

Written evidence submitted by Daren Nair (SLH0013)

SUMMARY OF RECOMMENDATIONS:

1. What were the merits and mistakes made in the approach of the FCDO to the handling of the Iranian hostage situation and any other similar situations in recent years?

Daren Nair recommends that:

- A clear and publicly available set of criteria be created and used for determining whether or not a British citizen held abroad is wrongfully detained.
- Consular support be made a legal requirement for British citizens that meet the criteria for being classified as “wrongfully detained”.
- Families/representatives of British citizens held abroad be allowed to submit applications with supporting evidence to the Foreign Secretary to request the detainee’s case be classified as “wrongfully detained” if it meets the publicly available criteria.
- The Government create a dedicated team within the FCDO that specialises in dealing with cases of British citizens wrongfully detained abroad. The leader of this team should be given a senior diplomatic role and report directly to the Foreign Secretary.
- This dedicated team within the FCDO that specialises in dealing with cases of British citizens wrongfully detained abroad should report at least once a year to the Foreign Affairs Committee on the total number of known British citizens currently wrongfully detained abroad and the actions taken to bring each of these individuals home.
- The Government ensure appropriate legal, financial and specialised health care support is provided to the families of British citizens classified as “wrongfully detained”.
- The Government continue to publicly call for the release of British citizens wrongfully detained abroad.

2. Does the Government’s approach provide an effective deterrent to state-based hostage situations?

Daren Nair recommends that:

- The Government ensures there is a publicly known cost to Iran for their state-hostage taking of British citizens.
- The Government raise awareness of state-hostage taking with the British public and by working with businesses, academic institutions and news outlets.

3. What efforts is the Government taking, or should take, to secure international agreement on deterring and handling state-based hostage taking?

Daren Nair recommends that:

- The Government signing up to the Declaration Against Arbitrary Detention in State-to-State Relations launched by Canada was a good first step. Now, the Government should continue working with the other countries that signed up to this Declaration to secure a legally-

binding international agreement on state-hostage taking that ensures perpetrators are held accountable.

INTRODUCTION

4. Daren Nair is a former director on the board of Amnesty International UK and campaigned for almost 6 years with Richard Ratcliffe to free his wife, Nazanin Zaghari-Ratcliffe held hostage in Iran. Daren created and hosts the podcast, Pod Hostage Diplomacy that works with the families of loved ones held hostage or unjustly detained around the world to share their stories and let their governments, journalists and the public know what they can do to help bring them home.
5. **What were the merits and mistakes made in the approach of the FCDO to the handling of the Iranian hostage situation and any other similar situations in recent years?**
 - 5.1. Daren Nair recommends the Government create and use a clear and publicly available set of criteria for determining whether or not a British citizen held abroad is wrongfully detained
 - 5.1.1. The US government have produced this criteria for American citizens. This criteria is available in section 2 subsection (a) of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act [1]. It is currently not clear or publicly known what criteria the British government uses to determine whether or not a British citizen held abroad is wrongfully detained.
 - 5.2. Consular support be made a legal requirement for British citizens who meet the criteria for being classified as “wrongfully detained”.
 - 5.2.1. When a state takes a British citizen hostage, they want something in return from the British government. There is usually nothing this detainee or their family can do to secure their release. This detainee is being held solely because they are British. The Government must therefore provide consular support to this detainee as only the Government can secure their release. At the moment, British citizens detained abroad do not have a legal right to consular support. Consular support is provided by the FCDO at their own discretion. [18]
 - 5.3. Families/representatives of British citizens held abroad be allowed to submit applications with supporting evidence to the Foreign Secretary to request the detainee’s case be classified as “wrongfully detained” if it meets the publicly available criteria.
 - 5.3.1. There is a lot going on in the world today and a British citizen wrongfully detained abroad may not always be a priority for FCDO staff but they will always be a priority for their families or advocates. The best time to free a hostage is when they first get taken meaning the quicker they get classified as wrongfully detained, the quicker the right people within the Government can act to secure their release. Families should be given the opportunity by the Government to speed up this process to free their loved ones.
 - 5.4. The Government create a dedicated team within the FCDO that specialises in dealing with cases of British citizens wrongfully detained abroad. The leader of this team should be given a senior diplomatic role and report directly to the Foreign Secretary.

5.4.1. This team already exists in the US government. It is called the Office of the US Special Presidential Envoy For Hostage Affairs (SPEHA) [2] within the US State Department and is led by Ambassador Roger Carstens, the US Special Presidential Envoy for Hostage Affairs. The cases of Americans detained abroad are initially sent to the US Bureau of Consular Affairs. There are many Americans detained abroad and not all of them are wrongfully detained by state actors. State-hostage cases are very complex and require people with special skills and resources to work on these cases. Consular Affairs does not have this capability or capacity so the US government has created the SPEHA team that exists to work specifically on these cases and maintain the ongoing relationship with these hostage families. Nazanin's case was handled by a separate team within the FCDO but it is unclear whether the cases of all other British citizens wrongfully detained abroad are also being handled by that same team.

5.5. This dedicated team within the FCDO that specialises in dealing with cases of British citizens wrongfully detained abroad should report at least once a year to the Foreign Affairs Committee on the total number of known British citizens currently wrongfully detained abroad and the actions taken to bring each of these individuals home.

5.5.1. We need to know that the FCDO is doing all they can to bring home British citizens wrongfully detained abroad as soon as possible. Regular reporting to the Foreign Affairs Committee on their progress ensures any roadblocks are dealt with promptly and significant progress is made to bring British citizens home.

5.6. The Government ensure appropriate legal, financial and specialised health care support is provided to the families of British citizens classified as "wrongfully detained".

5.6.1.1. Nazanin Zaghari-Ratcliffe's employer continued to pay her salary throughout her wrongful detention in Iran. Richard Ratcliffe's employer continued to pay his salary and was very understanding as he had to spend a lot of time focusing on reuniting his family and not as much time working. The Ratcliffe family were also able to secure pro-bono legal assistance to help with Nazanin's case. Not many British citizens wrongfully detained abroad or their families are as fortunate. In cases where the main provider for the family is detained or they are self-employed, the family ends up in financial trouble. No British family should have to endure this hardship without appropriate government assistance if their loved one is being wrongfully detained abroad by another state solely because they are British. It is understood from the families that no such support is currently available from the British government.

5.7. The Government continue to publicly call for the release of British citizens wrongfully detained abroad.

5.7.1. There is currently one German citizen (Nahid Taghavi) [3] and two Austrian citizens (Kamran Ghaderi [4] and Massud Mossaheb [5]) wrongfully detained in Iran however the German and Austrian governments have not publicly stated that their detentions are arbitrary or called for their release even though their cases are very similar to the case of Nazanin Zaghari-Ratcliffe.

6. Does the Government's approach provide an effective deterrent to state-based hostage situations?

6.1. The Government ensures there is a publicly known cost to Iran for their state-hostage taking of British citizens.

6.1.1. To date, we are not aware of any cost imposed on Iran by the British government for taking Nazanin Zaghari-Ratcliffe hostage for almost 6 years. Unless there is a consequence to Iran for their actions, this abhorrent practice will continue and may become worse.

6.2. The Government raise awareness of state-hostage taking with the British public and by working with businesses, academic institutions and news outlets.

6.2.1. Several of the individuals held hostage in Iran went to the country on a business trip or to do academic research. Austrian national and current hostage, Kamran Ghaderi went to Iran on a business trip. French national and current hostage, Fariba Adelkhah [6] was in Iran doing academic research. Academics previously held hostage in Iran include British-Australian Kylie Moore-Gilbert [7], Canadian Homa Hoodfar [8] and American Xiyue Wang [9]. The Government must do more to raise awareness of the risks of state-hostage taking. Simply stating the risks in travel advisories is not sufficient.

7. What efforts is the Government taking, or should take, to secure international agreement on deterring and handling state-based hostage taking?

7.1. The Government signing up to the Declaration Against Arbitrary Detention in State-to-State Relations [10] launched by Canada was a good first step. Now, the Government should continue working with the other countries that signed up to this Declaration to secure a legally-binding international agreement on state-hostage taking that ensures perpetrators are held accountable.

7.1.1. Iran is currently holding hostage citizens of the United States (Siamak Namazi, Baquer Namazi, Emad Shargi)[11], UK (Morad Tahbaz, Mehran Raoof[12]), France (Fariba Adelkhah, Benjamin Briere[13]), Germany (Nahid Taghavi, Jamshid Sharmahd[14]), Austria (Kamran Ghaderi, Massud Mossaheb) and Sweden (Ahmadreza Djalali [15]). There are citizens of other countries held in Iran too. Iran wants something from every one of these countries for the release of their citizens. Negotiating with Iran as a coalition gives these countries including the UK more bargaining power than negotiating individually. Sanctions are an option but negotiating with the hostage-taking state is also an option. State-hostage taking does not take place in a vacuum. The UK may still need to protect its interests and work with this state. As Russia further-invaded Ukraine this year, countries like the US have been looking for alternatives to Russian oil. One of the options was Venezuela which currently has limited or no diplomatic relations with the US. The US government sent senior officials to Venezuela to reengage them and that reengagement [16] allowed the US to free two of its citizens wrongfully detained in Venezuela – Gustavo Cardenas and Jorge Alberto Fernandez [17]. Negotiating as a coalition with our allies gives us more power and more leverage to bring our citizens home.

REFERENCES

- [1] Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act - <https://www.foreign.senate.gov/press/ranking/release/senators-menendez-rubio-leahy-coons-shaheen-celebrate-expected-passage-of-robert-levinson-hostage-recovery-and-hostage-taking-accountability-act>
- [2] Office of the US Special Presidential Envoy for Hostage Affairs - <https://www.state.gov/bureaus-offices/secretary-of-state/special-presidential-envoy-for-hostage-affairs/>
- [3] Amnesty International Urgent Action for Nahid Taghavi - <https://www.amnesty.org.uk/files/2021-01/UA00821.pdf?VersionId=DG5TtA2uos3qgUm5DF0WBKd3AaCcEJYw>
- [4] Amnesty International Urgent Action for Kamran Ghaderi - <https://www.amnesty.org/en/documents/mde13/1021/2019/en/>
- [5] Amnesty International Urgent Action for Massud Mossaheb - <https://www.amnesty.org/en/documents/mde13/3301/2020/en/>
- [6] BBC article titled 'Fariba Adelkhah: French academic 'jailed for six years' in Iran' - <https://www.bbc.co.uk/news/world-middle-east-52688901>
- [7] Guardian article titled "A nightmare': Kylie Moore-Gilbert's 804 days as a victim of Iran's hostage diplomacy' - <https://www.theguardian.com/world/2022/mar/29/a-nightmare-kylie-moore-gilberts-804-days-as-a-victim-of-irans-hostage-diplomacy>
- [8] Guardian article titled 'Canadian-Iranian professor: I survived imprisonment by studying my captors' - <https://www.theguardian.com/world/2016/oct/10/homa-hoodfar-canadian-iranian-academic-imprisonment>
- [9] NPR article titled 'Released from Iranian Prison, U.S. Student Xiyue Wang Says He Was Held As A 'Hostage'' - <https://www.npr.org/2020/06/11/874079626/released-from-iranian-prison-u-s-student-xiyue-wang-says-he-was-held-as-a-hostag?t=1652411124451>
- [10] Canadian Government website on the Declaration Against Arbitrary Detention in State-to-State Relations - https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/arbitrary_detention-detention_arbitraire.aspx?lang=eng
- [11] US State Department statement on the '6th Anniversary of Iran's Wrongful Detention of Baquer Namazi' - <https://www.state.gov/sixth-anniversary-of-irans-wrongful-detention-of-baquer-namazi/>
- [12] Amnesty International Urgent Action for Mehran Raof - <https://www.amnesty.org/en/documents/mde13/3743/2021/en/>
- [13] Statement from the French Ministry of Foreign Affairs titled 'Iran – Situation of Benjamin Briere (Jan 25)' - <https://www.diplomatie.gouv.fr/en/country-files/iran/news/article/iran-situation-of-benjamin-briere-25-01-22>
- [14] France 24 article titled 'Family denounces 'show trial' of German held in Iran' - <https://www.france24.com/en/live-news/20220207-family-denounces-show-trial-of-german-held-in-iran>
- [15] Amnesty International Urgent Action for Ahmadreza Djalali - <https://www.amnesty.org/en/documents/mde13/5567/2022/en/>

[16] NBC News article titled “It doesn’t seem real’: American freed from jail in Venezuela is home with his family’ - <https://www.nbcnews.com/news/latino/-doesnt-seem-real-american-freed-jail-venezuela-home-family-rcna19323>

[17] US State Department statement on the ‘Release of U.S. Citizens Gustavo Cardenas and Jorge Alberto Fernandez from Venezuela’ - <https://www.state.gov/release-of-u-s-citizens-gustavo-cardenas-and-jorge-alberto-fernandez-from-venezuela/>

[18] FCDO website stating the following: ‘There is no legal right to consular assistance. All assistance provided is at our discretion.’ - <https://www.gov.uk/government/publications/support-for-british-nationals-abroad-a-guide/support-for-british-nationals-abroad-a-guide>

13 May 2022