



long been recognized as legitimate under the law of war and has been repeatedly upheld as lawful in U.S. federal courts.

The United States recognizes the special role of the International Committee of the Red Cross (ICRC) under the Geneva Conventions and grants it access to all detainees held under the law of war, including those held, like Mr. Aamer, at Guantanamo. Our relationship with the ICRC is based on confidentiality; we value its representatives' opinions, and we address concerns they may raise at all appropriate levels of command and civilian leadership.

Like all Guantanamo detainees, Mr. Aamer has access to library material, communal prayer, outdoor recreation time, and opportunities for family communication. At times, when he has been non-compliant with camp rules at Guantanamo, he has been temporarily denied certain privileges such as cable television, video game systems, communal meals, group sports, and access to larger recreation yards. In instances when Mr. Aamer has refused to comply with instructions related to the movement of detainees at Guantanamo, such as failing to leave a recreation area at the conclusion of his scheduled recreation time, camp authorities have used the minimum amount of force necessary to remove Mr. Aamer from the recreation area and transport him back to his cell. The decision to undertake such action is intended to maintain order and security at the camps. Any such movement of a detainee is supervised by a U.S. military officer with medical staff present to ensure the safety and well-being of the detainee.

Mr. Aamer has not been detained in solitary confinement. He has been moved between various security levels of confinement, including single-cell and communal environments, based on compliance or non-compliance with camp rules, and on other occasions in response to Mr. Aamer's request for single-cell confinement. When in single-cell confinement, Mr. Aamer has the ability to participate in communal prayer, outdoor recreation with others, and opportunities for family communication. Mr. Aamer has made repeated allegations of physical abuse to U.S. military staff at Guantanamo, and legal counsel for Mr. Aamer have transmitted several letters to the U.S. Department of Defense regarding a variety of complaints, including mistreatment. In 2006, Mr. Aamer also incorporated allegations of mistreatment into a petition to the U.S. District Court for the District of Columbia, seeking judicial intervention to compel his release from U.S. military detention. All allegations of physical abuse at Guantanamo are promptly investigated. Allegations of this type made by Mr. Aamer, personally to U.S. military staff at Guantanamo or through his legal counsel to the U.S. Department of Defense or in litigation, have been found to be not credible.

In late 2007, Mr. Aamer's transfer was under consideration. Subsequently, in 2009 Mr. Aamer was "approved for transfer subject to appropriate security measures" by the Executive Order Task Force, which reviewed all Guantanamo detainees and made determinations regarding their future dispositions. The United States Government continues to assess transfer options for Mr. Aamer, consistent with applicable U.S. law and policy, including certification requirements under the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

All Guantanamo detainees have a constitutional right to challenge their military detention in U.S. federal court through a petition for a writ of habeas corpus. Transfers pursuant to a federal court order – including where the detainee has successfully challenged his detention through the

federal court system – are exempt from the general certification requirements and other restrictions on Guantanamo detainee transfers. Since 2008, the United States has transferred 28 former Guantanamo detainees pursuant to such court orders, including two in 2012. Mr. Aamer has accessed U.S. federal courts to challenge his detention and, after a three year stay of the litigation, his counsel resumed action in his case on December 7, 2011. Mr. Aamer is able to choose his own legal representation, subject to certain minimum requirements, such as their authorization to practice law in the United States and ability to obtain a security clearance.

Mr. Aamer has access to the same medical care available to all Guantanamo detainees, which is provided by expert medical staff at medical facilities at Guantanamo Bay. Medical services are available to detainees at all times and detainees provide informed consent for procedures. The medical facilities are equipped with 30 inpatient beds, a physical-therapy area, an audiology booth, optometry exam room, dental treatment suites, an operating room, a pharmacy, and a radiology facility. More serious medical conditions can be treated at U. S. Naval Hospital Guantanamo, which also provides care to U.S. service members at the base. Additional specialists may be flown to Guantanamo Bay from off-base to address medical needs that exceed the capabilities of the U.S. Naval Hospital at Guantanamo.

Specific to psychological treatment, the Joint Medical Group has a separate facility for behavioral health that includes outpatient and inpatient care. Services include preventive mental health screenings, comprehensive evaluation, individual and group counseling, medication management, and inpatient treatment. Mental health care is available for detainees as needed and upon request.

Sincerely,



Peter F. Mulrean  
Deputy Permanent Representative