



DEPARTMENT OF STATE  
WRITTEN STATEMENT  
OF  
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BUREAU OF CONSULAR AFFAIRS  
BEFORE THE  
UNITED STATES HOUSE FOREIGN AFFAIRS COMMITTEE  
SUBCOMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

HEARING  
ON  
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Chairman Mast, Ranking Member Crow, and other esteemed members of the Committee, thank you for the opportunity to discuss the State Department's highest priority: ensuring the safety and security of U.S. citizens abroad. In the Bureau of Consular Affairs, we are the public face of that effort to millions of Americans each year.

### **State Department Travel Advice**

The Bureau of Consular Affairs' role in serving the U.S. traveling public begins before Americans leave our borders. One of the primary ways we fulfill our responsibility to U.S. citizens overseas is through our public travel advice. This includes providing the public with not only logistical information such as entry and exit requirements, but also potential health, transportation, and security risks in every country overseas - including advice on where not to travel, because the risk to their security is too great and our ability to help is limited. Our [travel.state.gov](https://travel.state.gov) website, which gets over 700 million hits a year, features our country-specific information pages and Travel Advisories.

Each of our country information pages includes the warning: *"You are subject to local laws. If you violate local laws, even unknowingly, you may be expelled, arrested, or imprisoned."* Travel Advisories include a level for each country, ranging from Level 1: Exercise Normal Precautions to Level 4: Do Not Travel. Each Travel Advisory also includes specific risk indicators to provide additional context for the advice level. Risk indicators include C for crime, T for terrorism, U for civil unrest, K for kidnapping/hostage-taking, and, as of 2022, D for wrongful detention – to highlight the elevated risk of a foreign government wrongfully detaining U.S. citizens. We want U.S. citizens to be aware of the risks so they can make informed decisions.

### **Consular Assistance to U.S. Citizens Detained Overseas**

Nonetheless, and under a variety of circumstances, each year thousands of U.S. citizens are arrested while overseas – on charges ranging from minor infractions to murder. While every arrest or detention case is unique and receives individualized attention, at minimum, our consular responsibilities and actions include the following:

- When a U.S. citizen is detained overseas, our first priority is to obtain consular access. In countries where we do not have diplomatic relations and cannot obtain this access ourselves, we may have a protecting power to handle this important task on our behalf.
- During the initial visit, we will assess the well-being and treatment of the U.S. citizen. If we suspect mistreatment, consular officers will elevate this quickly and forcefully through both prison contacts and official diplomatic channels.
- We also make sure the U.S. citizen has what they need to access the local legal system – lists of English-speaking lawyers, translators, and other support.
- We continue to conduct visits on a regular basis throughout the pretrial phase of any U.S. citizen’s detention to ensure the case is progressing normally under local law, and to ensure no abuse or mistreatment.
- For the nearly 1,700 U.S. citizens currently sentenced to a prison term overseas, we visit throughout their detention – unless they proactively tell us they do not want us to come. In FY 2023, consular officers made more than 7,600 visits to U.S. citizens in detention overseas.
- We continuously monitor the health and welfare of detainees, advocating with host government officials for their access to adequate nutrition and medical care. With the prisoner’s consent, we also work with their families to transfer money or deliver personal items.
- Consular Affairs monitors the U.S. citizen’s case as it moves through the court system. We do this regardless of guilt or innocence or the nature of the alleged crime to ensure they have access to a fair process and the best possible treatment.

- Consular staff may attend trials to demonstrate interest in the case, to keep the family informed if the detainee gives us permission.

### **Every Wrongful Detention Case Begins as a Consular Case**

Americans who have broken the law in a foreign country may be held accountable, just as foreign nationals who commit crimes in the United States are subject to U.S. prosecution. However, there are rare circumstances overseas in which the Department has serious concerns about the motives of the arrest, the circumstances of the detention, or the fairness of the judicial process. Throughout our close monitoring of each arrested American's case, our officers who are our experts on the host country are continuously reviewing the circumstances of each detainee for any indicators that may give rise to concern about wrongful detention.

The Bureau of Consular Affairs is a partner in the effort to determine wrongfulness. The wrongful detention determination is a whole-of-Department effort involving, at minimum, Consular Affairs, the Office of the Special Presidential Envoy for Hostage Affairs (SPEHA), our missions abroad, and our partners in the State Department's regional bureaus. The Secretary of State makes the ultimate determination.

Typically, our posts overseas are the first to bring a case to the Department's attention for indicators of wrongfulness based on criteria included in the Levinson Act. Other Department offices, families, Congress, or other external parties also may raise potential wrongful detention cases. CA, SPEHA, and others in the Department discuss the unique facts of each case and make a recommendation to the Secretary of State. If the Secretary ultimately makes a wrongful detention determination, the case is transferred to the Office of the Special Presidential Envoy for Hostage Affairs – even as our consular officers continue to provide visits and other services directly to the detainee.

As a proportion of the Department's caseload, wrongful detention of U.S. citizens is rare. In FY 2023, more than 6,000 U.S. citizens were arrested overseas; the current number of wrongful detention cases is less than 1.0 percent of that total. In most destinations, the risk is almost non-existent. However, the Department has assessed that U.S. citizens are at risk of wrongful detention in nine countries: Afghanistan, Burma, China, Eritrea, Iran, Nicaragua, North Korea, Russia, and Venezuela.

Today more Americans have U.S. passports and can travel internationally than at any point in our history. If any of our fellow citizens encounter an emergency while on those travels, including an arrest or detention, consular teams are on the front lines of serving them and assessing their individual circumstances. I look forward to discussing our role and our cooperation with my fellow witnesses further with you today.