HOUSE OF COMMONS

Foreign Affairs Committee

Oral evidence: The FCDO's approach to state level hostage situations, HC 166

Tuesday 24 May 2022 Panel Two

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Watch the meeting

Members present: Tom Tugendhat (Chair); Chris Bryant; Liam Byrne; Neil Coyle; Stewart Malcolm McDonald; Bob Seely; Royston Smith; Graham Stringer.

Questions 111 - 135

Witnesses

Rachel Briggs, Chief Executive Officer, The Clarity Factory; Brian Jenkins, Senior Advisor, RAND Corporation.

Examination of witnesses

Witnesses: Rachel Briggs and Brian Jenkins.

Q111 **Chair:** Welcome back to this afternoon's session of the Foreign Affairs Committee. We are now very fortunate to be joined by Ms Briggs and Mr Jenkins. Perhaps I could ask you both very briefly just to introduce yourselves. Ms Briggs, because you are in the room, I will go with you first, if that is alright.

Rachel Briggs: Thank you for having me. I am Rachel Briggs, the CEO of The Clarity Factory.

Brian Jenkins: I am Brian Jenkins, senior adviser to the president of the RAND Corporation.

Q112 **Chair:** Thank you very much indeed, both of you, for joining us. It is extremely good of you to make time. Ms Briggs, perhaps you could start us off. Could you describe the extent of countries using state hostage-taking as a tool of leverage? We have spoken particularly about Iran today, but we have also touched on China with the taking of Michael Spavor and Michael Kovrig. Perhaps you could tell us what other countries do this and how.

Rachel Briggs: Yes, absolutely, and thanks for the opportunity to be here and share what I know. I have been working on hostage issues for around two decades now, from outside of Government but working very

closely with Government, both in the UK and the United States. Over the course of those 20 years I have seen state hostage-taking rise considerably. There has been an escalation over the past 10 years. It is important to point out it is not just dual nationals who are being taken as well. I have seen an escalation over the last 10 years.

It is very difficult to put absolute numbers on this, because there is no dataset, as we heard from the former Foreign Secretary, Philip Hammond. Our own Foreign Office does not release data on the number of Britons who are being held overseas.

I will come on to your question of breadth, but to give you an insight a paper published several months ago by Carla Ferstman documented 62 foreigners held in Iran between 2010 and 2021. Those are just the publicly known ones and we know that two-thirds of those are Europeans. Even if we just look at Iran, we are looking at a considerable number, and those are just the ones that we know.

As you said, it is not just Iran. We also see China and Russia in particular active and becoming more aggressive in this stance. Depending on which victim country you are talking about, also of importance are North Korea, Venezuela, Cuba, India, Egypt, Saudi Arabia and Turkey. The cases in India of the Chennai six were mentioned earlier. This is a broader range of countries.

One final thing I would say on the state of the problem and the extent of the problem is that it is becoming more and more obvious to me that state hostage-taking is the thin end of the wedge here. If we look at the way that those countries are behaving internationally writ large, what they are doing in the space of hostage-taking mirrors what they are doing in other areas.

The most obvious example of that right now is Russia's invasion into Ukraine. It is a set of countries that are ignoring the international rules. They are throwing the precedent out the window and becoming increasingly aggressive. I worry about escalation in this space and I would just point to the plight of a Swedish national, who has had the death penalty threatened against him just within the last couple of weeks.

Q113 **Chair:** Where?

Rachel Briggs: In Iran.

Q114 **Chair:** Mr Jenkins, can I ask, from your perspective, who are the worst offenders? Where are you seeing this hostage-taking being used in a particularly pernicious way?

Brian Jenkins: I would certainly agree with the previous speaker. We see the serial offenders. If we look at this as a global phenomenon, there are a number of countries that account for a large share of the total detentions. Iran would lead the list. Turkey certainly would be on it. Since

2016, as a result of the post-coup crackdown, North Korea would be on the list, along with Egypt, Venezuela, China, Syria and Russia, although I should emphasise here that Iran and North Korea alone, at least in terms of the list of detainees that we know about, account for more than half.

What is fascinating is not only is this something that appeared to have increased in the last 10 or 12 years, but if we go back to May 2011 with the arrest of Kamal Foroughi, there has always been at least one British national detained by Iran, and since August 2017 never less than three until the most recent release of the two hostages. This appears to be a kind of a bank account. As a result of continued detentions, lengthy detentions and partial releases, one never gets to zero. There is always a remaining hostage. That indicates to me at least this is a form of statecraft. This is a form of coercive diplomacy.

The previous speaker also mentioned the issue that these are countries that operate outside of the norms, and that is so. These are countries that are already facing sanctions for their activities in other domains, which makes diplomacy in terms of obtaining the release of these detainees especially difficult, because there is not a lot of headroom for applying pressure or escalating pressure on them. They are already outside the norms and already under pressure and continue to use this as a form of coercive diplomacy.

Q115 **Bob Seely:** Can I just double-check with both of the speakers, just on the definition of state hostage-taking? There clearly is a potential difference, or an overlap at least, with corruption, abuse of legal proceedings, abuse of power and people taking hostages for financial reasons, as opposed to a pure state hostage-taking, which could well have been the case and was probably the case in Nazanin's instance, for example. Is there a definition of state hostage-taking or does anyone want to attempt one here? Related to that, you have mentioned at least a dozen states. Are we talking about roughly a dozen states or roughly 20 states that are practising this? When did state hostage-taking become a tool of hybrid war, statecraft or however you want to define it? Rachel, do you want to go first?

Rachel Briggs: I am not sure I can remember all of those questions off the top of my head, so help me as we go along.

Bob Seely: The definition, numbers and when it became a state tool.

Rachel Briggs: I am not a legal scholar. I am just a simple soul. Perhaps Brian can help on the legal definition. I would go back to agreements that we have internationally on the convention of hostage-taking, which talks about holding somebody, number one; against their will, number two; and, number three, seeking some kind of trade concession from a third party. That is why I would take these cases as being hostage-taking.

I would take issue with the language that we use around arbitrary detention and so on. That is a longer conversation I am very happy to

weigh in on. That is the reason that I would use that particular terminology on that. I apologise; I may not get to the nub of your question, because it would go outside of my expertise.

We are talking around somewhere between a dozen and 20 countries that are engaged in this, so that would be a simple yes. Occasionally, countries pop up and go down and we see that in other types of hostage-taking as well, because we are talking about small numbers. You only have to take a few to suddenly be present and jump up the league table.

As I said when I opened, was I seeing any of this 20 years ago? I do not know whether I was particularly, which does not mean there was not prior to that. That is the start of my professional engagement. It has really been within the last decade or so that these cases started popping on to my caseload when I was running both Hostage International and Hostage US and, as I say, over that time period. Brian may have a longer time perspective than I do, so I would defer to him on whether we could look further back than that time period.

Q116 **Bob Seely:** Brian, I am aware of your Vietnam past. Do you think what the Vietnamese state was doing in the 1970s amounted to state hostage-taking? How many people were doing it back then? When did it become more common?

Brian Jenkins: If we really go back in time, states holding hostages to either coerce another state or to ensure the good behaviour of another state that was perhaps a protectorate or something like that goes back into antiquity. One can find examples in Persian statecraft of this. They have been doing it for a long time. They are very good at it. With regard to the number of countries, I would say about a dozen. 10 to 12 is going to get us close to 90% of the activity and then we are looking at one-offs here and there.

With regard to definition, there is not a precise legal definition. The Working Group on Arbitrary Detention at the United Nations looks at those who have been deprived of their liberty, either arbitrarily—that is they have not been beneficiaries of an open judicial system, access to lawyers, public trials and things of this sort but are held incommunicado and tried in secret—or they are held for violation of basic human rights. That is an expression of religion or free speech. That is the UN working group definition.

National Governments take a different view of this. For example, the United States will not really describe a case as arbitrary detention simply because someone has been arrested for something that in the United States would not be a crime, but is a crime in that country. They are very cautious about this.

In many cases, persons will be arrested on ordinary criminal charges, but the criminal charges have nothing to do with the purpose of the arrest or as it turns into really coercive diplomacy. Someone may be arrested on

an espionage charge, a subversion charge or even an ordinary criminal charge—violation of a visa regulation or something like that—and then over time it becomes apparent that this person is not being held for that particular crime, but that there is another agenda.

Q117 **Bob Seely:** Brian, just on that point, is there any evidence that you have come across of a state using state hostage-taking as part of an integrated approach to foreign policy, or does it tend to be a bit of stand-alone, separate event?

Brian Jenkins: Again, a handful of states are using this as a routine form of policy. We can say it is war by other means. It is coercive diplomacy and it certainly is routinised. However, where it becomes complex is that in a number of places, including Iran, there is not a single-minded authority on this. Someone may be taken into custody by the Revolutionary Guard. That has its own agenda and our Governments tend to deal with foreign ministries or the foreign office. They may be the official representative of that country, but they do not hold the keys. They are not the ones making the calls. In many cases, there will be tensions and internal politics that are being sorted out in the process of an outside Government attempting to obtain a release of one of its nationals.

Q118 **Bob Seely:** Rachel, where have the UK Government and the FCO in particular got their consular response to hostage-taking right, and where do you think there has been room for improvement in the way they have conducted themselves? Again, please feel free to answer in comparison with other European states, the US or Canada.

Rachel Briggs: In terms of where the Foreign Office has got things right, I would point very specifically to the special cases unit. We had an intense debate in the last session about what constitutes special cases, but there is indeed a unit within the consular division called the special cases unit, which deals with these kinds of cases, plus hostage cases and other especially complex consular cases.

I had the privilege of working alongside that unit when I was based here in the UK and running Hostage International. I do not speak on behalf of that organisation, but I can say that the consular care and attention that that unit was able to give to families, in some cases in the most horrific of details, with families getting dreadful news and dreadful predictions, was quite extraordinary. It is a specialised unit. It is a unit of people who have been specially trained to deal with individuals under crisis. They are subject to their political masters and in many instances find themselves the messengers of unwelcome and difficult messages, but I would really point to that.

The other thing I would point to, which is outside the remit of the Foreign Office, is the Guardianship Act, which went through the House a number of years ago and was particularly helpful for both hostage cases and state hostage cases, such that when a member of your family is overseas

unable to sign things, approve things, et cetera, the presence of that Act now allows families to get on with their business of running the family, running the home, etc. You cannot underestimate just how important that is and certainly I know that the Foreign Office fed into that somewhat. My exposure has mostly been on the consular side of things and I could really point to those as being positives.

In terms of the areas for improvement, shall we say, there is an issue about political leadership in relation to these cases, which is not to point the finger at any particular Foreign Secretary or Minister of State, but is to say that we have decision-making happening in Nazanin's case among five Foreign Secretaries over six years or whatever it was. A new person was coming into post like a revolving door.

Jeremy Hunt said to you last week, "It took me a few months to realise that X. It took me another few months to realise that Y". You have the key decision-makers having to figure this out as they go along. That churn in decision-making, the lack of consistency in that bit of the Foreign Office and the lack of centralised expertise on the business of getting hostages out, which is not the business of the special cases unit, which is there as family support and liaison, has slowed things down for real families waiting to get their loved ones homes.

This is something that the MacGregor review touched on as well, which is the use of doublespeak and innuendo in relation to state hostage-taking. The MacGregor review said in no uncertain terms, "Stop telling families, 'We are doing everything we can'. Be specific. Bring families into the strategy. Have a strategy". Families need consistent and honest communication. They need information about what is happening. They need data about how these cases have been handled previously and how and why that might be relevant to their loved ones' cases. They need signposting to practical advice from organisations like Hostage International. They do need careful advice on media to go public or not to go public.

Q119 **Bob Seely:** Just as a factual question, when was the special cases unit set up?

Rachel Briggs: That is a good question. I started running Hostage International in 2007 and it was not in place.

Q120 **Chair:** If you would like to write to us, you are very welcome to.

Rachel Briggs: I will, yes. It may have been 10 or 12 years ago.

Q121 **Stewart Malcolm McDonald:** Can I go back to your opening remarks, where you talked about hostage-taking being on the rise? Could you get under the weeds of what the patterns you are noticing are, in terms of why it is on the rise, what is happening and how it is presenting itself?

Rachel Briggs: In terms of why it is on the rise, clearly, there are different dynamics in each of the countries that we are talking about and

I do not feel I can speak to that. I will be very clear about where my expertise ends and where it starts, but we have seen over the last 10 years a growing, should I say, confidence on the part of certain countries to colour outside of the lines in international and diplomatic terms and a growing confidence on the part of those countries to become more and more audacious in what they are prepared to do. As I said when I opened, it is not just in the realm of hostage-taking. It is in all sorts of other areas of international relations as well.

In getting into the trends of individual countries, you would be best served by experts in those particular countries, but I definitely see a growing confidence across a certain range of countries that are basically writing their own rules these days.

Q122 **Stewart Malcolm McDonald:** You mentioned briefly earlier what is currently going on in Ukraine and what Russia is doing in Ukraine. I wondered if you could speak to that briefly. Is that hostage-taking, for example? Before the February invasion, Russia has occupied eastern Ukraine since 2014. Is that whole issue of passportisation in eastern Ukraine hostage-taking, for example, or is it not in your view?

Rachel Briggs: That would be outside of my expertise. One thing that I would mention in relation to Russia is that Russia took an American hostage right before, who has now been classified by Secretary Blinken as being arbitrarily detained, to use their parlance, or, as I would call it, a hostage.

Q123 **Stewart Malcolm McDonald:** What we also have happening right now in Ukraine is huge numbers of civilians, many of them children, being illegally bussed out of the country off to various parts of Russia. Is that hostage-taking?

Rachel Briggs: I am going to be very clear about what my expertise is and is not.

Q124 **Stewart Malcolm McDonald:** What do you think it is? It is a breach of international law, presumably, to just take full orphanages, ship them out the country and repatriate them elsewhere. Is that a form of hostage-taking?

Rachel Briggs: I would hope that at the right time the law of war crimes comes into account. I apologise that I cannot answer that.

Q125 **Stewart Malcolm McDonald:** No, please do not apologise. Mr Jenkins, do you have any views on what is happening right now? I do want to come back to the MacGregor review with you as well.

Brian Jenkins: Again, it is necessary to disaggregate some of these issues and you are pointing out some of the reasons why. In terms of the issue of taking people illegally and holding them hostage during war or removing them and detaining them, there are existing rules of war, laws of war and international humanitarian laws that address these specific

topics, but there are many different dimensions. We went through in the United States the issue of our embassy being taken over in Tehran and the occupants of the embassy being held for more than a year, which was clearly a case of coercive diplomacy. We are looking at individual arrests. There are a vast variety of cases.

I know we have seen this increase in the last decade or so, but the working group at the UN was created in the 1990s and they have been at this for a long time. This is something that we have been seeing build up over a period of time on this. I am not an international lawyer, but there is a lack of international law to deal more specifically with what we are talking about in terms of wrongful detentions or arbitrary detentions, which are the terms that are used frequently on this. That probably could use some work and, in fact, Canada is initiating an international effort to gain more international support for an effort to somehow make a statement against this.

By the way, you will hear me constantly using the word "detainees" as opposed to "hostages", and that is deliberate. Our policies in the United States and, in fact, the major organisational and procedural review that we undertook of this in 2014-15 were driven by hostages held by terrorists, by non-Government organisations. Over a period of time since then, it has expanded that that same office, our Special Presidential Envoy for Hostage Affairs, is also dealing with arbitrary detentions.

The reason in making the distinction is that we have very clear policies with regard to concessions to obtain the release of hostages held by terrorists. The United States Government will not pay ransom or make concessions. In the case of arbitrary detentions, this falls into the area of diplomacy, and there are all sorts of ultimate arrangements that are made. In fact, in the arbitrary detentions, if we look at the outcomes when people are released, there is almost always a quid pro quo and we do not want to discourage that kind of agile or creative diplomacy by contaminating it, in a sense, with policies that are put in place to deal with terrorist events, so we make that distinction in our approach and our language.

Q126 **Stewart Malcolm McDonald:** A while back the Committee had an inquiry on UK membership of various multilateral bodies, and one of those we looked at was Interpol. We took some evidence on how Interpol was being abused by some countries. You can think of some high-profile cases, I am sure, off the top of your head right now. I wondered if you had any thoughts on how a body like Interpol is being used by states to detain people wrongfully, curtail their freedom of passage and all the rest of it. To what extent do you think Interpol is being abused?

Brian Jenkins: That is a chronic problem, particularly with notices that are put out that there is a warrant out for the arrest of this individual travelling in a country and they must be detained and returned back to the country. This is really a push toward extraterritoriality and it is used for harassment purposes and for restricting the activities in some cases of

foreign nationals and in other cases of a country's own nationals when they are abroad on this. It is a chronic problem that Interpol has and has to deal with.

By the way, I do not see Interpol as playing a particular role in diplomacy to obtain the release of hostages. In a sense, they are victims of abuse. They are not, in my view, the appropriate actors in the very complex negotiations to bring about releases.

Rachel Briggs: Could I come back on something that came up earlier and that I referred to, which is around the language that we use about these cases? Brian and I are coming from the same place, but I would depart from him in terms of the importance of using the term "hostage-taking".

I was really struck in the evidence that was given last week by Alistair Burt and Jeremy Hunt. I will paraphrase them dreadfully now, but what came across to me was both of them saying, "One by one I used the diplomatic tools I have in my diplomatic toolbox, and one after the other every single one of those tools failed". It strikes me that this is not a diplomatic problem. Diplomacy is certainly one of the tools that you want to have, but at its heart this is not a diplomatic problem.

We also heard last week, and again this afternoon with Philip Hammond, about how the Foreign Office is hampered in how it can deal with these cases. If you take Iran as an example, the Foreign Office has relationships with the foreign ministry in Iran. It does not have a relationship with the people who are really doing the hostage-taking.

For me, for various reasons, calling it hostage-taking is really important, because we need to acknowledge that this is not something that should be led and owned exclusively by diplomats. They should of course be involved. The former Foreign Secretary just described to us that he spent his time as a Foreign Secretary thinking he was leading on a decision and it was not until he got the job of Chancellor that he realised it had not been his decision.

This is an all-of-Government problem, it is incredibly complicated and we need something at the heart of Government that can bring together all of those different strands and, to go back to the MacGregor review, that was absolutely one of the recommendations. She referred to it as the London taskforce, and the closest example we have of that is something that Brian mentioned, which is the Special Presidential Envoy for Hostage Affairs, which has become de facto the focus for these kinds of cases in an American context. Because this is an ambassadorial appointment, somebody who reports directly to the President is able to get really difficult political decisions made, which are at the heart of solving these problems. You rely on a Foreign Secretary, a Prime Minister or another Minister of high office being willing to make decisions that are very big, very complicated and potentially hold risks for them personally and for the Government as a whole.

We should absolutely go back to the MacGregor review. We should look at the way in which the SPEHA in the US centralises decision-making and expertise and is able to draw exactly the trends. What is happening? What is working? Is this something that we are doing to get folks home from China that we could apply to Iran and vice-versa? How do we aggregate all of this information?

It is absolutely a model that we should look at, but I just really want to underline the central point, which is we have to see this as hostage-taking because there is a deal to be done. Nobody comes home without a deal. If Iran is not willing to release a breastfeeding mother of a 22-month-old baby on humanitarian grounds, nobody is coming home on humanitarian grounds. This is about doing a deal. It is about trading and, therefore, the language of hostage-taking is important, because otherwise we are using a hammer but it is a nail, or whatever that phrase is.

Q127 **Stewart Malcolm McDonald:** Your point is powerfully made. I want to continue along the line of the MacGregor review. You talked about some of the things that we should be doing. Could you talk more broadly about the progress that you think has or has not been made on some of the recommendations? Does the review itself go far enough? In terms of support for detainees and their families, where do you think we need to go in that regard?

Rachel Briggs: The review was great. I agreed, from memory, with every word of it. There were five things that really stood out from the review as being very important. The first is a centralised London taskforce; secondly, proactive family engagement; thirdly, access to Ministers and ambassadors for families and consistency around that access; fourthly, clear and consistent data on what works, going back through the files and analysing what we did and did not do; and, fifthly, more resources for this area.

None of that has happened. I am at a loss as to why none of that has happened. When the former Foreign Secretary spoke this afternoon it was clear that, going back to the notes, there was no central repository where he was able to trace who, what, where and how on one particular case, let alone trends across time. None of that has happened and that is a great shame.

Q128 **Stewart Malcolm McDonald:** Can I invite you to speculate as to why? I know you say you are at a loss. You can say no, but I invite you to do so.

Rachel Briggs: Why is that not happening? I am speculating. It will involve considerable change. It will involve political capital from the top of the office. It would involve a way of solving these cases that took them away from political desks and centralised them in the creation of a new unit that simply does not exist right now. I have worked for many years alongside the Foreign Office and it is great in all sorts of ways, but there

is a speed that would be required to make this happen, and change at the top does not help.

Q129 **Stewart Malcolm McDonald:** In terms of essential support for families and detainees, what do you think has to change there specifically?

Rachel Briggs: I would really point to those five things, and communication. That is a cultural thing. It is moving away from a culture—I believe this was said in the MacGregor report—where families are handled and managed to families being partners. That is a shift that I saw during my five years in the US. The US Government managed to bring about that cultural change, so it is possible.

That relationship needs to be grounded on honesty, given the number of times I have worked with families who are frustrated because the politicians at the Foreign Office will not admit the limits of their powers and will not admit in this particular case, "There is nothing more we can do", or, "We just do not have the leverage right now. Perhaps you should think about an alternative solution".

Information is absolutely key. We have been round and round the issue of declassifying information for families. I do not know the current status of that, because I have not been working with the Foreign Office on this for a number of years, but I would hazard a guess that that lags still.

I have mentioned some of the practical help already, and then we need really honest advice for families about going to the media or not going to the media. That is a whole different area and I would very happily launch into where my views have shifted on that over time.

Q130 **Bob Seely:** Just to follow up what Rachel was saying, Brian, can you talk about the evolution of the American model and how the various components have come together? Rachel was talking about the Special Presidential Envoy for Hostage Affairs. Do you think, for example, Brian, that Britain would gain from somebody similar to be the focal point for state hostage-taking?

Brian Jenkins: I want to be careful here and not be so arrogant as to suggest that the United Kingdom should follow the US model on this. Instead of saying that the UK should have the equivalent of a SPEHA or some of the mechanisms that we have created, let me talk about the thinking that was behind those, and Rachel has already outlined some of that.

First, she is absolutely correct, this is a whole-of-Government enterprise and whether we are dealing with terrorist hostage-taking or arbitrary detention, it is really necessary to bring together the assets that the Government may have. In the case of terrorist kidnapping abroad, that is our intelligence sources and diplomatic sources engaging the assistance of other nations, as well as our military resources, so again it is the whole of Government.

We found that one of our difficulties was that while the entire Government were engaged in these, they were not necessarily all talking to one another. The US Government is this gigantic and complex thing. Part of the solution also to deal with terrorist hostage-taking was the creation of something called the Hostage Recovery Fusion Cell, which brought together the FBI, the Department of State, the intelligence community and the defence people, so that we would not have, on the one hand, somebody doing something diplomatically while, on the other hand, the Department of Defense is doing something else and someone else is doing a third thing. We could bring them together.

For dealing with arbitrary detentions, the same concept applies. We need someone to be able to co-ordinate these pieces of Government. Rachel is correct that the post of SPEHA carries ambassadorial rank. He is an ambassador who reports directly, in a sense, to the White House and that gives him some bureaucratic muscle. He is not the ultimate decision-maker in these cases and he is not a tsar in that sense, but he does ensure that all these political, diplomatic, intelligence and Treasury complexities are all brought together in a whole-of-Government effort. That is a principle that stands. How do you bring it together and co-ordinate?

Rachel mentioned another factor, which is key, and that is the lack of institutional memory. Consular officers, like investigators, tend to deal with a case-by-case basis. You deal with a case, close the case and move on to the next case. Where do we bring together the knowledge, the know-how and the experience that was gained in each case, so that, if we are to have creative and agile diplomacy, we do not have to start over again, scratching our heads about how we do this? We have some experience. A repository for institutional learning and experience is another factor.

Rachel also mentioned, which was in the MacGregor report, the very difficult issue of dealing with the families. When I was involved over the years in numerous cases as an adviser in negotiations to attempt to obtain the release of hostages held by terrorists, I spent something like 5% of my time dealing with issues of the actual kidnapping and 95% of my time dealing with the families. That is a critical issue, in terms of keeping them on board and not having them go off in a different direction that may be counterproductive. How do we engage them? How do we utilise them? How do we keep them from doing, understandably but perhaps unwittingly, things that simply complicate the negotiations?

Q131 **Bob Seely:** Brian, just on that point when you are talking about the families but also more generally, how much of a distinction do you make between hostages that are held by a state and hostages that are held by a non-state actor, be it a Colombian drug cartel that is holding somebody for a quasi-political reason or ISIS, as opposed to, for example, China or Iran? Are they so different, because of the dissimilarities between a Colombian drug cartel and the Chinese state, that you find it difficult to

make similarities?

Brian Jenkins: Each one of these cases is unique, even within the two domains of arbitrary detentions and terrorist hostage-taking. You mentioned Colombia. There was such a high volume of kidnappings in Colombia some years back that one looking at this could really come up with, "Alright. This is this group. This is their modus operandi. This is the market price for a hostage. This is the amount of ransom that it is going to take—roughly in this neighbourhood—to get these individuals back". There it was somewhat easier. Ransom was a more straightforward thing.

It was complex because the official policy of the US Government basically took the position that they are not going to be involved in this. If we get into the business of negotiations with designated terrorist organisations, the US Government are going to be an opponent of that and it would not actively interfere. I have never seen a case where the Government tried to interfere.

There was a stupid comment made by a US official to the families of American hostages held by ISIS in Syria that, if they persisted in an attempt to arrange some sort of a private arrangement, they could be prosecuted under the material support provision of the Patriot Act for providing material assistance to a terrorist group. That was utter nonsense. The Department of Justice has never contemplated bringing into court the family of a hostage for their efforts to get them back.

Q132 **Bob Seely:** Just summing up from both of you, effectively collective memory and learning, plus as much integrated action across Government as Government can muster, are important lessons for dealing with hostages.

Brian Jenkins: Yes, and dealing with families.

Q133 **Chair:** I am going to close with two brief questions. Mr Jenkins, you have largely covered this, so I was just wondering if I could turn to Ms Briggs and ask about co-ordination with like-minded countries. How do you think we could improve that co-ordination? Do you think it is possible?

Rachel Briggs: I do, yes. It is harder in the case of bringing people home and it is easier in the case of long-term strategies to end the crime. The Canadian declaration is a great start. We have 60-plus countries that have signed up to it, but it has no teeth and it has no action right now, so it is a signatory. More can be done to bring folks together.

I am noticing now more often that countries are willing to talk out when somebody else's national has been taken and we need more of that. We need more co-ordinated action on things like sanctions, Magnitsky sanctions, etc. They are most impactful when we do them together, we do them simultaneously and we go big. There is absolutely more that we could do on the preventative side.

As has been said, when you are getting people home on the reactive side, that co-ordination is tricky, but, as somebody has said, this is not a two-player sport; this is often a multiplayer sport. I could point to a number of cases where it is not two Governments negotiating; it is many.

The other thing that is really important to have on your agenda is the role of non-state actors. This is something that the US is doing increasingly effectively: working with those who are outside of Government, because this is all of Government, but it is all of society, whether that is well-connected families, diasporas playing a role, private incredibly well-connected individuals, such as David Bradley at *The Atlantic*, or lawyers who are acting on behalf of and advocating creatively around the margins. There is quite a considerable amount that can be done by the private—

Q134 **Chair:** The Vatican has had a role in the past at various times.

Rachel Briggs: Yes, absolutely. The Richardson Center in the US has done marvellous work in this space. There is more that the British Government could do to not just co-ordinate itself better, but provide formal mechanisms to allow for proper engagement with those who are outside of Government as well.

Q135 **Chair:** That is very useful. May I just ask a brief technical question, which is about the diplomatic protection that was offered to Nazanin Zaghari-Ratcliffe? Was that useful? Did it have an effect?

Rachel Briggs: It was an interesting thing to do. As far as I am aware, it has not been done previously. As an outsider, I am not quite sure how much was done with it. It is one of those things where we need to properly look it and analyse what was done behind closed doors and what more could have been done. It was not extended to any of the other families, as far as I understand.

Chair: Perhaps it is something I could invite others to write to us on or if you have further considerations, maybe you would like to as well, Ms Briggs. Before I close, can I just again pay tribute to Richard Ratcliffe, who has been with us throughout this session? He has been an extraordinarily courageous voice, not just for his wife but for many others who have been held in detention. I pay an enormous tribute personally, and I am sure that is on behalf of the whole Committee. Richard, it is nice to see you.

May I also add that this Committee has in the past called out the hostage-taking of people like Michael Spavor and Michael Kovrig? If there are people who you feel we should be aware of and names that we should know, either Mr Jenkins or Ms Briggs, who are here before us today, or others who may be listening as I speak blankly into the ether who may be aware of individuals who we should be aware of, we would be very grateful to know and we would be very happy to help where we can. On that note, I say thank you very much to our clerks.

HOUSE OF COMMONS