



Foreign, Commonwealth  
& Development Office

**David Rutley MP**  
Parliamentary Under Secretary of  
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[REDACTED]

6 January 2023

Dear Coroner,

I am writing in response to your report dated 13 November 2022, following the inquest into the death of Lee Bradley Brown on 12 April 2011 in Dubai, United Arab Emirates. I am replying as the Minister for Americas and Caribbean. We welcome the opportunity to update you on changes the FCDO has made to improve our consular services since 2011, and to inform you of other actions we have taken, or propose to take, in response to your report. In doing so we again reiterate our sincere condolences to the family and friends of Mr Brown.

In your report, you note three areas of concern. These are stated and addressed below.

- 1. The inquest heard evidence that there is no emergency access protocol to ensure that consular officers can reach detained British nationals in the event of a reported emergency.*

It is important to begin by noting that the safety and security of individuals in a foreign jurisdiction is the responsibility of the host state and the relevant local authorities.

The Vienna Convention on Consular Relations (VCCR) provides a mutual right of communication between consuls and nationals of a sending state. If a national is arrested, committed to prison or to custody or is detained in any other manner, then, if the national so requests, the host state is obliged to inform us without delay. Consular officers have the right to visit a British national who is in prison, custody, or detention. Standing instructions for British consular officers overseas are that British nationals should be contacted as soon as possible after their arrest or detention where possible.

The local police or prison authorities have the responsibility for the welfare of all detainees and usually deal with arrangements for visiting or speaking to a detainee. We are reliant on the local authorities for the facilitation of visits and we cannot guarantee access will be given to any specific prison or detainee on an urgent basis or on a specific date.

Since 2011, post Mr Brown's death, we have developed further our overall consular services and our operating methods so that our 24/7 response is as effective as possible. We continue to refine and improve our services for the benefit of British nationals abroad who seek our support and help. Since 2017, a Consular Contact Centre (CCC) has triaged all consular calls no matter which country in the world they relate to or originate from every day of the year. They respond to the majority of queries

directly and direct those needing specific assistance to the relevant Embassy<sup>1</sup> or UK team to provide support. Only 10% of all calls need specific assistance. The remaining 90% are handled directly at source by the CCC. When an Embassy is closed, or the calls come in out of hours, the FCDO Global Response Centre (GRC) is available to assist 24/7. This triaging by the CCC allows the GRC to focus on assisting the most urgent callers, such as the call made by Mr Brown's family. The GRC are able to act directly, as they have details for most key operations and personnel around the globe, but they can also ask the Embassy staff to assist them where in-person support is needed. They also have access to a senior point of contact to whom they can escalate issues when necessary.

GRC colleagues are specifically trained and use their professional judgement to decide when to escalate a call out of hours or contact a colleague for assistance in country. Nevertheless, as a result of the inquest, we have codified a protocol for the GRC to follow in the event of an emergency call where there is a risk to life. We have also reminded GRC staff of our guidance on cases of torture and mistreatment (T&M). By 31 January 2023 all those working GRC shifts will have attended refresher training by FCDO's Human Rights Advisers on our consular guidance on T&M cases. Training on best practice in T&M cases has also been delivered to consular officers across the consular network over recent years.

- 2. The inquest heard concerns in relation to the current FCDO travel advice. There was considered to be insufficient information relating to the possible consequences of detention in Dubai (and the possible circumstances of such detention). The inquest heard that the number of new cases of British nationals reporting allegations of torture or mistreatment in Dubai to the FCDO has risen; from 3% of the global total in 2016 to 13% of the global total in 2020.*

The safety of British nationals abroad is always our main concern in providing our travel advice. We keep our travel advice under regular review to ensure it reflects our current assessment of the risks in each country and that it contains information relevant to British nationals.

Our consular team responsible for foreign travel advice is considering how we could reflect the risks associated with detention across the globe – including the UAE – in a way that enables British nationals to make better-informed decisions when they travel. We will consider how to represent this alongside other risks to British nationals so that we set out all the relevant risks, including those of torture or mistreatment, proportionately. A broader internal review of FCDO Travel Advice is underway. We will ensure the findings of the report are included in that work. The review is expected to be completed in mid-2023.

- 3. A concern was raised at the inquest in relation to the procedures in place to gain consular access to detained British nationals who may be suffering from a mental health crisis. Such British nationals may not be able to provide the necessary consent for consular services.*

FCDO staff are trained to help identify cases where an individual may have poor mental health and where they may require further assistance or may need their case to be prioritised. However, consular officers are not trained or expected to take a view on whether someone has capacity to make decisions on their own behalf or to comment on

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<sup>1</sup> While we have used the term Embassy as a short-hand, this could be an Embassy, High Commission or Consulate/Consulate-General

whether the local treatment is appropriate. Where more specialist expertise and advice is required, consular staff have access to mental health experts in the FCDO who are able to guide and, where necessary, provide contact and liaison assistance with social services and other relevant providers.

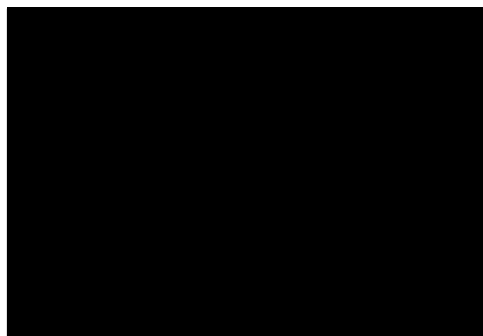
Improved training packages and enhanced support from our mental health specialists have been developed and implemented over the past several years as part of a wider scheme to improve consular staff's understanding of potential mental health issues.

The potential complications around obtaining consent to inform others, or informing others without consent, in relation to an individual with perceived or possible poor mental health is also an area that has been considered more broadly, particularly in light of our General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018 obligations.

The threshold for potentially sharing information without consent is very high. Nevertheless, we recognise that, on some occasions, it may not be possible to obtain the consent of the individual requiring assistance prior to sharing their personal data with third parties (such as relatives, or with the local authorities). There may be situations where an individual lacks the mental capacity to give consent, or is physically or legally unable to do so. In these cases, an assessment is made, with specialist advice, on whether the individual's vital interests may be at risk. This would most commonly be applied to situations where there is a risk to life, but could encompass other legal bases for sharing data where there is a clear, legitimate interest for either the FCDO or relevant third-party. In such circumstances, staff are required to identify the clear legal basis prior to taking any action. Out of hours our Global Response Centre would liaise with the Consular Assistance Senior Point of Contact (SPOC) and on duty Legal Advisers to ensure decisions align with this policy.

The FCDO will continue to review our consular services to improve the help we give British nationals, including drawing on user research and all forms of feedback from those who have used our services. We will continue to strive to do more for those who need more help.

Yours sincerely,



**David Rutley MP**  
**Parliamentary Under Secretary of State (Americas & Caribbean)**