



HOUSE OF COMMONS

## Foreign Affairs Committee

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

Monday 13 March 2023

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Members present: Alicia Kearns (Chair); Saqib Bhatti; Liam Byrne; Henry Smith; Royston Smith.

Questions 207-248

#### Witnesses

I: The Lord Ahmad of Wimbledon, Minister of State (Middle East, North Africa, South Asia and United Nations), Foreign, Commonwealth & Development Office; Jennifer Anderson, Director of Consular Affairs, Foreign, Commonwealth & Development Office; and David Rutley MP, Parliamentary Under-Secretary of State (Americas and Caribbean), Foreign, Commonwealth & Development Office.



## Examination of witnesses

Witnesses: Lord Ahmad, Jennifer Anderson and David Rutley.

Q207 **Chair:** Welcome to this session of the Foreign Affairs Committee, where we are looking at state hostage taking. For the record, could you each briefly introduce yourselves?

**Lord Ahmad:** I am Tariq Ahmad, Lord Ahmad of Wimbledon, Minister of State at the FCDO. I am the Minister responsible for the UN, the middle east, north Africa, south Asia, and human rights.

**David Rutley:** I am David Rutley, Minister for the Americas and Caribbean. I am also responsible for consular policy.

**Jennifer Anderson:** I am Jennifer Anderson, director for consular services at the Foreign, Commonwealth and Development Office.

Q208 **Chair:** Fabulous. Thank you all ever so much. I would like to start with a conversation about language. I am worried that the Foreign Office gets wrapped up in itself and the language it uses. When you describe an arbitrary detention that constitutes state hostage taking, what is the language that you use internally?

**David Rutley:** Before I take that question, can I make a very brief statement?

**Chair:** As long as it is brief, absolutely.

**David Rutley:** It is incredibly brief; do not worry—I recognise that time is of the essence. Obviously we acknowledge the significance of this week for our UK and Iranian dual nationals, two of whom returned home this time last year, and I pay tribute to those who are still detained in Iran and their families, who I am sure are in all our thoughts today. It is particularly good to see Richard Ratcliffe here today and have the chance to speak to him. Of course, it goes without saying that we need to discuss some things in public, and I am sure that members of the Committee will appreciate that there are other things, given the sensitivities and risks to other individuals, that will need to be said in private—with your permission, Chair.

On terminology, we have been clear that we do not, and never will, accept nationals being used for diplomatic leverage. That is the key term for us: diplomatic leverage. As Jennifer, our director for consular services, discussed with members of the Committee when they came to visit her operations on 23 November, we understand that there is a lot of feeling around the term “hostage diplomacy”, but we do not believe that there is any real political or legal benefit in applying that terminology. What we have sought to do is to talk about deterring the abhorrent practice that we see, and we call it “arbitrary detention for diplomatic leverage.” The key element there is “diplomatic leverage”. There are different forms of arbitrary detention, but the key thing for your inquiry and for our concern



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right now is diplomatic leverage, which is a term that is widely recognised and has been used in the declaration under the Canadian leadership.

Q209 **Chair:** But to hold something hostage is to gain leverage, so is it not state hostage taking? I do not understand the reluctance to use the term “state hostage taking”.

**David Rutley:** I think there are a few things. First, the UK does not consider that the 1972 international convention on hostage taking clearly provides for states to be hostage takers. Here we are talking about state actors, so there are legal concerns around this as well, and that particular convention is based on non-state actors and individuals, so when we are talking about state actors, “diplomatic leverage” is the key term.

Q210 **Chair:** But—forgive me—it is not uncommon for conventions to run out of date or need to be updated. The UK Government do not recognise that a state can undertake terrorism, but we all know that there are states that are responsible for terrorism. That is an official public policy position, not a legal one. You are saying here that it is a convention one, but that does not mean that we cannot say that we disagree with the convention.

**David Rutley:** No, sorry. It was about the convention.

Q211 **Chair:** Yes, but I am saying that we cannot say we do not disagree with the convention, unless the UK Government’s position is that we agree with the convention and that a state cannot take a hostage.

**David Rutley:** As I said, the term that we find more useful in explaining what happens with—

Q212 **Chair:** Forgive me—you said that you find it more useful because the convention states that a state cannot take a hostage, so is the position therefore that the UK Government do not believe that a state can take a hostage?

**David Rutley:** We believe that it can arbitrarily detain people for diplomatic leverage, and that is the way we treat these cases.

Q213 **Chair:** We will take that as meaning that the UK Government do not recognise that a state can be responsible for state hostage taking.

**David Rutley:** We focus on the diplomatic leverage that they are seeking.

Q214 **Chair:** Is there anything you want to qualify there?

**Jennifer Anderson:** I would not qualify it. What I would want to reinforce is that there is a great deal of international concern about the use of any foreign national for diplomatic leverage—and particularly for the UK in the case of Iran—and that what we are looking to do wherever possible is to deter that practice. As the Minister mentioned, there is a Canadian-led initiative, which we reinforced through the G7 presidency when we had it, and which has coalesced around the term “diplomatic leverage”. That is what we are using; that is about maintaining the breadth of international condemnation. Our concern is that legally, there is currently no international law basis for talking about state hostage taking. Ultimately,



this is about political condemnation, and building and maintaining a coalition to deter it.

Q215 **Chair:** Given our reluctance to interfere with the judicial systems of other countries, at what point do we assess a detention to be arbitrary or illegal, and what grounds do we use to determine that?

**Lord Ahmad:** Perhaps I can come in on that. First, we work very closely with and follow what happens at the UN. The UN working group on arbitrary detention provides a broad definition and parameter to which we will work. Of course, it is important to recognise that, by definition, if someone has been detained without due process, we, under the Vienna convention on consular services, cannot intervene—that is a standing rule for any country signed up to that—on the internal judicial processes. But the UN working group on arbitrary detention does allow for qualification of where that applies. If I can be quite frank: in certain countries, the judicial process is not what we would merit as the most transparent or fair in terms of the person they are targeting that at, but the term “arbitrary detention” is in advance of any such judicial process. That is something we work very closely on with our key partners.

Q216 **Chair:** Sure. Minister Rutley, in terms of the point at which cases are considered worthy of ministerial interest, have you set a standard or a threshold of some sort where you expect cases to be escalated to you?

**David Rutley:** We had the MacGregor review in 2019, which took a very close look at this. It is about not only the cases we are talking about in this hearing, but complex cases more generally. As soon as complex cases are brought to the attention of the consular team, they are escalated to Ministers, so we are made aware of the cases that might affect us, particularly in our geographical brief and areas.

Q217 **Chair:** So every time a consular team identifies a potential state hostage situation or arbitrary detention or diplomatic leverage situation case, they are escalated to you without question.

**David Rutley:** Yes, but it is more than that, as I was saying. I think it’s important to get the terminology right: it’s not just about arbitrary detention; it is also about complex cases. We take very seriously the point about escalation that was made by MacGregor; it is really important. That is why we have these regular updates and reports. But also, as individual cases come through, they are escalated through to us as appropriate—there are guidelines and principles around that. As those complex cases come through, they are escalated to Ministers.

Q218 **Chair:** How many cases have you had escalated to you as yet?

**David Rutley:** Obviously, we do not want to talk about specific cases here, but there have been a number of cases that are outside the purview of what we are talking about today and that have been raised with me—cases that would not be regarded as arbitrary detention or cases of diplomatic leverage.

Q219 **Chair:** May I, then, broaden the theme: when a complex case has been



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referred to you, what is the average timeline between that person having been detained and your having been briefed on their case, would you say—a rough estimate?

**David Rutley:** Some of these cases are not about detention; they can be just complex cases. In terms of that specific point, obviously if there is something like a detention, that time period will be much quicker. These situations evolve as well. But it isn't just about detention.

Q220 **Chair:** Let's look at a detention case only, to be more specific, then. What is the average timeline, would you say, between a detention case having come to the consular team and your being made aware of it?

**David Rutley:** In terms of me and the work—

**Chair:** You personally.

**David Rutley:** Thank you for clarifying that. I have not had any of those cases raised with me, because geographically I cover a certain area and those cases have not happened.

Q221 **Chair:** But given that you are responsible for consular policy, would you not expect to be made aware of the most complex cases—detained cases—that the Government is dealing with, given that you oversee consular policy?

**David Rutley:** I am aware of those factors as well, but obviously the details of these cases are very much worked through not just with the consular team but with the relevant Ministers for those geographic areas.

Q222 **Chair:** Lord Ahmad, on average, when are you made aware of complex cases in the area that you look after geographically? What is the timespan, roughly, between when a case has been raised with the Foreign Office and its coming to you?

**Lord Ahmad:** There are two ways I would answer that. First, there are legacy cases—so, when you are taking on a brief, you will be advised on good practice. We will hear about the MacGregor review and what we have done in a moment. I have been here a little while, but whenever the brief changes, a piece of good practice—one of the first things I do—is to ask the desk officers to highlight the consular cases. A fundamental element in all that is the accessibility to Ministers. Whether they are complex cases of detention or any other matter, it is important that they are highlighted. Also, as the human rights Minister, in a broader way, our engagement on such issues is important, so that we are able to raise them—sometimes discreetly; I will come to that in a moment—in quite an explicit way.

In terms of timelines, if someone is arbitrarily detained and so on, there are parameters, but the team are quick. In a matter of days, a particular issue of concern will be highlighted to us, and they will advise as to the appropriateness of that engagement. If I may speak personally, for me it is instinctively about getting involved as early as possible, because diplomatically that demonstrates to the other country that this is of importance to us as a Government.



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Q223 **Chair:** Minister Rutley, you cover a geographical space, as well as consular. How many families of those who have been arbitrarily detained have you each spoken to since you took post?

**Lord Ahmad:** Gosh, I can write—why don't you go first?

**David Rutley:** One of the problems with talking about numbers at this stage—I think we can when we go into private session—is that we are talking about such small numbers of people, which can help identify them.

Q224 **Chair:** Shall I reverse the question? Have you spoken to the families or a loved one representing those who are currently detained, whom we recognise to be arbitrarily detained or used for diplomatic leverage? Can you confirm that you have spoken to the families of all those within the territories you represent who are being diplomatically held?

**David Rutley:** Yes, but I will give you more details in private session.

**Lord Ahmad:** Yes, indeed. I spoke to one this morning.

Q225 **Henry Smith:** We were in the US, at the State Department in Washington, last year. We met the head of their state hostage unit—the individual responsible for pursuing that—and they have a definition of wrongful detention based on meeting one or more of 12 criteria. Do we have a similar definition, whether internally or externally, in the FCDO? If not, why not?

**David Rutley:** You are right that wrongful detention is legally defined in the US. We have a term, which is “arbitrary detention for diplomatic leverage.” We also have a broad term around complex cases, which also involve this taskforce approach. That is what we use in our terminology.

**Jennifer Anderson:** It might be useful for me to come in on that, and I think Lord Ahmad would also like me to come back on the escalation process, if you are happy with that, Chair.

As the Minister said, the Levinson Act in the US is a very specific piece of legislation, which includes certain enumerated criteria, and “wrongful detention” is the term that the US uses for US citizens who have been detained by a state; it uses “hostage” under that Act for those who have been detained by a kidnapper, be that a terrorist or criminal. Our focus is on, first, understanding where there is diplomatic leverage at stake—a judgment that we can make, because it concerns whether or not our bilateral relationship is being invoked—but, as Minister Rutley also said, we try to keep our approach broad, so that we do not artificially exclude those who require a fusion cell approach, to use the US term.

That is why we take a complex case approach and why we draw a broader circle, looking at those where there might be human rights or arbitrary detention concerns, or where there is some other form of political or diplomatic involvement that is important in the resolution of a case. To come back to what the Chair was saying earlier, our focus is on escalating to and informing Ministers of those cases as quickly as possible. Sometimes—for example, in the case of a kidnap—that could be within



hours of us hearing about a kidnap. We focus on the relevant Minister geographically, so Lord Ahmad, covering the middle east among other things, probably receives more of those escalations than Minister Rutley would do in the case of Americas, although he did recently have a criminal kidnap case there. It could be within hours; it would certainly be within days. The focus is on ensuring that we have sufficient information. If something is about to break on the news, we would always wish to inform Ministers. That is an initial point of information, and then, as Lord Ahmad said, we will be keeping our Ministers up to date. We will provide them with regular updates, and once something comes within our complex framework—that is, we have established a taskforce and are looking at it in the round—we will also be consulting Ministers when there are key decisions to be taken in terms of our approach to an individual detention.

**Q226 Henry Smith:** Do you not think that not having a stronger definition and terminology around arbitrary detention by the state—I use that term deliberately—essentially blunts the UK’s ability to address and seek to resolve those situations where they have occurred?

**David Rutley:** No. I understand the point you make, and some people have made that criticism, but the US approach is created in a different context, given the threats to US citizens and to the legislative framework. We have one that is tailored more to British nationals detained overseas, which adds different threats, and it reflects our legal basis as well. We do not have the same powers, for example, on prisoner swaps and so forth—we just do not have that in our legislation. There are different approaches, and what we have is an approach that is flexible and adaptable.

Where we take a similar approach to the Americans in some respects, as the director of consular services said, is that they use the term “fusion cell” and we use “the approach taskforce”. It is the same thing: we bring to bear the resources we need to respond to the circumstances, and then we escalate as required. There are different approaches with some similarities, but we work very hard to make sure that we work in the best interests of those who have been arbitrarily detained in those diplomatic leverage situations.

**Q227 Henry Smith:** I have a quick follow-up. We heard a lot in the evidence that we took during this inquiry about the importance of there being a joined-up approach of like-minded democracies when our citizens are arbitrarily detained by a state, so that we can work better together. Do you not think that having similar approaches, and similar terms to describe them, would be more beneficial for that joint effort of democracies working together on behalf of all our citizens who find themselves in that situation?

**David Rutley:** I will just say something briefly, and I know that Lord Ahmad wants to come in.

**Henry Smith:** Yes, and I will be keen to hear from Lord Ahmad.

**David Rutley:** Absolutely. We believe it is important to have voluntary and collaborative approaches, and I think the Canadians are leading on a



very important initiative to try to give greater clarity around this whole subject. We are very supportive and are one of the 69 states, and the EU, that have signed up for this. Personally, I am very committed to doing everything I can in my role to work with the Canadians in each of the steps going forward and in their plan of action that links in—those six key actions that are linked into their declaration. We are working very closely with them. I think that is the best approach going forward.

**Lord Ahmad:** Henry, what I was going to say is that the case-by-case basis works. Why? Because sometimes we will be working with key partners. “Like-minded” is a very general term. I just got back from the UN last week, and there is a “like-minded of the unlike-minded” group as well, which shows that different countries move to different standards. First, arbitrary detention could be described within the context of international law—what people subscribe to. Secondly, it could be what we would interpret as an arbitrary detention because of the application of domestic law. There could be violations of certain freedoms and liberties, detention of journalists, and restrictions in that respect. All these things bring a mix.

Sometimes we will leverage a particular advocacy with a key partner who may not share the same structures of democracy, systems and fundamentals that we would employ, which is why having this case-by-case approach to individuals allows us the flexibility to unlock certain situations, and I can assure you that there have been situations we have been involved in where the nature of that relationship has unlocked the release of British detainees.

Q228 **Saqib Bhatti:** In 2019, a former Minister for the Middle East and North Africa told Parliament that “the tools in our toolbox” for dealing with such situations “are limited”. Has the Department done anything to increase its range of tools?

**Lord Ahmad:** We will talk about—and perhaps we will hear from the director about—some of the changes we have made since the MacGregor review, which came about along the same timelines in 2019. As I have just alluded to, diplomacy matters, and engagement with key countries matters—not just when it matters to us, but when it matters to them. Investment in that relationship unlocks situations, whether for British nationals or more broadly. If we are working on a particular human rights case, we will work in tandem with these key countries. As I said, we use the rather broad term “like-minded”, but there are countries that work with us quite specifically on cases and broader issues. To quote you back, Saqib, that is part of our toolkit—what we are able to do because of the nature of those relationships.

Sometimes it is personal. All those who serve as Ministers will testify that the more you invest in a relationship, the easier it becomes to leverage a particular outcome in the most difficult situations. We use a wide range of tools, but in the interests of time let me take one specifically. We have now adapted, and I am delighted that we have introduced a sanctions policy that allows us to target particular states and organisations, but also





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particular individuals within structures, to ensure that we at least restrict, and make clear our intent, when it comes to a particular individual or organisation in a country. That is just one example of what has been introduced since 2019.

**David Rutley:** The other thing that is important to note is the taskforce approach and the increased training we are providing. I had another meeting with the different teams over recent weeks. It was quite compelling to see how much training was going on not just within the teams in London; colleagues were brought over from different posts to get trained on some really complicated issues. It was very reassuring to see that. The training, guidance, and commitment to the taskforce approach was again put into place when we saw British nationals come back from Ukraine recently, and it is a real credit to the team that it was pulled together so speedily. Do you want to comment on any of that, Jennifer?

**Jennifer Anderson:** As the Ministers have said, we have increased our internal capacity and improved our internal guidance; all that comes from the 2019 review. I will come back to the comments mentioned, which I think were from Minister Burt. We have sought to ensure that we are condemning this practice, as we have already talked about at some length. We want to deter it. We also want to ensure that we are warning British nationals of the risks they face in certain countries—above all, in Iran—and the travel advice has been toughened several times since then.

**Saqib Bhatti:** It was Minister Murrison, but we will forgive that.

**Jennifer Anderson:** Apologies to Minister Murrison.

Q229 **Saqib Bhatti:** What about instances of state agents or states committing torture against British nationals? Has the Government considered legal proceedings against those states? When does that come into the thinking?

**Jennifer Anderson:** I am happy to start on that. If you don't mind, I would like to come back to this in private, but I will just say that we do not exclude legal proceedings.

**Lord Ahmad:** Again, I am sure we will touch on this in a bit more detail in the private session, but instituting legal proceedings against certain countries will not, frankly, make a particular difference. That is why coming back to a case-by-case, qualified approach is important.

Q230 **Saqib Bhatti:** At the risk of getting the same answer, is there a threshold that may trigger the suspension of diplomatic business-as-usual ties?

**Lord Ahmad:** We use various levers, which I am sure you have seen. For example, we have certainly adopted the process of summoning chargés or ambassadors on particular issues. For a situation to be escalated to that extent—calling in on a démarche an ambassador or representative of a particular country—is a serious diplomatic lever that we will exercise. That is one obvious example. It is not something that we like to use regularly, but it is increasingly an important tool that we can use to ensure that the



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message gets across very clearly to a captor about the importance we are attaching to a particular issue or case.

**David Rutley:** But to get to the point of the cessation of diplomatic relations, we would not talk about that in public.

Q231 **Royston Smith:** Henry Smith alluded to our visit to Washington, where we met the special presidential envoy for hostage affairs, Ambassador Carstens, who I have to say is an incredibly impressive character. They do things differently—they have a different model. Would or could any aspects of what they do be applicable here? I know you will have looked closely at what they do; are there any parts of it that you think would be disadvantageous compared to what we currently do?

**David Rutley:** As I said, I think there are some areas where we do overlap in our approach—taking the fusion cell approach or the taskforce approach—and we keep in very close contact with the Americans on these issues. The pros and cons are probably best left to the private session, where we can talk about them more openly.

**Lord Ahmad:** One thing that I think should be any Government's policy is that we should always look at something if it is working and delivering as a model. If we can adapt our approach, it is certainly worth considering.

To talk in more general terms about special envoys—indeed, I am one—what does appointing them seek to do? It brings a particular focus to a particular issue at a particular time. There is merit in considering how that approach works. As David was saying, without having a specific individual focused specifically on the issue of detention, our consular approach, certainly since the revisions we instituted after the MacGregor review, is focused on a more cross-Government approach and a broader international approach, and of course we work closely with key allies such as the Americans.

We should look at something if it is working and delivering. While our approaches and structures may be different, it is helpful to bring a particular focus to an issue. It is something we have looked at very closely and, yes, there are merits in their approach, but equally our cross-Government approach when it comes to consular issues, the way we have the taskforce working and the way the specialist desks, for example, in a particular country interact with a consular team, is also a very effective model.

**Jennifer Anderson:** Just to add to that, we have had a number of very helpful conversations with SPEHA himself and with his office, and there is absolutely a lot we can learn, be it in terms of their approach or be it in terms of individual countries and where they have managed to make progress. We do that with the US and with other like-minded countries who are also trying to work out how best to approach these issues.

Obviously, the US has a fundamentally different legislative basis, which is partly to do with how SPEHA is set up but particularly to do with SPEHA's



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powers. It is also linked to fact that SPEHA has presidential pardons and other options available to them.

As Minister Rutley said at the beginning, there are more similarities in our approach than might be immediately obvious. We have been working very closely with the US and understanding different models, first when it came to terrorist hostages in 2014-15, which is the origin of SPEHA themselves, and subsequently when it comes to arbitrary detention for diplomatic leverage. At the heart of it, both the fusion cell, which we would call a taskforce, and the use of geographic experts are absolutely common.

**Q232 Royston Smith:** I am sure that a lot of our system has similarities to SPEHA's system, but there are some notable differences, one being our not having someone specific like SPEHA. With the "Two Michaels" case in Canada and the appointment of Ambassador Barton, there was a deviation from the way that they used to manage their process. In fact, he was allowed to communicate directly with families on a regular basis, was personally involved in negotiations with Beijing and Washington, and was given the latitude to use his personal contacts to ensure that key stakeholders within the Chinese regime were involved, but he reported directly to the Prime Minister. Is there anything in that approach that we might want to look at in the FCDO?

**David Rutley:** It is interesting; obviously, Canada took a whole of Government approach in the "Two Michaels" case. We can talk more about this, but our understanding is that the primary interlocutor to China was their ambassador. In that sense, we took a similar approach in Iran to some of the cases you have been examining. Obviously, each country needs to look at the way of doing that.

We have also involved geographic directors, but the primary focus was on our ambassador to Tehran in the cases involving the dual nationals. Again, there is a lot more commonality between what happened in Canada and the approach we have taken in these situations. Of course, just as we have been keeping in touch with the US and SPEHA, we have been working closely with the Canadians as well; our director is in regular contact with the Canadian teams.

**Q233 Royston Smith:** I don't think, though, that our ambassadors in any of these cases have had the latitude that the Canadian ambassador did, and particularly not that SPEHA had. I know there are some differences that Jennifer alluded to.

**David Rutley:** These cases were so significant that we took a whole of Government approach, so I don't exactly know what you mean by "the latitude"—we will take that away and have a closer look. But I can assure you and the Committee that those involved in the discussions were engaged across Government in Whitehall.

**Q234 Royston Smith:** A whole of Government approach is a good thing, mostly, but it can also be a weight and drag when negotiating things of this nature. The point I am making is that one dedicated responsible person could sometimes have a significant effect.



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**Jennifer Anderson:** I am happy to speak in a bit more detail in private. I think it is really important that I do not try to speak for the approach of the US or Canada. But I have regularly spoken to my Canadian counterpart in particular to understand what they did and did not do. With one small exception in terms of what you mentioned, we would say that we adopted a very similar approach.

Q235 **Liam Byrne:** I am going to start with Tariq. As I listen to this, the bottom line for me is how it took five Foreign Secretaries more than six years to bring home Mrs Zaghari-Ratcliffe. Royston's line of questioning is important because from 2019 through to March 2022 there was huge political instability—successive changes of Ministers at the Foreign Office, the MOD and indeed No. 10.

Frankly, there is an inexplicable gap in the timeline between one part of Government taking the decision that the IMS debt was repayable and that then being communicated to the FCDO and then deployed in the negotiations. As I look at it, there seems to have been the opposite of a whole of Government approach: a chaotic and disjointed breakdown of communications between the three different Departments over the course of successive Ministers.

The approach that Royston has set out would have resolved that by providing a single point of contact with a reporting line to the Prime Minister, to knock the proverbial heads together. We may possibly get ourselves into such a period of instability in the future—heaven forbid, but it could happen again. How do we make sure that this chaos is never repeated for any other British citizens in future? How do we learn the lesson from what went wrong here and fix it for the future?

**Lord Ahmad:** First of all, I think I have already partly answered your question by saying that relationships matter. Investing in relationships, particularly when it comes to diplomacy, is important.

Q236 **Liam Byrne:** I didn't think you meant relationships within the Government, though.

**Lord Ahmad:** No, I am talking about international ones.

Q237 **Liam Byrne:** Okay, but we have a breakdown of relationships within the Government—that is the problem.

**Lord Ahmad:** Okay, but one thing that we should not underestimate is the strength of our own diplomats. David alluded to this in answering Royston: our ambassadors do have consistency in post—duration in post is defined for a period of time, which could be three to four years, and that allows arrangements to be built up domestically—irrespective of political change, which does occur. I accept that we have had political change in the FCDO, with a number of Ministers; nevertheless, consistency has been deployed.

I have already said that as different countries adopt different systems, they are always worth looking at specifically to see how we can improve our own system. Having a point person comes with advantages, but there



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is also the issue of whether they would have—within our Government’s workings—the ability and indeed the mandate to be able to fulfil all aspects of what is required in any particular representation on a case. In a federal system, I would argue, it is slightly different; in a parliamentary system, it is perhaps different as well.

When we go into the specifics of particular changes, what we did see in the particular case you alluded to was of course a lot of different statements being made publicly. What did happen on that case being resolved was that a decision was taken about the importance of a twin-track approach. I think the IMS debt issue was something—it was a debt that was owed, and it was important that that was looked at. I don’t want to get into more of the specifics in this particular session, but equally it is important that, when we take a cross-Government approach, the key senior officials, be it diplomats in the FCDO or other senior officials in other Departments, do provide the consistency and continuity required.

**Q238 Liam Byrne:** Surely, if you have a situation such as that in May 2019—when the MOD reportedly rejected the FCDO request to settle the bill—it is hard to see how a humble ambassador is going to be able to second-guess or overturn a decision that has clearly been made by the Secretary of State for Defence. Then, as the situation unfolded over two subsequent years, by April 2021 the Prime Minister was criticising Iran and, later in the year, basically declaring that a crate of cash needed to be dispatched to settle the dispute.

The alternative systems that we have seen have one important characteristic: whether it is a specially appointed Canadian ambassador or the SPEHA system, there is a special representative with a hotline to the Prime Minister, which is something that ambassadors on the ground often do not have. It just feels like other systems are able to marshal the kinetic energy that is bigger than officials are able to muster in our system in order to short-circuit the process.

**Lord Ahmad:** Again, I am not going to comment on the speculative nature of part of that question. What is clear to me is that yes is the answer to your question, as long as that special representative also stands the test of whatever political change might take place. If a given Prime Minister has appointed a special representative—I am talking in general terms—that special representative may change with the change of a President or a Prime Minister in every structure. What I think is important is that we look at some of the aspects of the review that took place in 2019, which was fully comprehensive; that we see how that can be imposed, which we have done in the structure of our consular services; and that, where there is more effective change to be made, we consider other options. I am not saying that we won’t; all I am saying is that changes have been adapted. Sometimes, as I am sure you will accept, Liam, political change—however frequently it may happen—will determine a given individual’s role, if it is someone who has been appointed on the basis of a political mandate.

**Q239 Liam Byrne:** To finish this point, do we have a system today that allows



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someone at the sharp end, negotiating release, to ring the Prime Minister and, basically, to trigger a process of the Prime Minister—let us say—convening three different Departments, knocking heads together and getting an outcome? Do we have such a system in place?

**Lord Ahmad:** I will ask Jennifer to come in, but I will say one thing about our structure and systems—David alluded to this, and Jennifer talked about it. If a situation occurs in pretty rapid time, the individuals—including, if that is the case, the head of Government, the Prime Minister—are fully aware of what needs to happen. I do not think that we should underestimate the leverage and of course experience that exist on the ground through our ambassadors and high commissioners. They are extremely effective interlocutors in resolving not just issues across the consular brief, but an issue such as one that I am aware of and cannot speak of, where the ambassador's interventions prevented certain serious situations occurring between certain countries. We should not underestimate both the experience and the broad nature of the mandate. Of course, if there is a key political decision to be taken, that is escalated very quickly. I think that our systems are pretty robust in that regard.

**Liam Byrne:** I don't know if that was a no or a yes.

**Lord Ahmad:** It was a qualified answer, Liam.

Q240 **Saqib Bhatti:** I want to move forward, because we had the privilege of meeting people who were released, including Nazanin, and the families of people who are still in—whatever we want to call it: complex cases or arbitrary detention. And a thread that was coming through was about Government's preference for quiet diplomacy. Is there recognition that there are times when noisier diplomacy is much more effective and helpful, and needed?

**Lord Ahmad:** Yes is the short answer. We take a qualified approach. There are some times when we do do quite public diplomacy—within the context of the UN and the Human Rights Council. Those are quite public statements of international diplomacy. We talk about the detention of the Uyghur community in China. That has been something the United Kingdom has led on. So the short answer is yes. At other times, when it comes to particular consular cases with particular countries, because of the sensitivities involved, quiet diplomacy does unlock cases. I can speak from experience there; it has done so in certain cases I have been involved with.

Q241 **Saqib Bhatti:** Just to pick up on the process around that—obviously, anyone else can come in as well—what is the Government's approach to mentioning the names of detainees in public? Is there a standard risk assessment? What is the thinking behind this?

**Lord Ahmad:** David will talk about this, but the general principle is that we will ask the people concerned—their families. Their views supersede all issues. There are particular country cases where we would make the names known. There are other cases where, even within Parliament, at



the request of the family we will not. Why? Because it protects the safety and security of the individual concerned.

**David Rutley:** That's right. We—

**Lord Ahmad:** I'm glad he said that! Otherwise—*[Interruption.]*

**David Rutley:** I know; I was just going to move on. There is another thing to bear in mind, though. Obviously, consent is key. As Tariq said, consent is absolutely vital here. But we do help families to better understand what the implications of going public might be, because once it is done, it's done; you can't put the genie back in the bottle. It is a really significant step. It is not reversible. It is about consent, yes, but we also give advice to help people to understand the implications of going public on a particular case that is as high profile as these.

Q242 **Royston Smith:** As Saqib said, we are privileged to have met detainees and detainees' families, and one of the things they talked about was communications between themselves and the FCDO. Is there anything you can do to improve your communications with families? In addition, are there any mechanisms for families and/or detainees to feed back to the Foreign Office after detainees have managed to come back?

**David Rutley:** Yes. There is always room for improvement on communication—we all know that as MPs—and particularly with complex cases like these really difficult cases. What was interesting from the MacGregor review was that she highlighted that although we had put the focus on the individuals, there was more that we could do. That is what I talked about earlier in terms of the tools that we are trying to improve, and making sure that there are open and honest conversations with families.

We need to get better—and we have got better—at explaining what we can and cannot do, and at managing expectations. That is quite challenging because people in these difficult circumstances might expect us to be able to do a whole lot more, when we know that these are very difficult circumstances; bilateral relationships are not in great shape, by definition, and we are very reliant on a state that does not have good relationships with us to try to lean into the position that we are trying to take on behalf of a British national or a dual national.

We are improving what we do in terms of engagement. We are improving what we do in terms of being open and honest about what we can and cannot do, and sharing information at the right time. Of course, there have to be moments of trust, where we might know some things that it would not be appropriate to pass on to the family at that particular moment in time. But that trust has to be deserved both ways; we realise that we have to be as open as we can.

You also asked, Royston, about after the event. We do seek feedback. We have quite an important feedback loop and an in-site team working with us on broader consular issues. In these circumstances, this is obviously not about scores out of 100 or whatever—this is much more sensitive than



that—but we do seek feedback from the families. We also seek feedback from organisations such as Murdered Abroad and others, which have had to deal with very difficult cases, to see what we can do better on in terms of engagement or speaking more emphatically—whatever those lessons are. These are very specific and complicated cases, so each time we have to take stock and learn lessons so that we can improve our handling of the next one. Fortunately, there are not many of these cases, but every time we seek to learn from the previous situation.

**Q243 Royston Smith:** I would not ask you to comment on anything specific, but are there any themes? You were talking about managing expectations, and that is entirely reasonable, but are there any themes? Are there things, like communications, that could be improved? Do those sorts of things come through when you seek and receive feedback from former detainees?

**David Rutley:** Yes. I was trying hard to explain it within the communications mix. We start from travel advice right through to guidance in the heat of the moment, and we are working on all those steps. Jennifer, do you want to provide more detail on that?

**Jennifer Anderson:** Yes. There is quite a lot in your question, but perhaps I could start to break it down. As you know, we did a review in 2019 that included some of the cases covered in this inquiry. There was a substantial section in there on communications. Part of it was about language and making sure we use the right language that reflected the experience of those who have been through this awful experience. Historically we used the term “customers”. That is not appropriate here or, indeed, for quite a number of people who come to us with much more the experience of being a victim—so that was part of it. That review also looked at the resources we have and how we ensure we are having regular communications with families and those who have been affected.

We usually follow the pattern of communications that is asked for by the families in these very specific types of cases. Everybody will have a named consular officer who is their first point of contact, and we will also look to bring in more senior officers, particularly senior experts. That could include anyone, including our heads of mission or the relevant geographic director. We also escalate that up to the point where we involve Ministers, particularly if there is new information or decisions that have to be taken. We are very conscious of it, and we realise that it is very difficult. These families are under absolutely enormous pressure in the worst possible situations. We aim to build a relationship of trust. We cannot demand it, but we do aim to build a relationship of trust.

**Lord Ahmad:** The only thing I would add is that we should never forget the human dimension in all this. This is about people’s lives and, especially in the most severe cases, what we do is about life and their lives. That human dimension should never be forgotten in what we do.

**Q244 Chair:** I am slightly surprised by the feedback, only because I am aware there is a decompression weekend or a debrief. I hope I am not breaking





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any confidences, Richard, but Nazanin was very clear with us that she has not been contacted once since that debrief session to discuss her experience or the support she had. Perhaps a review is needed just to ensure that you really have reached out to everyone beyond the debrief weekend. As we all know, these are survivors of trauma. You are not necessarily able to fully reflect on the support you need in the immediate aftermath of having returned. It sounds like a substantial package of support is provided in those first few days of return, which I was very impressed to hear, but I think a review of that might be helpful.

**Jennifer Anderson:** We are happy to have further conversations, and we do not consider this kind of case closed.

Q245 **Chair:** With all cases, though. I use her as an example, but everyone should be being reached out to three months on, six months on—not least to look at the psychosocial support that might be needed for these individuals as they return to life in England.

We have two final questions before we move into private. What is the Government's policy on attending court hearings being held in foreign countries?

**David Rutley:** Initially, in countries where we can get access, we go to the first hearing and also to sentencing in a hearing involving a murder case. That is the general situation. In more complex cases, we seek to attend the court hearing to demonstrate the Government's interest in a particular case and to observe proceedings. When there is a particularly vulnerable person, we will make an extra effort to be there as appropriate. That is where we can get access. The challenge is obviously in some of the countries we have been talking about here, where we just have not been able to get access. Obviously, that makes it much more tricky.

Q246 **Chair:** To compare best practice with no practice, Jon Benjamin, our ambassador in Mexico, has done a phenomenal job. As a result of his work, he has secured the first ever conviction of an elected official for the murder of a Mexican citizen. The person who was murdered was not a British national, but their sisters are, and yet he made sure that a Foreign Office official was outside that court, making sure it happened and making sure the prosecutor was heard, because of the interest of British citizens. That was when the individual who had been murdered was not British.

But in Nazanin's case, surely we recognise that there was no attendance at the courts. If I was an official in Tehran, I might not be allowed in the court, but you would be hard pushed to stop me standing outside the building with every possible camera and every single flag flying—whatever I needed to do to show that, even if they were not going to let us in the room, we are here and we are watching. I am just trying to understand. Even in countries where we cannot get in the room, surely we recognise the benefit of being outside to show that we are watching and that we are not going to let this sham go ahead without us being there.



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**Lord Ahmad:** In many instances, that is exactly what does happen—not necessarily flag flying, but our diplomats in those countries have requested that and it has not happened. Nevertheless, they will seek to attend to make it clear, and then we will follow up immediately by saying, “We are not there to make public advocacy for them in the chamber. We just want to ensure that the proceedings are fair and transparent, and we are asking out of interest.” It may not necessarily be, as you said in Jon’s case, a British national; there may be issues of human rights violations that we want to attend, so we will say, “Thank you for telling us diplomatically that you are abiding by these rules, but equally, from our perspective, it would be extremely important for our people to be in attendance.”

There are a number of cases where a situation has arisen about the suppression of rights of individuals or particular communities, and we give a direct instruction for a member of the diplomatic staff to attend. The only thing I would say is that, while the Iran brief is new to me, in certain countries the challenges are even more immense. I think we have to recognise that, for the safety and security of our diplomats, it is equally important in certain instances that we do not compound a problem rather than actually resolve it.

Q247 **Chair:** The very final one before we go into private. Vladimir Kara-Murza is obviously being held—let’s say arbitrarily detained—by the Russians at this point in time. He is likely to face 10 years in prison for objecting to and criticising Putin’s renewed illegal invasion of Ukraine. Given the amount of torture that we know takes place in their prisons, and given his incredibly poor health, what have we been doing to secure his release? Are we considering sanctions against those who have played a role in his arrest, detention and persecution?

**David Rutley:** I am not familiar with that case.

**Jennifer Anderson:** We would not normally comment on individual cases, although today is obviously a significant day for him. The key point is that we have serious concerns about the nature of his detention. There has been intense ministerial involvement. Minister Docherty has been the lead Minister on that, so I do not want to speak for him.

**Chair:** Okay, but we recognise that as arbitrary detention.

**Jennifer Anderson:** We have serious concerns about it. I think it is best that I do not comment further on that. As I said, I am conscious that other states may well be listening to what we are saying at this stage.

Q248 **Chair:** I would just qualify that by saying that sometimes it is important that we send a strong message to these autocrats that we will protect our people, that we recognise situations in which they are being held as being wrong, and particularly that we recognise that torture is wrong, that we would not accept any torture of a British national, that we would expect their health to be recognised, and that we would expect urgent medical aid to be provided to them should they need it.



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**Jennifer Anderson:** Absolutely. We do not accept any of that, and we always recognise that some individuals who are in these situations are at very great risk. We need to be very careful about what we do at every single stage, given that, ultimately, it is that state that is responsible for the behaviour and the mistreatment being inflicted on them.

**Chair:** I will suspend the session there. Apologies to all in the viewing Gallery, but I will ask for it to be cleared as quickly as possible, because we have 11 minutes to do our private session.