



Understanding in relation to GTMO under the Agreement between the
Government of the United Kingdom of Great Britain and Northern
Ireland and the Government of the United States of America on Access
to Electronic Data for the Purpose of Countering Serious Crime

Washington, 3 October 2019

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 2019*



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**UNDERSTANDING IN RELATION TO GTMO UNDER THE
AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA ON ACCESS
TO ELECTRONIC DATA FOR THE PURPOSE OF COUNTERING
SERIOUS CRIME**

October 3, 2019

Dear Home Secretary Patel,

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Access to Electronic Data for the Purpose of Countering Serious Crime (the “Agreement”), signed today, and to propose that the Agreement be applied as per the following understanding.

The United States commits to inform the United Kingdom if it intends to invoke the Agreement to target data for the purpose of obtaining evidence or information to support or justify the detention of a current detainee held under law-of-war detention at Guantanamo Bay, Cuba, or a person nominated for, or designated for, such detention at Guantanamo, or for the purpose of obtaining evidence for use in a proceeding before a military commission at Guantanamo.

In addition, the United States commits to inform the United Kingdom if the Department of Defense intends to use data known by relevant Department personnel to have been obtained pursuant to Legal Process recognized by the Agreement as evidence in the prosecution’s case in military commission proceedings at Guantanamo, as information to be used against a detainee in reviews of such detention at Guantanamo, as evidence in support of the United States’ case in any legal proceedings challenging the Department’s authority to detain a current or nominated Guantanamo detainee, or as intelligence in support of military detention operations where the target of the operations has been nominated for, or designated for, detention at Guantanamo.

If the above proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honor to propose that this letter and your affirmative letter in reply would constitute an understanding between our two Governments as to the application of the Agreement, which would be operative on the date of entry into force of the Agreement.

Sincerely,

William P. Barr, Attorney General of the United States of America.

3 October 2019

Dear Attorney General Barr,

I have the honour to refer to your letter dated 3 October 2019, regarding the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on Access to Electronic Data for the Purpose of Countering Serious Crime (“the Agreement”), signed today, which reads as follows:

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Access to Electronic Data for the Purpose of Countering Serious Crime (“the Agreement”), signed today, and to propose that the Agreement be applied as per the following understanding.

The United States commits to inform the United Kingdom if it intends to invoke the Agreement to target data for the purpose of obtaining evidence or information to support or justify the detention of a current detainee held under law-of-war detention at Guantanamo Bay, Cuba, or a person nominated for, or designated for, such detention at Guantanamo, or for the purpose of obtaining evidence for use in a proceeding before a military commission at Guantanamo.

In addition, the United States commits to inform the United Kingdom if the Department of Defense intends to use data known by relevant Department personnel to have been obtained pursuant to Legal Process recognized by the Agreement as evidence in the prosecution’s case in military commission proceedings at Guantanamo, as information to be used against a detainee in reviews of such detention at Guantanamo, as evidence in support of the United States’ case in any legal proceedings challenging the Department’s authority to detain a current or nominated Guantanamo detainee, or as intelligence in support of military detention operations where the target of the operations has been nominated for, or designated for, detention at Guantanamo.

If the above proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honor to propose that this letter and your affirmative letter in reply would constitute an understanding between our two Governments as to the application of the Agreement, which would be operative on the date of entry into force of the Agreement.

On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, I am pleased to convey that your proposal is acceptable. Your letter and this reply constitute an understanding of our two Governments in this matter as to the application of the Agreement, which would be operative on the date of entry into force of the Agreement.

Sincerely,

The Rt. Hon. Priti Patel MP, Secretary of State for the Home Department.

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