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MEMORANDUM OF UNDERSTANDING

**BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

AND

**THE GOVERNMENT OF THE UNITED STATES OF AMERICA
(The Participants)**

CONCERNING

ARRANGEMENTS FOR THE TRANSFER OF CAPTURED PERSONS IN IRAQ

Purpose

1. (U) This Arrangement establishes the procedures for the transfer of detainees from the Armed Forces of the United Kingdom of Great Britain and Northern Ireland (U.K. Forces) to the Armed Forces of the United States of America (U.S. Forces) during military operations in Iraq - hereafter referred to as transferred detainees. This Arrangement applies to transferred detainees while they remain in the custody and control of U.S. Forces.

Responsibility

2. (U) Upon transfer, U.S. Forces will accept responsibility for transferred detainees for such time as these detainees remain in its custody and control.

3. ~~(S)~~ U.K. Forces will provide to U.S. Forces full details and intelligence about the grounds on which transferred detainees were apprehended, and any other relevant information, including but not limited to medical documentation and all interrogation approaches and techniques, if any, applied to the transferred detainee prior to transfer. Such information will not be communicated to other parties by U.S. Forces without the prior consent of U.K. Forces.

Treatment

4. (U) At all times while transferred detainees are in the custody and control of U.S. Forces, they will treat transferred detainees in accordance with applicable principles of international law, including humanitarian law. The transferred detainees will only be interrogated in accordance with U.S. Department of Defense policies and procedures.

Records

5. ~~(S)~~ U.S. Forces will be responsible for maintaining accurate records accounting for transferred detainees while transferred detainees remain in their custody and control. The records will be available for inspection by U.K. Forces on request.

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6. (S) U.K. Forces will be given access to U.S. Forces' records so as to enable U.K. Forces to establish the location and status, or final destination, of transferred detainees.

Access

7. (S) U.S. Forces will allow U.K. Forces access to transferred detainees on request and at reasonable notice. U.K. Forces when given access to the detainees will allow U.S. Forces to be present, and participate in any questioning of transferred detainees, if U.S. Forces so request.

Onward Transfer

8. (S) U.S. Forces will not remove transferred detainees from Iraq without prior consultation with the U.K. Government.

9. (S) Should U.S. Forces determine that detainees received from U.K. Forces should be transferred to Iraqi authorities, they will notify U.K. Forces prior to any such transfer and likewise will notify U.K. Forces if there is reason to believe that transferred detainees may be subject to a prosecution that may result in the death penalty. Any such transfers would occur consistent with U.S. law and international obligations.

10. (S) U.S. Forces will not proceed with the transfer where there are reasonable grounds to believe that it is more likely than not the transferred detainee will be subject to torture or cruel, inhuman or degrading treatment or punishment.

Amendment and Cancellation

11. (U) This Arrangement will come into effect upon the date of signature and may be amended upon mutual agreement by the Participants in writing, and terminated by either of the Participants after 30 days' written notice.

12. (U) This Arrangement will be reviewed in the event of a change in the legal framework for military operations in Iraq but will nevertheless be deemed to continue unless terminated in accordance with paragraph 11, above.

13. (U) If either Participant raises any matter of concern regarding the implementation of this Arrangement, the Participants will consult each other with a view to finding a mutually acceptable resolution to the issue.



For the Government of the United Kingdom of Great Britain and Northern Ireland

Date Signed: 17/3/09



For the Government of the United States of America

Date Signed: 10-18-08

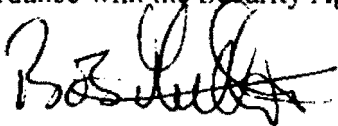
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**SUPPLEMENTARY NOTE TO THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND ("the Participants") CONCERNING
ARRANGEMENTS FOR THE TRANSFER OF CAPTURED PERSONS IN
IRAQ**

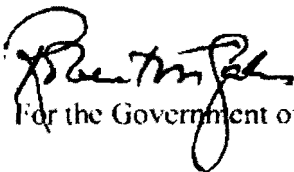
The Memorandum of Understanding signed by the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on October 18, 2008 and March 17, 2009 noted in paragraph 12 that, "This arrangement will be reviewed in the event of a change in the legal framework for military operations in Iraq but will nevertheless be deemed to continue unless terminated in accordance with paragraph 11 above."

This supplemental note records that:

- (1) Following the change in legal framework for military operations in Iraq effective January 1, 2009, the MOU continues to reflect the arrangements of the Participants, except that paragraph 9 will not apply.
- (2) The MOU is to apply also to those persons who are captured by Iraqi authorities in Iraq in arrest operations assisted by UK forces and who are transferred to the custody of U.S. forces in accordance with the *Agreement between the United States and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq*, signed November 17, 2008 (hereafter, Security Agreement), except that paragraph 9 of the MOU will not apply.
- (3) All Transferred Detainees and all persons captured under (2) above are to be treated in accordance with the Security Agreement.



For the Government of the United Kingdom of Great Britain and Northern Ireland



For the Government of the United States of America

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