

Written evidence submitted by Tulip Siddiq MP (UKI0032)

Executive summary

1. My constituent Nazanin Zaghari-Ratcliffe has been unlawfully detained in Iran since 2016. As her Member of Parliament, I have been campaigning for four years to secure her release.
2. On a human level, the case is a tragedy. An innocent mother, forcibly separated from her family and life in London, all whilst being subject to solitary confinement and successive medical traumas without treatment. It has become a case of global renown, due to both the cruelty of the Iranian regime and the failures of Britain's diplomatic approach in trying to secure her release.
3. Beyond the emotional and physiological distress that captivity has caused Nazanin, my interactions with the Foreign and Commonwealth Office (FCO) during this period have highlighted the murky and ultimately inadequate measures taken by the UK to engage with Iran and to protect British citizens.
4. That Nazanin's imprisonment has lasted four years demonstrates something more profound than the obvious failures of the FCO to negotiate my constituent's release. The UK's Ambassador to Iran told the Zaghari-Ratcliffe family in January 2020 that the UK had more citizens in this position than any other Western country, including 65-year-old Anoosheh Ashoori. Aras Amiri, an employee of the British Council and British resident is also being held. Though the FCO cannot reasonably be held responsible for the arbitrary detention of its nationals abroad, it cannot escape scrutiny and challenge for its clear shortcomings when trying to secure their release – particularly from Iran.
5. In 2019, a British-Australian former cell mate of Nazanin was released after the Australian government negotiated her release. In the last 12 months, many other countries – including Australia, France, Germany, Canada and the US – have had greater success in securing the fair treatment and release of prisoners held for leverage on false charges.
6. The FCO is aware of the high-profile nature of my constituent's case. In 2017, the then Foreign Secretary Boris Johnson made an enormous mistake when addressing

the FASC in which he said that Nazanin had been in Iran "simply teaching people journalism as I understand it"¹. The then Foreign Secretary's comments were highly consequential for my constituent, with his remarks weaponised in the Iranian state media and cited by the Iranian judiciary as evidence for her crimes. This episode meant that Nazanin's case was given more attention than any other prisoner.

7. Six hundred days after Nazanin was taken, and after numerous requests to the Foreign Secretary and his predecessor, the significant press attention caused by the FASC session led to a meeting being granted with him and my constituent Richard Ratcliffe. At the meeting, we requested that the FCO demand Nazanin's immediate release, grant her diplomatic protection, give her consular support, demand access to her medical history and, finally, to support Richard Ratcliffe in requesting a personal visa to visit his wife and daughter in Iran.
8. In the meeting, we were told by the Foreign Secretary that 'no stone would be left unturned' to secure these demands.
9. During the meeting, the Foreign Secretary also asked Richard Ratcliffe if 'he had enjoyed his visit to Iran', despite the clear and obvious fact that Richard not been in Iran when his wife was arrested. This is just one example from that meeting showing that the Foreign Secretary had a very poor grasp of the details of the case.
10. None of these demands were met for Nazanin whilst Mr Johnson was Foreign Secretary, despite persistent requests from Richard Ratcliffe and myself. It was only in 2018, a year later, that Jeremy Hunt became Foreign Secretary and went on to grant Nazanin diplomatic protection. His sincerity and relative openness to talk was a marked improvement on his predecessor.
11. Despite numerous attempts on my part and Richard Ratcliffe's part to lobby the British ambassador in Iran via the FCO, they were unable or unwilling to do so. Nazanin was not allowed to communicate with the British embassy and was warned to stay away from the embassy when she was on the brief three days of her first furlough. Today, Nazanin is made to wear an ankle tag to prevent her from visiting the embassy.

¹ <https://youtu.be/WV62XmT7SWk?t=4428>

12. Along with Labour's then Shadow Foreign Secretary, Emily Thornberry, I repeatedly raised concerns over state hostage-taking and Iran's clear pattern of behaviour in this area. Nazanin was personally told time and again that her arrest was linked with the debt that the UK owes Iran, and has done for the past 40 years despite numerous unsuccessful challenges to and postponement of this debt.
13. For background, the c.£400 million debt that Britain owes Iran is over a dispute about the sale of defence equipment in the 1970s from a UK government owned entity to Iran. Foreign Minister Zarif cited the debt in an interview at the United Nations General Assembly (UNGA) in New York in 2019², and Nazanin has been told on multiple occasions by her captors that her imprisonment is linked to the debt. Despite this, the UK has not paid these legally owed sums to Iran or even accept the link with Nazanin's case, other than in off-record briefings to journalists^{3 4}.)
14. I raised my concerns about the debt in the meeting with Mr Johnson in 2017 where it was flatly denied.
15. I subsequently raised it in Parliament, in letters and in dozens of written questions to ministers, but the Government and the FCO made plain that this was not part of the reason for Nazanin's imprisonment.
16. It is worth noting that on the day of our meeting with Mr Johnson, The Sun newspaper published a story which claimed that a Minister at the FCO had leaked the fact that the debt was the reason for Nazanin's imprisonment⁵, and later that the debt's payment was being authorised by the then Chancellor and Foreign Secretary⁶.
17. Beyond the false dawns, false promises and inconsistencies of the FCO's failed approach to Nazanin, the importance of her case to this inquiry should extend far beyond her own personal suffering.

² <https://www.theguardian.com/news/2019/sep/23/zaghari-ratcliffe-case-iran-says-uk-offered-to-release-funds-if-minister-intervened>

³ <https://www.thesun.co.uk/news/5646410/boris-johnson-set-to-hand-over-400million-to-iran-to-buy-the-release-of-jailed-british-mum-nazanin-zaghari-ratcliffe/>

⁴ <https://www.thesun.co.uk/news/4915082/nazanin-zaghari-ratcliffe-iran-release-demands/>

⁵ <https://www.thesun.co.uk/news/4915082/nazanin-zaghari-ratcliffe-iran-release-demands/>

⁶ <https://www.thesun.co.uk/news/4923596/britain-450m-imprisoned-iran/>

18. Lessons must be learnt across the board. Specifically, the FCO must – as a matter of formal policy – take a tougher stance on Iranian hostage-taking and prioritise the victims of this in its diplomatic efforts. Furlough is currently in place for political prisoners due to coronavirus, and this presents an important opportunity to reset our approach to such matters. In my opinion, the UK’s existing approach is not in the prisoners’ interests nor is it in the national interest.
19. By playing softball in its attempts to secure the release political prisoners such as Nazanin, the UK has wasted any leverage that it may have had over the Joint Comprehensive Plan of Action (JCPOA) and has generally looked weak and ineffective. By delaying a resolution to the tanks dispute⁷, we have simply made the case more costly and risked future trade opportunities in Iran, not to mention put further UK nationals in danger.
20. The difficult bilateral history between Iran and Britain will always present challenges in negotiations and in trade. So too does Iran’s continued human rights abuses, which extend far beyond the treatment of arbitrarily detained Britons.
21. However, the FCO’s approach to Nazanin’s case is central to the failure in securing her release. This matters not only to those close to Nazanin and her family, but it should also be of profound importance in any inquiry looking at ‘the UK and Iran’.

Introduction

22. Nazanin Zaghari-Ratcliffe is a dual British and Iranian national who lives in my constituency of Hampstead and Kilburn. She was arrested at Imam Khomeini airport on 3 April 2016 as she attempted to return to the UK from a holiday in Iran with her daughter Gabriella and was sentenced to five years imprisonment by Iran’s Revolutionary Court in September 2016 on secret charges. She has served most of this sentence in jail in Iran, and she is currently on furlough – living with her parents in Tehran – as one of many prisoners released temporarily by the Iranian authorities due to the coronavirus pandemic.

⁷ <https://www.theguardian.com/news/2020/jan/23/zaghari-ratcliffes-ordeal-a-story-of-british-arrogance-secret-arms-deals-and-whitehall-infighting>

23. HMG agrees with the United Nations (UN) that Nazanin is being arbitrarily detained. The UK Government's handling of Nazanin's case provides an insight into the complex methods by which the FCO engages with Iran in order to achieve its foreign policy objectives.
24. This submission attempts to illustrate these problems through my first-hand experience of attempting to both work with and put pressure on the FCO to secure Nazanin's release as her Member of Parliament. As part of this campaign, I have raised five Urgent Questions in Parliament, spoken in and initiated many other parliamentary debates, submitted over 200 Written Parliamentary Questions, written dozens of letters to Government Ministers and held a number of meetings with the FCO.

Inadequate response to Iran's hostage-taking and abuse of British prisoners

25. Despite repeated assurances by the FCO that UK Government Ministers and officials are doing everything they can to secure Nazanin's release, no definitive progress has been made towards this aim. It has taken a global pandemic, which hit Iran's prisons particularly hard, for Nazanin to be released on furlough along with tens of thousands of other Iranian prisoners. Nazanin is just one of a number of 'security prisoners' still being detained in Iran, and by January 2020 the UK had more of its citizens in this position than any other Western country.
26. Over the course of her imprisonment, Nazanin's health has deteriorated substantially, yet she has repeatedly been denied appropriate medical treatment, including when she found lumps in her breast. She was also refused a Covid-19 test when she started showing symptoms in Evin prison, where there had been an outbreak of coronavirus. According to UN experts⁸, this is part of a 'consistent pattern' of Iran denying life-saving care to prisoners. The UN have specifically called for political prisoners in Iran to be released in response to the coronavirus pandemic⁹.
27. Nazanin has also had her food rations and allocation of phone calls cut. Commenting on her first period of furlough, Nazanin said that she was the subject of harassment by the authorities via threatening calls by Islamic Revolutionary Guard Corps (IRGC)

⁸ <https://redress.org/news/un-experts-call-on-iran-to-provide-urgent-medical-care-to-arbitrarily-detained/>

⁹ <https://news.un.org/en/story/2020/04/1061002>

interrogators, including warnings that she was being watched, warnings not to visit certain shops because the food might be poisoned, warning her father that there was a risk of a road accident if he did not keep an eye on her, and that she was safer in prison. She collapsed twice after readmission to prison – on the second occasion she was taken to the prison clinic in an ambulance and put on sedatives.

28. The steps the FCO has taken to ensure better protection for Nazanin have been largely ineffective.
29. After calling for diplomatic protection for more than two years, finally, in March 2019, Nazanin was granted diplomatic protection which escalated her case from a consular matter to an inter-state dispute.
30. This decision had been spearheaded by Jeremy Hunt. However, I expected that this move would mean a large-scale increase, or recalibration, in bilateral engagement on her case. We expected HMG to publicly request a private consular meeting with Nazanin based on Article 36 of the Vienna Convention on Consular Relations, and a medical examination by an independent doctor to check on her welfare. I presume the request was made but as her MP I was never notified about the result.
31. The Government could also have proposed to the Iranian Government the immediate commencement of formal negotiations to resolve the dispute over Nazanin. Another escalation could have been to call a UN Security Council meeting on the dispute. Even if these requests were made, I was never informed about them and neither was Richard Ratcliffe
32. I did not feel that the FCO took advantage of Nazanin's diplomatic protection to improve conditions for my constituent. The FCO did not take advantage of this status to improve conditions for Nazanin. My constituent still does not have consular access, has been denied timely, crucial medical treatment, and has not been given access to her medical records. Whereas others in Evin prison have had visits from their ambassadors when in prison, she has not.
33. In response to my persistent enquiries, the FCO stated that lack of progress vis-à-vis the granting of diplomatic protection was because Iran doesn't recognise dual nationals. This is a weak abrogation of responsibility which does HMG and the FCO no credit whatsoever.

34. Notwithstanding Iran's bogus cover for human rights abuses towards a British national, by granting diplomatic protection to Nazanin the FCO assumed new diplomatic avenues to pursue her case – it has failed to do so.
35. In response to one of my Urgent Questions in Parliament, far from acknowledging that the FCO had granted diplomatic protection, Ministers instead inferred that those asking for diplomatic protection to be used effectively were providing excuses for the Iranian regime. The issue in Nazanin's case is as much about Iran's flagrant breaches of international law as it is about Britain's apparent lack of will to enforce its own claim.
36. In December 2018, Nazanin found lumps on her breast and was concerned about her health. She asked her husband and I to raise this with the highest authorities. She was again denied medical treatment in Iran. I raised Nazanin's rights to treatment and consular access in multiple written questions and at Prime Ministers' Questions. The FCO chose not to escalate this further, which it could have done by officially recognising Nazanin as a hostage or by raising Iran's hostage-taking as an international security issue.
37. Other countries, including the United States, France, Germany and Canada have had more success in securing the fair treatment and release of prisoners jailed on false security charges. On 5th October 2019, British-Australian National Jolie King, who had been sharing a jail cell in Iran with Nazanin, was released having had all charges dropped. Iranian Authorities had accused her and a travel partner of spying by flying a drone which they used to take selfies on holiday. According to their Ministers, the Australian Government held "very sensitive" negotiations with Iran which ensured their return to Australia.
38. Since Nazanin's imprisonment, she has gained support from a broad range of international organisations, including the UN Working Group on Arbitrary Detention, the European Union Parliament, the UN Special Rapporteur on Iran, the Canadian Parliament and US Congress¹⁰. The petition to Free Nazanin has more than 3 million signatories on Change.org¹¹ and Amnesty International have repeatedly called for her release¹².

¹⁰ https://www.huffingtonpost.co.uk/entry/nazanin-zaghari-ratcliffe_uk_5d1c59d5e4b082e55371fa0c?guccounter=1&guce_referrer=aHR0cHM6Ly9lbi53aWtpcGVkaWEub3JnLw&guce_referrer_sig=AQAAAKZL-0CqMsRV98NkWFVR0NefkMMjza92yixzZvjYpM_hlfu_3Kua2EDbEjbxXINUR82FhTUSoESxO31HRDIHDA6Dt7zPK1PWp97-aVV261nu2CNCoX5bfaYOGHiaBVZIBjWvl6loEgwf2zC01BHfeG0uH4G-ozt-ffCSht3tkAK

¹¹ <https://www.change.org/p/free-nazanin-ratcliffe>

39. UN document concerning the arbitrary detention of Nazanin Zaghari-Ratcliffe¹³:
The UN Working Group on Arbitrary Detention on Thursday ruled that her arrest and imprisonment had breached several articles of the International Covenant on Civil and Political Rights (ICCPR) and Universal Declaration of Human Rights (UDHR).
40. EU Parliament¹⁴:
“The European Parliament today passed a resolution calling on the Iranian authorities to “immediately and unconditionally” release all dual-nationals and human rights campaigners jailed as political prisoners – including Nazanin Zaghari-Ratcliffe.”
41. UN Special Rapporteur on Iran:
“In a public statement, the UN experts urge the Government of Iran “to immediately and unconditionally” provide Nazanin and Narges with access to appropriate medical treatment “in light of their serious health concerns.”
42. They also note for the first time that their treatment may amount to torture, agreeing with previous findings by REDRESS in Nazanin’s case: “The Iranian authorities must urgently address the violations that are the basis of their hunger strike protest, including denial of appropriate treatment and care, which may well amount to cruel, inhuman or degrading treatment, or even torture.”
<https://redress.org/news/nazanin-zaghari-ratcliffe-must-be-immediately-released-and-provided-with-medical-care-un-human-rights-experts-tell-iran/>

Unresponsiveness and lack of transparency by the FCO

43. UK Government Ministers have insisted on referring to Iran’s prisoners as ‘consular cases’, rather than addressing them as ‘hostages’.
44. At worst, HMG has shown a total reluctance to acknowledge specific abuses taking place against its nationals in Iranian prisons. At best, it has shown indifference.

¹² <https://www.amnesty.org.uk/nazanin-zaghari-ratcliffe-uk-woman-iran-prison-mother-facts>

¹³ <https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session76/28-2016.pdf>

¹⁴ <https://www.hamhigh.co.uk/news/politics/free-nazanin-zaghari-ratcliffe-european-parliament-reiterate-demand-for-immediate-release-1-6278746>

45. In my correspondence and my exchanges with Ministers in the House of Commons, HMG has denied or refused to pass comment on many of the sensitive points surrounding Nazanin's case in particular. There seemed to be a consistent deference to protocol, when a more urgent response was quite obviously required. This approach was clear in the initial lack of support for Nazanin's daughter Gabriella and the refusal to act when Nazanin was suspected of contracting coronavirus.
46. By refusing to face up to the reality of the victims' treatment, the circumstances behind their detention and the obvious remedies at HMG's disposal, Ministers have done little more than giving the Iranian narrative around 'dual nationals' credence.
47. There is a clear need to address the scale of the problem with Iranian hostage-taking and abuses of political prisoners, both to help victims and for HMG to be more transparent and forthcoming when questioned about its response in Parliament¹⁵.
48. FCO question 1 to Boris Johnson:
<https://hansard.parliament.uk/Commons/2017-12-11/debates/63420138-F7C6-4C52-B389-083AC63713A9/OmanUAEAndIran#contribution-31A41AD8-D1FE-431E-B47D-D69F58EEA4F7>
49. FCO question 2 to Boris Johnson:
<https://hansard.parliament.uk/Commons/2018-01-09/debates/BF5910AC-3D14-4AEB-9F9E-837387C83DAF/Iran#contribution-71785974-B0C2-4BD4-AEE3-1C32ACD0A77E>
50. I was granted five Urgent Questions on this topic and every time a Minister would come to Parliament and list a litany of meetings that they or their superiors had taken part in with Iranian Government representatives¹⁶. However, such meetings and phone calls never seemed to result in resolving any of the issues that my constituent had or indeed reaching any compromise which meant that she would be released or granted furlough.

¹⁵ Theresa May PMQ response - <http://bit.ly/2S0Agpo>

¹⁶ <https://hansard.parliament.uk/Commons/2018-05-22/debates/F9383080-AF00-4C9C-AA46-779E6DF20373/NazaninZaghari-Ratcliffe#contribution-DCAFCD0-5AA1-444A-AA38-89A26F7FF3E1>
"The Prime Minister raised all our consular cases in a telephone call with President Rouhani on 13 May and the Foreign Secretary raised the cases in a meeting with Foreign Minister Zarif in Brussels last week. I also raised the cases with my contacts with Iran. Our ambassador in Tehran has raised concerns with the Iranians at the highest levels and spoke by telephone with Mrs Zaghari-Ratcliffe this Sunday. Foreign and Commonwealth Office officials are in regular contact with Mrs Zaghari-Ratcliffe's families."

51. Burt 2017¹⁷:

The Prime Minister, the Foreign Secretary and I raised a number of bilateral issues, including all our dual-national consular cases, with our Iranian counterparts in the margins of the United Nations General Assembly in September.

52. Burt 2018¹⁸:

I raised all our dual-national cases when I met Deputy Foreign Minister Araghchi on 21 February. I will continue to raise these cases at the highest levels and at every opportunity.

53. Theresa May 2018¹⁹:

She asks me to raise this matter with President Rouhani. I regularly do so whenever I speak to him. It is an issue that the Foreign Secretary, the Foreign Office and other Ministers also consistently raise with the Iranian Government, and we will continue to do so.

54. Murrison 2019²⁰:

“We continue to raise all our dual nationals detained in Iran with the Iranian Government at every opportunity”

55. Action on the case seemed to shift only when Richard Ratcliffe and family would make campaigning interventions, often in the national media. For example, the FCO were slow to even condemn the sentence which Nazanin was given by the court in 2016 until pushed²¹.

Conclusions

¹⁷ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-10-09/106658/>

¹⁸ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-02-23/129507/>

¹⁹ <https://hansard.parliament.uk/Commons/2018-09-05/debates/829C52B2-FB18-4604-A35A-3128A853B11C/Engagements#contribution-DB2FB19C-6D9B-4701-A198-981483272088>

²⁰ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-05-08/252012/>

²¹ <https://www.bbc.com/news/uk-wales-south-east-wales-39319707>

56. It took nearly three years for the FCO to acknowledge that Nazanin's case was being used as leverage, and they have still not formally acknowledged that it is linked to the dispute over the £400m of debt a UK government owned entity owes to Iran. This is despite Nazanin being told personally that this was the reason of her imprisonment.
57. Difficulties in securing release or better treatment have been blamed on the fact of Nazanin and others a similar position having 'dual nationality'. Nazanin is in prison because she has a British passport. Emphasising her dual nationality is an act of victim blaming, simply designed to muddy the waters over HMG's apparent unwillingness to use the diplomatic means at its disposal. The first responsibility of any Government is to protect its own citizens, not to pander to the excuses of states engaging in hostage-taking for political ends.
58. The lack of established rights for British citizens being unlawfully detained abroad has been clear in this case, and has made it impossible to hold the FCO to account. An absence of any written rules means that the FCO does not need to meet any standards or requirements formally.
59. It has been very difficult to secure meetings with Ministers and FCO officials for the families of those taken hostage and their Members of Parliament, especially during the early period of the case. It took more than six weeks for Nazanin's husband Richard Ratcliffe to secure a meeting FCO officials, and 18 months to secure a meeting with the Foreign Secretary. FCO representatives did not visit Gabriella in Iran for more than six months, even though she was a British citizen separated from her parents who'd had her passport confiscated by the IRGC.
60. With a high turnover of Ministers for the Middle East and Africa, there is often a lack of understanding at the political level and it has been difficult to follow-up on issues and promises from meetings. It obviously also leads to a loss of institutional knowledge. Since taking on this case we have dealt with Foreign Secretaries Philip Hammond, Boris Johnson, Jeremy Hunt and Dominic Raab. The Ministers for the Middle East we dealt with include Tobias Elwood, Alistair Burt, Andrew Murrison and James Cleverly. Not to mention engagements with David Cameron, Theresa May, Boris Johnson and Dominic Raab (standing in) as Prime Minister. At the level of Defence Secretary (the 99% owners of IMS Ltd.), it has been Michael Fallon, Gavin Williamson, Penny Mordaunt and Ben Wallace.

61. There have been a number of occasions on which Ministers have repeated or referenced unverified claims by the Iranian authorities about Nazanin's case which have been disputed by her family. A recent example of this is over whether Nazanin was tested for coronavirus in March²².
62. There has been an exceptionally large amount of protest regarding Nazanin's case across the world.

Recommendations

63. There has been a failure by the FCO to respond adequately to Iranian state hostage-taking and prioritise the protection of British citizens in Iran. Such failures will only encourage states like Iran to continue to behave in this way, risking the lives of British citizens and threatening Britain's other interests around the world.
64. There should be a review of the FCO's priorities and diplomatic mechanisms in light of these failings and the relative successes of other countries. HMG should consider putting a greater emphasis on protecting and supporting victims and establishing a clear framework of rights for British citizens abroad.
65. These problems are all the more likely at a time when authoritarianism is on the rise around the world and international law is increasingly being challenged, and there is a risk that the UK will expose itself to these threats more if it orientates its trade policy away from the European Union after Brexit. HMG should be using its role on the world stage to forcefully call-out state hostage-taking and push for international agreements to curtail it. It should also look at this and consular access in relation to any trade deals that Britain signs in the future and ensure that trade relations are not prioritised over the rights of British citizens abroad.
66. The Government should be more transparent with Parliament about hostage-taking and responsive to engagement from victims and MPs. An increase in transparency and being more sensitive to the needs of the victims would signal an increase in commitment to getting those who have been taken returned home.

²² <https://hansard.parliament.uk/Commons/2020-03-02/debates/095E712E-BBB9-461E-B295-2AC4D1C05B44/BritishCitizensImprisonedOverseasAndCoronavirus#contribution-E8A68AB1-ADF4-4662-93DC-C11546FCA571>

67. Meetings with Ministers and officials must be expedited, and regular reports must be made to Parliament with details about ongoing cases and diplomatic efforts to resolve them.

68. Any intelligence in these reports and other updates must be verified and designed to inform rather than obscure the issues at hand. Being transparent about other policy issues, for example in this case the unpaid arms debt, could also ensure that ordinary British citizens are protected from repercussions from long-running disputes.

May 2020