



Foreign &
Commonwealth
Office

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Secretary of State

22 July 2020

Tom Tugendhat MP
Chair, Foreign Affairs Committee
House of Commons
London
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Dear Tom,

Knowing the interest that you and committee members take in the tragic case of Harry Dunn I wanted to update you about the steps we have taken since our last exchange on this topic. In particular, the completion of our revision of the Croughton Arrangements, the exchange of notes with the US that sets out the arrangements that exist at Croughton under the Vienna Convention on Diplomatic Relations.

More detail can be found in the Written Ministerial Statement deposited on Wednesday 22 July.

Revised Arrangements at Croughton

As you are aware, and as I set out previously to the House, the status of US staff under the Vienna Convention on Diplomatic Relations at the Croughton Annex is the subject of special arrangements between the UK and US governments, captured in exchanges of notes dating back to 1995. Those arrangements contained a waiver of immunity from criminal jurisdiction for US staff outside the course of their duties but no such waiver for their family members.

In accordance with those arrangements, the US therefore asserted that Anne Sacoolas enjoyed immunity from criminal jurisdiction in respect of the collision that killed Mr Dunn. We sought a waiver, which was denied by the US Government. Despite our strong objections to her leaving the country the US withdrew her on 15 September.

It has been important to me that we resolve the anomaly to make sure that these arrangements could not be used in the same way again. There are four key areas of improvement.

First, the US waiver of immunity from criminal jurisdiction now expressly extends to family members of US staff at the Croughton Annex, thus ending the anomaly in the previous arrangements and permitting the criminal prosecution of the family members of those staff should these tragic circumstances ever arise again.

Second, the waiver from criminal jurisdiction now extends to all Embassy staff serving at the Croughton Annex in respect of acts outside their official duties, not just Administrative and Technical staff.

Third, the revised arrangements contain a further and new waiver in respect of inviolability, so that US staff and their families at the Croughton Annex may in future be liable to arrest and pre-trial detention in the case of an offence carrying a maximum prison sentence of two years or more and following a judicial decision. Finally, the revised arrangements underline the fundamental principle that all persons who enjoy privileges and immunities under the Vienna Convention on Diplomatic Relations are bound to respect the laws and regulations of the receiving State. This includes appearing before the authorities of that State in connection with proceedings from which they are not immune.

Other improvements

Since our previous exchange on this matter, we have taken further steps to reduce the risk of a repetition of such a tragic incident, which I hope will be received positively by the Committee and local residents.

The US base commander has agreed to extend mandatory requirements for driving training and instruction for all US staff on the base, and has improved road signage within the base, and in vehicles, to remind them to drive on the left. Local authorities have added extra signage outside the base to remind drivers to drive on the left. In addition, the Department for Transport has launched a safety review of roads around the 10 US Visiting Forces bases in England.

I have spoken to the family to explain these changes and to underline my continued support for them in seeking justice for Harry. I am confident that the steps we have now taken reduce the risk of a repetition of the situation surrounding this tragic accident.



THE RT HON DOMINIC RAAB MP