



Foreign Affairs Committee

From the Chair
Alicia Kearns MP

David Rutley MP
Parliamentary Under Secretary of State (Americas and Caribbean)
Foreign, Commonwealth and Development Office
King Charles Street
LONDON SW1A 2AH

22 May 2023

Dear Minister Rutley,

Thank you for your letter of 31 March 2023, in which you clarified the point raised in oral evidence around FCDO officials attending trials for detained British nationals. The Committee was disappointed with your response. We fully support the attendance of officials at murder trials. However, evidence received in our recent inquiry into state hostage taking would strongly suggest that this is an important and powerful diplomatic tool that could be used more strategically and in a broader range of situations. Its reservation for “exceptional circumstances” may be unduly restrictive, for example in the cases of UK nationals in Iran. Inconsistent use may convey an unhelpful ambiguity to detaining authorities and families as to the importance the UK Government places on the release of particular individuals.

We would be grateful if this point could be addressed directly in your response to the Committee’s report “*Stolen years: combatting state hostage diplomacy*”. For example, it would be helpful to have an assessment of whether this tool could be better utilised in situations where there are concerns over legal process or where conditions fail to meet international standards, and in situations of potential or likely arbitrary detention.

We will publish your letter and this response along with the Government’s response to the Committee’s report.

Yours,

ALICIA KEARNS



Foreign, Commonwealth
& Development Office

David Rutley MP

Minister for Americas and the Caribbean

King Charles Street
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Alicia Kearns MP
Chair of the Foreign Affairs Committee
House of Commons
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31 March 2023

Dear Alicia,

Thank you for inviting Lord Ahmad and I to the hearing on 13 March as part of the Foreign Affairs Committee's inquiry into 'State Hostage-Taking'. I very much enjoyed engaging with the Committee on this important issue and hope that the Committee found it a useful session. I would also like to thank the Committee's Clerks for sight of the hearing's transcript.

I am writing with a clarification to a point I raised regarding the attendance of consular officials at overseas court hearings of detained British nationals, and would like to add the below additional clarification of our policy and the guidance that consular staff are given.

While it was accurate to state that in countries where we can get consular access, officials seek to attend the first hearing and the verdict in a murder case, this applies specifically in the case of a British national victim of murder or manslaughter. Bereaved families are made aware that officials only attend as an observer and that any note of the hearing is not a formal transcript but a general steer of what has happened. If officials at Post are unable to attend such a hearing or verdict then families are made aware of this as soon as possible.

I would like to clarify that other than this, officials do not normally attend court hearings and attendance is not the norm. They can however do so in exceptional circumstances, including in cases involving torture or where the hearing is likely to cause the individual distress, for example, to provide support. Our staff have also attended hearings exceptionally to demonstrate our interest in a consular case. In addition, attendance will be considered if an official's presence alone may help the individual feel confident enough to raise an allegation of torture in court or if the court is more likely to give due attention to the evidence of mistreatment.

We generally do not seek to attend a hearing where we know that staff will not be given permission to attend, as to do so would likely put the staff member at risk. But again exceptionally, and as long as it has been assessed that it will not endanger them, consular staff have on occasion stood outside a court house when we were not able to attend the actual hearing.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Rutley', with a long horizontal stroke underneath.

David Rutley MP
Minister for Americas and the Caribbean