



UK Mission to the
United Nations
in Geneva

OHCHR REGISTRY

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20 February 2013

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Mr Ben Emmerson & Mr Juan E. Mendez

United Nations
Palais des Nations
CH-1211
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Dear Mr Emmerson and Mr Mendez,

Thank you for your letter of 30 November regarding Shaker Aamer.

First and foremost, allow me to reiterate the British Government's firm commitment and lead in advancing human rights.

The British Government believes that indefinite detention in Guantanamo Bay is wrong and will continue to call for Guantanamo Bay to be closed.

Mr Aamer is a national of the Kingdom of Saudi Arabia. Although we remain committed to securing his release and return to the United Kingdom, he has been cleared for **transfer** but not release which is an important distinction under the applicable US legislation. If it would be helpful to have further explanation from us, we would be happy to provide it.

Although the British Government has been and will continue to use its best endeavours to secure Mr Aamer's release, any decision regarding Mr Aamer's release remains in the hands of the United States Government.

We take concerns regarding Mr Aamer's welfare very seriously and continue to monitor this through contact with the US authorities. The US have assured us that Mr Aamer remains in reasonable health, that he has full access to medical professionals and that he is not in solitary confinement.

In response to your questions:

1. Are the facts alleged in the summary of the case accurate?

The matters alleged did not occur in any territory under our jurisdiction. For the avoidance of doubt, it is not accepted that the UK had effective control over

Afghanistan, or any part thereof. We are not in a position to comment on your references to the alleged treatment of Shaker Aamer by the US authorities.

The British Government has been and is clear that it stands firmly against torture and cruel, inhuman and degrading treatment or punishment. Torture is a most abhorrent violation of human rights and human dignity and we consistently and unreservedly condemn the practice. We do not condone it, nor do we ask others to do it on our behalf. We have been clear that allegations of wrongdoing can be investigated by the police, with full co-operation.

We have published the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas and on the Passing and Receipt of Intelligence Relating to Detainees, which provides clear directions for intelligence officers and service personnel dealing with foreign liaison services regarding detainees held overseas.

2. Has a complaint been lodged by or on behalf of the alleged victim?

Mr Aamer issued a civil claim against the British Government based on false imprisonment, torture, trespass to the person, conspiracy to injure, conspiracy to use unlawful means, misfeasance in public office and negligence.

In November 2010 the British Government announced that it had settled civil damages claims brought against it by individuals detained by US forces at Guantanamo Bay. The terms of this settlement are confidential and we cannot comment publicly on the identities of those it covers. However, we can say that we believe this agreement covers all relevant cases.

Very recently, it was announced publicly that Mr Aamer intended to bring further proceedings against the British Government, alleging defamation. If any such proceedings are issued, they will be vigorously defended.

With regard to the suggestion made in the first sentence of the second paragraph on page 4 of your letter on access to legal advice, we would like to inform you that Mr Aamer has had and continues to receive the benefit of British legal advice and assistance.

Please provide the details, and where applicable the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

Please refer to the answer at question 1 above.

3. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

In July 2012 a Metropolitan Police Service and Crown Prosecution Service scoping panel initiated criminal investigations into a number of allegations of UK complicity in the mistreatment of detainees held by other countries. The

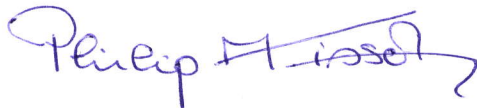
Metropolitan Police Service did not identify any of the alleged victims/complainants; a position that is still held today and, as such, it would be inappropriate for us to comment further on this issue. The UK is fully committed to co-operating fully with the police in relation to these investigations.

- 4. Please provide a detailed explanation as to why Mr Aamer is still being detained at Guantanamo, although he has reportedly been cleared for release in 2007 and your Excellency's Government has allegedly indicated its willingness to receive him.**

With respect this is a matter for the detaining authority. The British Government is not able to provide an explanation as to why Mr Aamer remains in detention at Guantanamo Bay.

I hope that this letter addresses your concerns. Please allow me to reiterate the British Government's firm commitment to advancing human rights and our support for your mandates.

Yours sincerely



Philip M Tissot
Chargé d'Affaires
UK Permanent Mission to the UN, Geneva