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March 16, 2017

The Honorable Rex Tillerson
Secretary
U.S. Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Secretary Tillerson:

The mission and priority of the Bureau of Consular Affairs within the State Department is to “protect the lives and interests of American citizens abroad.” As such, I am writing to inquire about the strategy and protocols in place to secure the release of American citizens unjustly detained or imprisoned in a foreign country.

While it is important for the United States to respect the sovereignty and legal system of other nations, international law and norms regarding basic human rights must govern as well. Further, I fully recognize that there must be a distinction between detentions on the part of a foreign government versus that of a terrorist organization. It is critically important that the United States maintain a prohibition against negotiating with terrorists.

In recent years, there have been a few well-known cases of American citizens detained in foreign countries. In some cases, the foreign government has used local laws which are inconsistent with international human rights norms to justify violations of religious freedom. In other cases, they have imposed arbitrary charges, such as a claim of threat to national security, to justify the detention and harassment of individuals on the basis of their religion. It is critical that diplomats understand how to respond to these various charges and convey the serious nature of any claims against American citizens for activities that are protected under international law, including commitments for which many of these countries have declared support.

As you know, Congress provided the Executive Branch with sanction authority for use against government officials responsible for routine and egregious violations of human rights, especially religious freedom. These authorities exist pursuant to both section 212(a)(2)(G) of the Immigration and Nationality Act (INA) and section 1263(a) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017. In the midst of conversations and negotiations with your counterparts in other countries, it is my hope that these authorities are among the tools raised as you work to secure the release of American citizens unjustly detained abroad.

In order to understand the policies and procedures in place, please provide answers to the following questions:

1. What is the role of an American Citizen Service Officer? Please detail the specific training and instruction provided to each Office regarding the detention and release of American citizens.
2. Other than demanding formal charges and ensuring access to a consular office, an attorney, an individual's spouse and family, what other actions are taken by the State Department when an American citizen is detained?

3. What steps does our government take in the early stages of detainment to determine the validity of charges and work for rapid release, especially in cases when the government appears to have used arbitrary or falsified charges against an individual for those actions protected as fundamental human rights?
4. Is sanction authority, especially those authorities provided in section 212(a)(2)(G) of the INA and section 1263(a) of the FY17 NDAA, ever raised or utilized in the process of securing the release of an American? If so, please detail when in the process these authorities are raised or used.
5. Is there an official guidance, template or policy that is followed in each instance of a detained U.S. citizen, or is each case handled on a case-by-case basis? Please provide the guidance, if any, that exists.

It is critically important that the United States has a strategy in place for how to engage with a foreign government when they are holding one of our citizens. We cannot allow law-abiding Americans to spend countless days, months or even years in a foreign detention or prison system without a concrete plan in place to secure their release.

Thank you for your attention to this important matter and I look forward to hearing from you.

In God We Trust,



JAMES LANKFORD
United States Senator