

# PROTECTING BRITISH NATIONALS TAKEN HOSTAGE

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State hostage-taking, where individuals are arbitrarily detained by foreign governments for diplomatic leverage, involves serious violations of human rights, including the right not to be subjected to torture and ill-treatment, the right to liberty and a fair trial, and in some cases the right to life. According to the UK Foreign Affairs Committee,<sup>1</sup> the use of State hostage-taking is increasing internationally. However, the UK lacks a comprehensive strategy to ensure the safe return of hostages, resulting in ad hoc efforts which fail to acknowledge the systemic nature of the issue while delivering inconsistent outcomes. This briefing highlights the urgency of addressing this issue and makes recommendations that aim to prevent British nationals being exploited as pawns and instrumentalised by States as part of a practice where they are at risk of torture and ill-treatment.

## RECOMMENDATIONS

The UK Government should:

1. Recognise arbitrary detention for diplomatic leverage as ‘State hostage-taking’.
2. Introduce the position of Director for Arbitrary and Complex Detentions, to handle cases of State hostage-taking of British nationals, including dual nationals.
3. Adopt multilateral responses to State level hostage-taking including utilising the ‘Partnership Action Plan’ under Canada’s Declaration Against Arbitrary Detention in State-to-State Relations<sup>2</sup> (Canada Declaration) and the imposition of Magnitsky sanctions.

## WHY THE UK GOVERNMENT SHOULD TAKE ACTION NOW

Given that State hostage-taking is on the rise and its repercussions, which can include torture, are grave, the UK Government should urgently act to combat the practice. Taking decisive action now signals the UK’s commitment to upholding the rights of its nationals unjustly detained abroad and supporting their families. Robust action based on human rights standards should be the answer to ill-treatment of British nationals, while failure to act risks emboldening States that engage in hostage-taking.

## RECOGNISING HOSTAGE SITUATIONS

Unlike the United States (US), which has designated a Special Presidential Envoy for Hostage Affairs (SPEHA) and clear protocols for addressing such cases, the UK’s response has been less formalised. Historically, the UK has refrained from officially labelling individuals as ‘arbitrarily detained’, choosing instead to navigate diplomatic channels on a case-by-case basis.

The UK Government calling out hostage-taking has a number of benefits:

1. Sending a clear message that such practices are unacceptable and diplomatic formalities will not be placed above upholding the human rights of its nationals.
2. Better equipping the UK Government to effectively manage the situation and keep families well-informed. Hostage cases should be treated differently from other consular cases, since the release of a hostage is more likely to depend on high-level negotiations between

<sup>1</sup> House of Commons, Foreign Affairs Committee, "Stolen Years: Combatting State Hostage Diplomacy," Sixth Report of Session 2022–23, 28 March 2023, p. 6.

<sup>2</sup> Global Affairs Canada, "Declaration Against Arbitrary Detention in State-to-State Relations," February 15, 2021, available at: [https://www.international.gc.ca/news-nouvelles/arbitrary\\_detention-detention\\_arbitraire-declaration.aspx?lang=eng](https://www.international.gc.ca/news-nouvelles/arbitrary_detention-detention_arbitraire-declaration.aspx?lang=eng).

the involved States (including at the political level), whereas consular cases would normally be managed by lower-level officials.

3. Empowering the UK to hold the offending State accountable for its actions, including by implementing measures such as Magnitsky sanctions.
4. Creating avenues for addressing State hostage-taking through legislative and policy frameworks. For instance, the US, which acknowledges State hostage-taking, has enacted the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act. This legislation empowers the federal government to challenge the unlawful detention of its nationals and has established specialised governmental entities, such as the SPEHA, to streamline coordination across governmental sectors.

## ADDRESSING TORTURE IN DETENTION

The absolute ban on torture is a fundamental principle in international law, giving rise to an obligation on all States to take action against those who commit it. Torture is often used in hostage situations, where the host State inflicts severe pain or suffering on the detainee to pressure their home State. Therefore, protection from torture is critical in hostage situations.

REDRESS has observed that in cases where British nationals are detained abroad, families of those detained have found the UK Government reluctant to act to prevent torture or seek accountability where it occurs. For instance, when Nazanin Zaghari-Ratcliffe, a British-Iranian dual citizen, was detained in Iran, her family first raised allegations of torture with the FCDO in 2017. But it was not until May 2021, following REDRESS' submission to the FCDO of a medical report as evidence of her severe suffering, that the former Foreign Secretary Dominic Raab acknowledged that she had been a victim of torture. In the case of Jagtar Singh Johal, a British national tortured by police in India, FCDO officials would only raise the allegations of torture with Indian authorities once they had sought consent from him directly, which took two to three months.

The UK needs a better plan to address State hostage-taking. In line with the recommendation of the Foreign Affairs Committee, this should include establishing a Director for Arbitrary and Complex Detentions, to handle cases of State hostage-taking of British nationals. This would provide an accountable government focal point with the requisite policy framework and resources to lead the Government's diplomatic response to State hostage-taking, while treating families as trusted partners.

Multilateral efforts with international partners are also vital to deter State hostage-taking and hold perpetrators accountable. The UK should utilise mechanisms such as the Canada Declaration and Magnitsky Sanctions to send a clear message that diplomacy cannot be carried out through hostage-taking.

The absence of a comprehensive strategy in the UK for addressing hostage-taking and the torture which often accompanies it leaves British nationals vulnerable. Hostage-taking flourishes in an environment of impunity, as perpetrators exploit these vulnerabilities and disregard fundamental principles of justice and human rights.

**REDRESS** is an NGO that pursues legal claims on behalf of survivors of torture in the UK and around the world to obtain justice and reparation for the violation of their human rights. For more information, please contact: Olivia Dehnavi, Advocacy Officer at [olivia@redress.org](mailto:olivia@redress.org).