

Written evidence submitted by Professor Ryszard Piotrowicz (UKI0002)

My name is Ryszard Piotrowicz. I am a Professor of Law at Aberystwyth University, Adjunct Professor of Law at the University of South Australia, and First Vice-President of GRETA, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings. I am submitting this evidence in my personal capacity. I am submitting the evidence under the heading "Challenges of, and alternatives to, current methods of addressing bilateral disputes (past and present)".

I have only one substantive point to make, but it goes to the heart of the current dispute between the UK and Iran regarding the case of Nazanin Zaghari-Ratcliffe. In my view, the UK has been unrealistic in the public demands and statements it has made regarding this case because it:

- Misunderstands and/or misrepresents the relevant law;
- Misleads the British public about the legal powers it has in this case;
- Needlessly antagonises Iran.

On 8 March 2019, it was reported (eg, *The Guardian*) that the Foreign Office (FCO) had escalated its conflict with Iran over the imprisonment of [Nazanin Zaghari-Ratcliffe](#) by granting her diplomatic protection.

I think that this move was unjustified legally. Ms Zaghari-Ratcliffe is a dual citizen of Iran and the UK. Under international law, this means that Iran is entitled to treat her as Iranian, and the UK to treat her as British. This also means that, when Ms Zaghari-Ratcliffe is in Iran, the UK cannot demand (though it may request) that Iran acknowledge her British citizenship. In effect, when she is in Iran she is only Iranian. When she is in the UK, she is only British.

There is some state practice to the effect that, in cases of dual citizenship, the citizenship of the 'dominant' country (ie, the one with the person has the closest links) should prevail. However, that supposed rule is widely disputed, and, even if Ms Zaghari-Ratcliffe's 'dominant' citizenship were British, there is no evidence that Iran accepts this.

Accordingly, the actions of the British government in this case, in which it has given the impression that it has certain rights to demand action of the Iranian authorities, misrepresents the position: Ms Zaghari-Ratcliffe is an Iranian citizen just like any other, and the UK government has no more legal rights to raise her case than it does with regard to other Iranian citizens. This means that legally unjustified expectations have been raised. There may well be a political solution, but it will not be based on this misrepresentation of the law.

My point, therefore, is that this case increases tensions between the UK and Iran, which will only be exacerbated if the UK persists in basing its acts on unjustifiable assertions regarding its entitlement to deal with Iran in this particular case.

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