



House of Commons  
Foreign Affairs Committee

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**Combatting state  
hostage diplomacy:  
A follow-up to the  
Government's response  
to the Committee's  
Sixth Report**

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**Ninth Report of Session 2022–23**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
to be printed 17 October 2023*

## Foreign Affairs Committee

The Foreign Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Foreign, Commonwealth and Development Office and its associated public bodies.

### Current membership

[Alicia Kearns MP](#) (Chair) *Conservative, Rutland and Melton*

[Saqib Bhatti MP](#) *(Conservative, Meriden)*

[Sir Chris Bryant MP](#) *(Labour, Rhondda)*

[Liam Byrne MP](#) *(Labour, Birmingham, Hodge Hill)*

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[Royston Smith MP](#) *(Conservative, Southampton, Itchen)*

[Graham Stringer MP](#) *(Labour, Blackley and Broughton)*

The following were also members of the Committee during the 2022–23 session:

[Tom Tugendhat MP](#) *(Conservative, Tonbridge and Malling)*, [Stewart Malcolm](#)

[McDonald MP](#) *(Scottish National Party, Glasgow South)*, [Drew Hendry MP](#) *(Scottish National Party, Inverness, Nairn, Badenoch and Strathspey)*

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

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### Committee staff

The current staff of the Committee are Medha Bhasin (Second Clerk), Ken Davies (Committee Specialist), Sasha Erskine (Committee Specialist), Hannah Finer (Committee Specialist), Clare Genis (Committee Operations Manager), Jonathan Hingston (Committee Specialist), Matt Hole (Committee Operations Officer), Asha Mailapalli (Committee Operations Officer), Antonia McAndrew-Noon (Senior Media and Communications Officer), Chris Shaw (Clerk), Daniela Sindrestean (Committee Operations Manager).

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You can follow the Committee on X (formerly Twitter) [@ComCommonsForeign](https://twitter.com/ComCommonsForeign).

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# 1 Introduction

1. This report follows up on our sixth report of this session, *Stolen years: combatting state hostage diplomacy* and the Government's Response to that report, published 6 July 2023.<sup>1</sup> It follows a report from the Parliamentary Ombudsman on the provision of consular support to one detainee, Matthew Hedges, which confirmed many of the findings of our original report.<sup>2</sup> Although our report primarily dealt with the consular response when there is an implicit or explicit element of leverage in the case of an arbitrarily detained UK national, the conclusions and recommendations pertaining to consular processes and policies are highly relevant to cases in which UK nationals have also experienced torture, mistreatment, and arbitrary detention.

**Box 1: Summary of the case of Matthew Hedges and findings by the Parliamentary Ombudsman**

Matthew Hedges travelled to the United Arab Emirates (UAE) in April 2018 to undertake research as part of his PhD at Durham University. He was arrested on 5 May 2018 on departure and detained until 26 November 2018. In September 2019 a complaint about the FCDO's handling of his care was referred to the Parliamentary and Health Service Ombudsman (PHSO) on Matthew's behalf. On 25 September 2023 the full report of the Ombudsman was published. It found that while the "FCDO's actions concerning consular access were consistent with relevant guidance", its "actions concerning signs of torture and mistreatment were not consistent with relevant guidance." It described the department's failure to act as "maladministration".<sup>3</sup> It recommended a written apology be sent to Matthew Hedges, £1,500 be paid in compensation, and that the FCDO clarify what would be done to ensure consistency in future cases.

Matthew Hedges took part in the MacGregor Review of Complex Consular Cases in 2019.<sup>4</sup> He contributed to an engagement event held as part of our inquiry into state hostage taking in 2023. Evidence from the APPG on Deaths Abroad, Consular Services and Assistance<sup>5</sup> relating to his case was used in our final report *Stolen years: combatting state hostage diplomacy*.<sup>6</sup>

1 Foreign Affairs Committee, [Sixth Special Report - Stolen years: combatting state hostage diplomacy: Government Response to the Committee's Sixth Report](#), session 2022–23, 20 June 2023, HC1596 Foreign Affairs Committee, [Sixth Special Report - Stolen years: combatting state hostage diplomacy: Government Response to the Committee's Sixth Report](#) of session 2022–23, 20 June 2023, HC1596

2 Parliamentary and Health Service Ombudsman, Foreign Commonwealth and Development Office [C2099287](#), Report, 1 August 2023 [Accessed 12 October 2023]

3 Parliamentary and Health Service Ombudsman, Foreign Commonwealth and Development Office [C2099287](#), Report, 1 August 2023 [Accessed 12 October 2023] [para 35](#)

4 [Review of Complex Consular Cases](#), Dame Judith MacGregor, 6 June 2019

5 [SLH0015](#)

6 Foreign Affairs Committee, Sixth Report of Session 2022–23, [Stolen years: combatting state hostage diplomacy](#), HC166

## 2 The Committee's response to the Ombudsman's report

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2. The detention of Matthew Hedges ended shortly before the MacGregor Review of Complex Consular Cases in 2019.<sup>7</sup> Our report of 2023 found failings in certain aspects of the Government's response to arbitrary detentions including in the identification of cases of concern, communication with families, failure to take a sufficiently assertive stance where mistreatment was occurring or consular access not provided, and failure to learn lessons. The Government's response did not accept the vast majority of our recommendations. Recommendations not accepted included one on improving guidance on cases of arbitrary detention which would have incorporated guidance relating to torture and mistreatment. The review we recommended would also have included a reassessment of open cases.<sup>8</sup>

3. Following the Ombudsman's report the Government committed to a review of its internal guidance on cases where there are allegations of, or concerns about, torture and mistreatment. We recognise that the Hedges case predated reforms initiated by the MacGregor Review, but we are concerned, not just by the Department's failings in this one case, but by a culture that is insufficiently responsive to complaints or criticism.<sup>9</sup> The Department's response to our report refused to entertain the possibility that maladministration could be taking place and unreservedly defended the guidance and organisational structure used. The fact that the Government was prepared to initiate a review of internal guidance on the basis of the Ombudsman's report and not ours causes us to question the seriousness with which it takes constructive criticism and suggestions for improvements made by this Committee as well as those detainees and others who submit evidence to us on their own experiences. The culture of defensiveness we encountered appears to be systemic: it impedes scrutiny; hurts victims and families; and, most concerningly, undermines trust in the FCDO.

4. The FCDO asserted that adequate information is fed up the chain of command at pace, and that all relevant staff are trained in the identification of complex cases.<sup>10</sup> The Hedges case, and the acceptance by the FCDO that another guidance review would be carried out, demonstrated that there may still be inadequacies, as did the Minister for Consular having no awareness of the case of Vladimir Kara-Murza whilst appearing in front of our committee, specifically on consular issues, on the first day of Kara-Murza's court hearing. We are dismayed by the failure of the Department to act in light of its

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7 This review was commissioned by the former Foreign Secretary, Rt Hon Jeremy Hunt MP. It made wide ranging recommendations to the way the FCDO handles complex consular cases and engages with families. FCDO ministers and officials assured us during our inquiry that these recommendations had been, or were in the process of being, implemented (see, for example, FCDO (SLH0021) para 18)

8 For example, our recommendation that the FCDO carry out a review of detention cases that may be arbitrary (para 14) was not accepted on the basis that complex cases are already regularly reviewed (para 8). If the adequacy of the guidance the cases are being reviewed against is now being questioned it would stand to reason that other cases need to be reviewed.

9 For example, the Government did not accept our recommendations around learning from past cases (para 33 for example) arguing that this is already embedded in their approaches (para 19 for example). However, it has taken the Ombudsman to identify the failings in the case of Matthew Hedges' detention to prompt admission of these and action to review - something the FCDO was not prepared to do in light of the evidence submitted to the Committee.

10 The response to our concerns that important case details were not being escalated fast enough was that The FCDO already trains its staff to reassess complex consular cases systematically and regularly, and to escalate them to more senior staff without delay as we recognise that the situation can change without notice and that this needs to be an ongoing process (see para 23).

own guidance on reporting, and previous evidence, that suggested a high likelihood of torture and mistreatment.<sup>11</sup> It is preposterous, for example, that the FCDO's Human Rights Advisor does not have necessary security clearance to be referred a case of possible torture, even anonymously, given the nature of many of the states where torture is likely.<sup>12</sup>

5. **We welcome the Government's commitment to carry out a review of guidance in cases of the torture of British nationals subject to detention overseas, something we believe would have been covered had the Government accepted our recommendation to carry out a review into cases of arbitrary detention earlier in 2023.**

6. ***We recommend that the Government extend its review to reassess all cases where British nationals have received opinions of arbitrary detention and are being held in countries where there is a history of torture of foreign detainees.***

- ***The review should include all internal guidelines on recognising cases of arbitrary detention and cases vulnerable to use for diplomatic leverage.***
- ***We request a copy of the final report of the review.***

7. We strongly support the rigorous work of the Ombudsman but maintain that this cannot be the only recourse for accountability for those who have not received the service they could reasonably expect from the FCDO. We maintain that there should still be a role for the Foreign Affairs Committee in engaging on such cases and suggest the FCDO revisit our recommendation in our previous report.<sup>13</sup>

8. The case of Matthew Hedges highlights, once again, the desperation of families when they feel their only way to secure significant action by the FCDO is by going public, against the Department's advice. During our inquiry we received evidence of attempts by the FCDO to disrupt plans by Matthew's family to publicise the case.<sup>14</sup> The FCDO did not directly address our recommendation to create a publicity plan with families from an early stage implying that they do not accept such a pro-active process is necessary.<sup>15</sup>

9. We acknowledge and welcome the findings of the Ombudsman that consular officials on the ground provided the timely and appropriate response expected of them in terms of standard consular assistance.<sup>16</sup> However, this does not mean greater levels of support should not have been provided.<sup>17</sup>

10. The Ombudsman's report gives weight to the argument (rejected by the Government) that the coordination between key stakeholders, including families, could be improved by establishing a designated team and appointing a senior official to manage such cases.<sup>18</sup>

11. ***We recommend, once again, that a Director for Complex and Arbitrary Detentions is appointed with relevant ancillary staff in order to deliver consistency, improved partnerships with families, better coordination across Whitehall, as well as benefitting from greater authority and flexibility in managing the Government's approach.***

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11 [Para 45](#)

12 [Para 48](#)

13 See [paras 48 and 49](#)

14 See [para 57](#)

15 See [para 62](#)

16 [Para 38](#)

17 See [paras 12](#) and [13](#), for example

18 See [para 42](#) and [para 26](#) of the response

12. We were discouraged to hear that the Government appears to see consular access as the gift of the detaining country and moderates its language accordingly. The reluctance of the Foreign Secretary or Prime Minister to even call on the Indian Government to release Jagtar Singh Johal for fear the authorities in India will limit consular access, despite significant allegations of torture, is another example of this.<sup>19</sup> The Government should be prepared to respond assertively to any states or authorities who are mistreating UK citizens or who refuse consular access. If the authorities concerned wish to use consular access as leverage to obtain silence, there are international legal avenues the Government should pursue to hold them to their international obligations.

13. Despite being directly asked, the Government did not confirm to us during our inquiry in 2021 that it would work to prevent the election of the UAE candidate to the presidency of INTERPOL.<sup>20</sup> The election of Major General Ahmed Nasser al-Raisi, Inspector General of the of the Ministry of Interior at the time of Matthew Hedges' torture, to the presidency of INTERPOL not only confirms our concerns over the processes of INTERPOL governance, but represents a failure of UK diplomacy and a significant injustice to victims.<sup>21</sup>

## Conclusion

**14. The case of Matthew Hedges, and the Parliamentary Ombudsman's report into the FCDO's engagement in his case, is a stinging indictment of the FCDO's approach to arbitrary detention and consular assistance. It demonstrates an inability to ensure that their own guidance to keep UK citizens safe is followed. More concerning is the unnecessarily defensive culture at the FCDO, which undermines trust and perpetuates the Government's inability to accept any blind spots in relation to the mistreatment of British nationals detained abroad. It should not have taken an Ombudsman's report to compel the Department to accept constructive criticisms, nor to take recommendations for reform seriously. The handling of this case, and others highlighted in our previous report, risks sending a message to those who would do harm to UK nationals that the Government is not always prepared to take decisive action to ensure obligations to consular assistance, fair trial and internationally recognised standards of detention are afforded to them. This leaves citizens at greater risk than necessary of prolonged**

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- 19 In November 2017 a British man, Jagtar Singh Johal was arrested in India and continues to be held on terrorism charges without trial. His family reports that he has been tortured. In May 2022 UN Working Group on Arbitrary Detention issued an opinion that his detention was arbitrary. In June the BBC reported that then Prime Minister Boris Johnson had described Mr Johal as having been arbitrarily detained. Subsequent answers in Parliament from ministers have described the Government as taking the ruling "seriously" but emphasizing their role in advocating for improved conditions for Mr Johal and support of his family (See, [PM says Jagtar Singh Johal's detention in India is 'arbitrary'](#) (30th June 2022), BBC News, Accessed 19th June 2023 and HC Deb, Thursday 19 January 2023, [Col 583](#) [Commons Chamber]). His family told us that nothing discernible has changed in the Government's response to Jagtar's detention since the acknowledgement of this ruling. In a letter to Mr Gupreet Johal from Foreign Secretary James Cleverly it is explained that the Government will not call for his release over concerns it could jeopardise the consular assistance arrangement currently in place.
- 20 In our report [In the Room: The UK's role in strengthening multilateral organisations](#) (First report 2019–2021 session, HC513), we identified the likelihood of the UAE fielding a candidate in the upcoming presidential elections and highlighted concerns around this ([Appendix para 82](#)). We recommended proactive diplomacy to avoid such a situation (para 48 g). We asked the Director of International Cooperation at the Home Office, Chris Jones, whether the UK would lobby against the UAE candidate, a question he did not answer directly ([Q332](#)). In their response to the report, the Government informed us that they would be fielding a British candidate but sought to reassure the Committee that the role of the president was not operational ([p22](#)).
- 21 Human rights groups and Matthew Hedges allege that al-Raisi has been complicit in torture, something he denies. (see The Guardian, Patrick Wintour, [Interpol appoints Emirati general accused of torture as president](#), 25 November 2021)

**arbitrary detention, torture and state hostage taking, with no assurance of the support they should be able to expect from their government. The Government should look again at our recommendations for reform. As we enter a world where more and more British citizens face arbitrary detention, they must be assured that the FCDO will do all it can to see its people supported, and free.**



## Conclusions and recommendations

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1. We welcome the Government's commitment to carry out a review of guidance in cases of the torture of British nationals subject to detention overseas, something we believe would have been covered had the Government accepted our recommendation to carry out a review into cases of arbitrary detention earlier in 2023. (Paragraph 5)
2. *We recommend that the Government extend its review to reassess all cases where British nationals have received opinions of arbitrary detention and are being held in countries where there is a history of torture of foreign detainees.*
  - *The review should include all internal guidelines on recognising cases of arbitrary detention and cases vulnerable to use for diplomatic leverage.*
  - *We request a copy of the final report of the review.* (Paragraph 6)
3. *We recommend, once again, that a Director for Complex and Arbitrary Detentions is appointed with relevant ancillary staff in order to deliver consistency, improved partnerships with families, better coordination across Whitehall, as well as benefitting from greater authority and flexibility in managing the Government's approach.* (Paragraph 11)
4. The case of Matthew Hedges, and the Parliamentary Ombudsman's report into the FCDO's engagement in his case, is a stinging indictment of the FCDO's approach to arbitrary detention and consular assistance. It demonstrates an inability to ensure that their own guidance to keep UK citizens safe is followed. More concerning is the unnecessarily defensive culture at the FCDO, which undermines trust and perpetuates the Government's inability to accept any blind spots in relation to the mistreatment of British nationals detained abroad. It should not have taken an Ombudsman's report to compel the Department to accept constructive criticisms, nor to take recommendations for reform seriously. The handling of this case, and others highlighted in our previous report, risks sending a message to those who would do harm to UK nationals that the Government is not always prepared to take decisive action to ensure obligations to consular assistance, fair trial and internationally recognised standards of detention are afforded to them. This leaves citizens at greater risk than necessary of prolonged arbitrary detention, torture and state hostage taking, with no assurance of the support they should be able to expect from their government. The Government should look again at our recommendations for reform. As we enter a world where more and more British citizens face arbitrary detention, they must be assured that the FCDO will do all it can to see its people supported, and free. (Paragraph 14)

# Formal minutes

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**Tuesday 17 October 2023**

Members present

Alicia Kearns, in the Chair

Saqib Bhatti

Liam Byrne

Neil Coyle

Brendan O'Hara

Bob Seely

Henry Smith

Royston Smith

Graham Stringer

## **Combatting state hostage diplomacy: A follow-up to the Government's response to the Committee's Sixth Report**

Draft Report (*Combatting state hostage diplomacy: A follow-up to the Government's response to the Committee's Sixth Report*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 14 read and agreed to.

*Resolved*, That the Report be the Ninth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available (Standing Order No. 134).

## **Adjournment**

Adjourned till Tuesday 24 October at 2.00 pm.

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the publications page of the Committee's website.

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| 2nd         | The cost of complacency: illicit finance and the war in Ukraine  | HC 168    |
| 3rd         | Encoding values: Putting tech at the heart of UK foreign policy  | HC 170    |
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| 6th         | Stolen years: combatting state hostage diplomacy   | HC 166    |
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| 1st Special | Lagos calling: Nigeria and the Integrated Review: Government Response to the Committee's Seventh Report of Session 2021–22 | HC 573    |
| 2nd Special | Missing in action: UK leadership and the withdrawal from Afghanistan: Government Response to the Committee's First Report  | HC 630    |
| 3rd Special | The cost of complacency: illicit finance and the war in Ukraine: Government Response to the Committee's Second Report      | HC 688    |
| 4th Special | Encoding values: Putting tech at the heart of UK foreign policy—Government Response to the Committee's Third Report        | HC 811    |
| 5th Special | Refreshing our approach? Updating the Integrated Review: Government Response to the Committee's Fifth Report               | HC 1401   |
| 6th Special | Stolen years: combatting state hostage diplomacy: Government Response to the Committee's Sixth Report                      | HC 1596   |

### Session 2021–22

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| 1st    | In the room: the UK's role in multilateral diplomacy                             | HC 199    |
| 2nd    | Never Again: The UK's Responsibility to Act on Atrocities in Xinjiang and Beyond | HC 198    |

| <b>Number</b> | <b>Title</b>   | <b>Reference</b> |
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| 3rd           | Sovereignty for sale: the FCDO's role in protecting strategic British assets   | HC 197           |
| 4th           | The UK Government's Response to the Myanmar Crisis   | HC 203           |
| 5th           | Global Health, Global Britain  | HC 200           |
| 6th           | Sovereignty for sale: follow-up to the acquisition of Newport Wafer Fab  | HC 1245          |
| 7th           | Lagos calling: Nigeria and the Integrated Review   | HC 202           |
| 1st Special   | A climate for ambition: Diplomatic preparations for COP26: Government Response to the Committee's Seventh Report of Session 2019–21    | HC 440           |
| 2nd Special   | Government response to the Committee's First Report of Session 2021–22: In the room: the UK's role in multilateral diplomacy           | HC 618           |
| 3rd Special   | Government Response to the Committee's Fourth Report: The UK Government's Response to the Myanmar Crisis                               | HC 718           |
| 4th Special   | Government response to the Committee's Third Report: Sovereignty for sale: the FCDO's role in protecting strategic British assets      | HC 807           |
| 5th Special   | Never Again: The UK's Responsibility to Act on Atrocities in Xinjiang and Beyond: Government Response to the Committee's Second Report | HC 840           |
| 6th Special   | Global Health, Global Britain: Government Response to the Committee's Fifth Report   | HC 955           |
| 7th Special   | Government Response to the Committee's Sixth Report: Sovereignty for sale: follow-up to the acquisition of Newport Wafer Fab           | HC 1273          |