Americans being held hostage or unlawfully detained abroad and to increase our support to their families. Executive Order 13698 enhanced efforts across the Federal Government and directed a 12-month Status Report to ensure that we implement these reforms.

This Status Report was prepared by the National Counterterrorism Center in consultation with the Departments of State, Defense, Justice, and the Federal Bureau of Investigation. Its findings have been carefully considered and endorsed by senior officials from these agencies and others across the U.S. Government. The report concluded that these enhanced efforts are improving our coordination on hostage recovery and support for families of hostages, but also identified recommendations for further improvement. Respective departments and agencies are working to implement those recommendations. As we strive to improve our support for the loved ones whose family members are held against their will, we know our work will not truly be complete until our fellow Americans are safely returned to the United States.



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Introduction

This National Counterterrorism Center (NCTC) report evaluates U.S. Government (USG) progress in the implementation of Executive Order (E.O.) 13698, *Hostage Recovery Activities*, signed by the President of the United States on June 24, 2015. This report also reviews implementation of the related *Presidential Policy Directive 30* (PPD-30).

To ensure accountability for the reforms mandated by the E.O. and PPD-30, the E.O. directed that within one year, NCTC, in consultation with the Secretary of State, Secretary of Defense, Attorney General and the Director of the Federal Bureau of Investigation (FBI), provide a status report to the Assistant to the President for Homeland Security and Counterterrorism on the implementation of the E.O.. The E.O. directed that the status report will be informed by consultation with stakeholders outside of the USG, including former hostages and hostages' families and will, to the extent possible, be made available to the public. This Status Report responds to those requirements.

Summary of Findings

The USG has made significant progress in implementing E.O. 13698 and PPD-30 in the past twelve months, successfully standing up the Hostage Response Group (HRG), the Hostage Recovery Fusion Cell (HRFC) and the Office of the Special Presidential Envoy for Hostage Affairs (S/SPEHA) within a few months following E.O. signature. Families and members of the USG interviewed for this report indicated overall satisfaction with USG progress and effort on this issue since June of 2015.

At the 12 month mark, the HRFC has successfully recovered several dozen hostages, wrongfully- or unlawfully-held detainees and victims of kidnap, all while adhering to the USG no-concessions policy on ransom payments. Amidst this clear progress, some processes and procedures established in the past year are still being formalized/institutionalized. Building and sustaining mutually beneficial and positive relationships with the families of hostages must remain a continuing effort. In some areas, achievements to date could be eroded or reversed without consistent senior policymaker attention.

Finally, families, especially those with open cases, have expressed concerns about the durability of the HRG, HRFC and S/SPEHA. Family members noted that hostage and wrongful or unlawful detainee recovery might diminish in priority as other challenges and issues arise in the national security spectrum, and that resources and capabilities now being focused on hostage and wrongful or unlawful detainee recovery could be directed to other priorities.

Background

A total of 20 families and former hostages were invited to participate in this report through in-person or telephone interviews to learn about their experiences with the USG in the last year and how that engagement compared with their previous experience. A total of eight families and former hostages responded and all were interviewed. Three hostages of these families were deceased prior to the issuance of the E.O. in 2015.

This report also comprises data obtained through 32 interviews with 35 USG personnel who are, or have been, involved in various aspects of hostage incidents and recovery. This included representatives from the Federal Bureau of Investigation (FBI), Department of State (DOS), Department of Justice (DOJ), Department of the Treasury, Department of Defense (DOD), Office of the Director of National Intelligence (ODNI), other members of the Intelligence Community (IC) and National Security Council (NSC) staff.

The report is also informed by a review of the 2015 Hostage Policy Review, the classified six-month Assessment of the Hostage Recovery Fusion Cell and several classified internal After Action Reviews. The report also received input from two non-governmental organizations.

This report is organized into three focus areas: (I) USG Coordination, (II) External and Family Engagement and (III) Intelligence Sharing and Collection. Focus Area I discusses how the USG's response to hostage cases has changed since the implementation of E.O. 13698 and PPD-30. Focus Area II reviews how the USG now interacts with families and external organizations. Focus Area III discusses how the USG shares information and intelligence both internally and with the families of hostages. This report identifies the subsequent trends that emerged from NCTC's research and analysis.

Observations, Findings, and Recommendations

Focus Area I: U.S. Government Coordination

The HRG was created in accordance with E.O. 13698 to ensure sustained attention at a senior level on hostage issues by reviewing active cases and providing policy guidance and strategic policy direction to the HRFC and the S/SPEHA. Since its creation, the HRG has met on at least a bi-weekly basis to review both hostage and wrongful or unlawful detention cases and provide policy guidance when necessary. In the past year, the HRG, S/SPEHA and the HRFC have worked to address the majority of issues raised during the 2015 Policy Review. Most of the structures and processes detailed within the E.O. and PPD-30 have been addressed as well.

Representatives at the HRG include senior government officials from the FBI, DOS, DOD, DOJ, the Department of the Treasury, ODNI and other appropriate representatives from the IC. When necessary, the HRG invites relevant subject matter experts to its meetings to provide advice and information.

The HRFC was created to identify and recommend hostage recovery options, coordinate efforts across the USG and engage with the families of hostages and with external actors such as non-governmental organizations. The HRFC is located in at FBI headquarters and is staffed with representatives from across the USG to include FBI, DOS, DOD, DOJ, the Department of the Treasury, ODNI and other appropriate representatives from the IC. As part of its integration mission, the HRFC engages in daily coordination meetings, weekly interagency synchronization meetings and After Action Reviews in order to document lessons learned and identify potential new lines of effort. The HRFC also leads interagency deep-dive case reviews to share the most current information and intelligence among subject matter experts and those with hands-on recovery responsibilities. These deep-dives also serve to develop coordinated lines of effort.

The Office of the Special Presidential Envoy for Hostage Affairs was established in the summer of 2015 and a Special Envoy has been appointed by the President. S/SPEHA leads diplomatic engagement on U.S. hostage policy and coordinates all diplomatic engagements in support of hostage recovery efforts, in coordination with the HRFC and consistent with policy guidance communicated through the HRG. S/SPEHA also coordinates with the HRFC to develop recovery strategies, provides representation to the HRFC and the HRG and coordinates diplomatic engagements regarding wrongfully or unlawfully detained U.S. nationals.

1) **Observation: Interviews of USG stakeholders indicate the HRG is an effective policy coordination body that ensures increased awareness and coordination of potential and ongoing recovery efforts across the USG. Therefore, we judge that the HRG has achieved its objectives in this area.** In many cases, the HRG has been able to provide policy guidance to the HRFC, identify recovery efforts that require further development and identify the lead department or agency for that particular effort, to include diplomatic engagement.

The HRG has established a bi-weekly meeting schedule that is effective, according to the majority of those interviewed. Continuing regular HRG meetings with consistent senior-level representation will ensure continuity and the ability to make timely policy decisions and resolve any disputes as close to the working level as possible.

2) **Observation: The HRFC is an effective interagency coordination body that successfully identifies strategic recovery options for the safe recovery of U.S. nationals and other specified individuals held hostage abroad. The HRFC also provides regular and effective engagement and information sharing with families.** Co-location of the members of the HRFC as well as regular coordination meetings have resulted in an increased and improved flow of information across members of the HRFC. The presence of representatives from each major department and agency enables the HRFC to reach back to their home organization for more information when necessary. However, we note that some challenges persist in ensuring that information is shared with appropriate USG personnel outside the HRFC. The HRFC Family Engagement Team (FET), in coordination with S/SPEHA, has proven effective in engaging with families and several expressed significant satisfaction with their interaction with the FET and S/SPEHA.

3) Finding: S/SPEHA is effective in proposing and conducting diplomatic engagements supporting each hostage and wrongful or unlawful detainee case. The position of the Special Presidential Envoy was established in accordance with the E.O. and PPD-30. The Special Presidential Envoy was named August 28, 2015, and the office began to take shape shortly thereafter. S/SPEHA attends HRG meetings and coordinates closely with the HRFC, to include participation on many family calls and weekly review meetings. The Office also serves as a coordination entity and a focal point within the Department of State.

S/SPEHA is effective in raising hostage and unlawful or wrongful detention case issues during international meetings and negotiations, as appropriate. S/SPEHA engages, in coordination with the HRFC FET, with families of hostages, who have expressed satisfaction with their experience with the S/SPEHA.

Recommendation: To ensure continuity within the Department of State and the USG, the S/SPEHA should continue its work towards regularizing its processes, to include a succession strategy that ensures information sharing and diplomatic engagement continue despite future personnel turnover. As with the HRFC, the S/SPEHA should ensure that well qualified, senior staff members are hired.

4) Finding: While most departments and agencies have assigned staff to the HRFC, some staffing gaps and shortfalls remain. Not all departments and agencies have met the staffing objectives directed in the HRFC Charter, which could create some risk to future effectiveness. For example, the DOD has provided an interim HRFC Deputy Director but has not yet assigned a permanent Deputy Director as prescribed in the HRFC Charter.

In addition, while the USG has been encouraged to provide functional and support staff to the HRFC, none have responded thus far. This has resulted in a perception among some interviewees that the HRFC has not always optimized the full range of capabilities that support recovery options. As a result, over the past year the responsibility for the bulk of support services such as the Congressional Affairs Officer, the Public Affairs Officer, Intelligence Analysis staff and all administrative personnel has fallen to the FBI as the host agency.

Recommendation: The HRG should continue to highlight any unmet staffing requirements that impact HRFC effectiveness to departments and agencies. The HRFC Director should ensure that the roles and responsibilities of the participating department and agency representatives are consistent with the HRFC Charter, and where appropriate, recommend changes to the HRG for approval by the Deputies. Departments and agencies should update contingency plans to ensure continuity of support in events of personnel absence, and should also periodically review the workload of their representative(s) to determine if requirements merit additional staff. Staffing requirements should be met by a variety of departments and agencies in the future.

5) Finding: After Action Reviews have provided useful feedback mechanisms for members of the HRG, S/SPEHA, HRFC and the hostage recovery enterprise and led to some beneficial

[changes in USG protocols](#). It was clear that the process of re-examination, review and consultation strengthens relations and interactions with former hostages, wrongful or unlawful detainees and their families.

For example, in After Action Reviews of two recent cases, the reviews provided a timeline of events, identified policy issues and provided recommendations. HRG members discussed the importance of providing U.S. citizens wrongfully or unlawfully detained overseas with the same level of post-captivity support as hostages. Post-recovery services currently vary based on the circumstances of the case and are tailored as appropriate, and the quality of care should be equal for all cases.

Recommendation: The HRG, S/SPEHA and HRFC should continue to conduct periodic reviews to improve effectiveness and identify any potential process gaps or shortfalls. Key findings and conclusions from these reviews should be disseminated across departments and agencies with hostage recovery equities.

[6\) Finding: Families of current and former hostages expressed concern that USG activities and improvements of the past year will not continue to receive ongoing high level attention and prioritization in the future.](#)

Recommendation: Continued emphasis on providing maximum transparency on the activities and efforts of the HRG, HRFC, and S/SPEHA to hostage families is required to alleviate concerns about enduring USG commitment to loved ones. While reassurances of continued effort and improvement are appropriate, the most effective method for addressing this common family concern over the durability of USG improvements is to provide as much insight into the process as appropriate. Additional steps for consideration might include continued periodic reviews of E.O. 13698 and PPD-30 to ensure USG accountability.

Focus Area II: External and Family Engagement

Since June 2015, the HRFC has created several positions as required by the E.O.

The Family Engagement Coordinator, currently serving at the HRFC, has primary responsibility for ensuring that all interactions with a hostage's family are fully coordinated to improve consistency and accuracy. In early 2016, the FBI recruited and hired a social services director with 30 years of non-governmental experience working with families during crises and traumatic events to assume the role of the Family Engagement Coordinator.

Based on analysis by the HRG, S/SPEHA and HRFC, an External Outreach Coordinator (EOC) was added to HRFC's official charter. The EOC coordinates messaging and efforts with both USG and non-governmental organizations for the recovery of U.S. hostages and wrongfully or unlawfully detained Americans overseas. S/SPEHA has provided a designated civil servant to assume this role, currently serving at the HRFC. The HRFC has assumed responsibility for developing and providing various education and support materials for both the USG and the private sector, aimed at awareness and prevention of future incidents. These efforts complement the State

Department's outreach and prevention efforts through the Bureau of Consular Affairs' robust Consular Information Program and Diplomatic Security's Overseas Security Advisory Council.

7) **Observation:** Significant progress continues to be made in improving relations with families of hostage cases and building their confidence in USG Family Engagement efforts. Prior to the establishment of the HRG, HRFC and S/SPEHA, hostages' families did not receive coordinated information or responses from the USG. As a result, families were not confident that the information they received was up-to-date or correct. Consistent with policy guidance, the HRFC and S/SPEHA have made significant progress building trust with the hostages' families. The families who were interviewed reported that the information they are now receiving is coordinated and that points of contact within the USG are collaborating to provide information, intelligence and support services. Families did express frustration about occasions when the USG provides vague or delayed information.

8) **Finding:** Half of the families interviewed reported better understanding of their main points of contact within the USG, but most families interviewed also expressed some lingering uncertainty about the roles and responsibilities of other USG representatives present on calls and in meetings. Overall, families reported that they are pleased that they now receive a consistent message from the USG, which has improved confidence in USG capabilities. The families did express concern that there are multiple touchpoints to include their local FBI contact, the Family Engagement Coordinator, the Special Envoy and the Office of Victims Assistance, which has caused some confusion as to whom to contact for which form of support or service. The FET has worked to engage in regular contact with families of current and past cases since June of last year; this now includes the Family Engagement Coordinator. Many of these visits or calls with families are now "group calls" with multiple government officials from a variety of departments and agencies in attendance. While several families noted that the inclusion of other USG representatives has benefited the calls and meetings and has increased confidence that the USG is now speaking with one voice, families still report being somewhat "overwhelmed" by the number of personnel on each call. Families also continue to express some confusion about the roles and responsibilities of each person as USG representatives change often.

Recommendation: The HRFC FET should continue to provide families with a chart or legend in advance of group calls or visits to assist them in understanding each participant's role and responsibility. This information should supplement information already provided in the Family Resource Guide.

9) **Finding:** The HRFC developed a Family Resource Guide based on feedback from families, but some families report not having received the most current version. This comprehensive guide also includes the Communication and Support Plan, which is an agreement between the FET and the family on how and by what means families will receive communications from the USG.

Recommendation: The FET should continue to modify and update the Family Resource Guide as necessary, and if appropriate, disseminate updates to all hostage families. Updates should be based, in part, on the regular solicitation of feedback from families, former hostages and NGOs. While the Resource Guide is primarily intended for the families of new cases, families with active cases should be notified of updated versions and offered a copy, possibly an electronic version.

10) Finding: Families expressed uncertainty on USG evaluation and application of non-USG and Third Party Intermediary (TPI) information in developing recovery options. A TPI is someone who passes information back and forth between the families and hostage takers, and may serve as an intermediary. We judge that the appropriate utilization of TPIs has been beneficial to both USG activities and interactions with Hostage Families.

Recommendation: When the HRFC receives TPI information, they should appropriately inform families about how TPI information is assessed and how it is applied to improve recovery options and strategy.

11) Observation: The HRFC has developed effective training materials, to include training material for those USG personnel who will interact with hostages and their families. All HRFC members who interact with families were provided extensive family engagement training, and the HRFC continues to train USG members in family engagement as necessary. For example, the HRFC is collaborating with the State Department to train USG personnel who may become involved, in an as needed basis, on a hostage case. The HRFC created a trainee feedback loop into the Family Engagement Training plan for process improvement and incorporation of lessons learned.

12) Observation: The relatively recent hiring for the External Outreach Coordinator position in March 2016 renders us unable to effectively judge progress. The External Outreach Coordinator is intended to establish and maintain networks with commercial and non-profit organizations that could potentially be affected by hostage taking situations. For example, this could include chief security officers for U.S. firms with an international presence and service organizations. These networks could provide the HRFC with valuable links to private sector support services.

13) Finding: The HRFC has increased USG effectiveness in developing coordinated responses to inquiries from Congress and the media. In the last 12 months, one representative from the FBI Office of Congressional Affairs and one from the FBI Office of Public Affairs have been made available, on a part time basis, to the HRFC. The Congressional and Public Affairs representatives work closely together to ensure that information passed to Congress and the media is consistent. They also work with departments and agencies to develop coordinated responses to inquiries from Congress and the media. The HRFC Public Affairs Coordinator established a Virtual Public Affairs group to ensure transparency on media requests, and cohesive responses from the USG. The HRFC's Congressional and Public Affairs Coordinators have worked to build a solid professional network of peers and establish a community of

interest as a basis for surge support, and succession planning for the HRFC's future. Non-FBI agencies were offered the opportunity to fill these positions, however, other agencies have not yet provided personnel.

Recommendation: The HRFC should conduct periodic reviews to determine whether part-time support from the Offices of Congressional and Public Affairs is sufficient to sustain necessary level of effort. The HRFC and HRG should continue to encourage other departments and agencies to identify Congressional and Public Affairs specialists who might be assigned to the HRFC, either part or full time. Finally, the Offices of Congressional and Public Affairs should consider standardizing information sharing processes with other Congressional and Public Affairs offices across the USG, given the different Congressional committees with jurisdiction (Armed Services, Intelligence, Foreign Affairs/Relations, Appropriations, etc.) over departments and agencies that constitute the HRG and HRFC.

14) **Finding:** There is a continuing misperception by some families that Third Party Advocates (TPA) cannot be present during phone calls or visits with the Family Engagement Team and the S/SPEHA. The FET and Third Party Advocates may support the hostage's family by taking notes, clarifying information and prompting families to ask questions during discussions on policy, services and referrals. Previously, engagement policy did not allow inclusion of TPAs in USG meetings; however, the HRG reviewed and amended the policy to allow TPAs on a case by case basis, except for intelligence information briefings. Families now have the option to include TPAs, with the understanding that TPA participation precludes an intelligence information update. To ensure family advocacy, the Family Engagement Coordinator serves as the Family Advocate in intelligence briefings and in other circumstances where security concerns dictate that TPAs may not participate.

Recommendation: Continue efforts to ensure that families understand TPA inclusion guidelines.

Focus Area III: Information and Intelligence Sharing

The co-location of interagency staff at the HRFC and oversight from the HRG have resulted in improvements in both information and intelligence sharing among USG stakeholders. Also, the USG has worked more effectively to provide hostages and the families of hostages with additional information and declassified intelligence regarding their cases. The HRFC requested that information be declassified to ensure families receive the information in a timely manner, as the families are key parts to recovery. In September 2015, the Director of National Intelligence issued a directive to all intelligence community elements reaffirming proactive information sharing with families.

15) **Finding:** Overall communication and coordination of information and intelligence among the USG hostage recovery enterprise has significantly improved. This is largely due to the fact that the interagency members of the hostage recovery community are co-located within the HRFC, and departments and agencies have installed computer systems which allow for reach

back to their home organizations. Subject matter experts from various departments and agencies have briefed the HRFC in two-way information exchanges. While education and mutual awareness efforts began immediately after stand-up, there is still a need to expand education and awareness within the fusion cell regarding the capabilities, authorities and expertise that each department can leverage in order to provide support to the HRFC.

Recommendation: Representatives to the HRFC should continue efforts to educate each other on the capabilities and expertise available within USG departments and agencies. This should include bringing in non-HRFC members who can describe their specific role and/or expertise in hostage and wrongful or unlawful detainee-related cases. This will also benefit the HRFC by building strong networks with areas of the USG that do not have a representative at the HRFC. Finally, the sub-HRG should conduct a review of information sharing across the hostage and wrongful or unlawful detainee recovery enterprise, soliciting recommendations from department and agencies to provide the HRG with recommendations for developing and institutionalizing optimal procedures. This should include recommendations to establish processes for information sharing among the HRFC and the State Department, including U.S. missions overseas, thereby leveraging whole-of-government capabilities.

16) **Finding: HRFC members and key USG hostage enterprise personnel are sometimes not cross-cleared for relevant operational and intelligence compartments. There are still points of uncertainty among members of the HRFC regarding “need-to-know” and uneven levels of access to classified information.** The HRFC has made significant progress in information sharing and all HRFC members interviewed expressed the view that information sharing was one of the strengths of the organization. Also, many interviewees assessed the HRFC as effectively aggressive in its efforts to share information and intelligence. However, several interviewees expressed concern that not everyone in the HRFC was aware of clearance requirements for differing levels of information. The HRFC has organized its staff into functional teams that bring the personnel’s respective experience, capabilities and resources to the recovery effort. Teams are encouraged to collaborate to the fullest extent, and to exercise judgment with divisions of labor and exercising the “need-to-know” rule for sensitive information. Finally, there are still differences in application among the various departments and agencies regarding “need-to-know” and security clearance requirements. Some organizations are uncomfortable with the amount and type of sensitive information being shared both internally within the HRFC and with families.

Recommendation: All staff within the HRFC should be fully aware of who has need-to-know and the appropriate required security clearance to access sensitive information. Ensure HRFC leadership, operations and intelligence staff, as well as select USG hostage enterprise personnel with “need-to-know” are cross-cleared for a baseline set of special access, operational and intelligence compartments to facilitate optimal information sharing and adherence to security protocols.

17) Finding: While the implementation of the E.O. has significantly improved the provision of information and responses to queries from families, some departments and agencies still experience significant delays in declassifying information. Also, the majority of families interviewed expressed the view that the information provided is not yet sufficient and often claim that USG-provided information is sometimes not as useful as the families expected.

Recommendation: Departments and agencies should accelerate the declassification process, based on inputs from the hostage recovery enterprise. While it is unlikely that the USG can ever achieve full and consistent satisfaction by all hostage families in the information provided, we judge that improvements in speed alone would significantly ameliorate remaining concerns. The FET should continue to explain to families the limitations of USG information and capabilities while working to provide information in a timely manner, as well as the need for the USG to protect sources and methods. The FET should also continue to highlight to families that lack of information, in most cases, is the result of the victim being held in a denied area with limited USG presence or relationships in place.