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17th April 2013

Dear Sirs

Shadow Report - United Kingdom (UK) non-compliance with the United Nations Convention Against Torture (UNCAT) with respect to Mr Shaker Aamer

This Shadow Report to the United Nations Committee Against Torture (CAT) is submitted by Birnberg Peirce & Partners, a London-based civil liberties law firm that represents several Guantanamo Bay prisoners and other victims of human rights violations committed by the United Kingdom in the counterterrorism context.

Issue summary

1. This Shadow Report to the United Nations Committee Against Torture (CAT) details long-term, multiple, systemic breaches of the UNCAT by the UK against Mr Shaker Aamer. Mr Aamer's case is provided as a case study, an extreme example of a range of systemic violations flowing from UK counterterrorism practice, especially that involving conduct abroad. Mr Aamer's case engages articles 1, 2 (defining and prohibiting torture), 3 (prohibiting refoulement) 4 (ensuring that torture is a criminal offence), 12,13 (ensuring prompt and impartial investigation), 14 (the right to redress), 15 (protecting victims from having the fruits of torture used against them in proceedings), 16 (prohibition of cruel, inhuman and degrading treatment) and 21 (defining the mechanism for interstate complaint) of the CAT. The evidence to demonstrate the responsibility of the United Kingdom is summarised here at paragraph 40. A detailed factual background on Mr Aamer's case is provided as Appendix 1 to this Shadow Report.

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Background and detention history

2. Mr Aamer is a Saudi national who was lawfully resident in the UK and is married to a British national with whom he has four British children. He was living in Kabul with his family in 2001 where he was engaged in charity work building a school for boys and girls. After 9/11 Mr Aamer and his family fled the city to escape the American bombing of that city which commenced in October 2001. Mr Aamer was subsequently captured by the Northern Alliance and after being held and tortured in a secret prison in Kabul (then under joint US/UK control) for several weeks, he was sold to the US and held and subjected to torture in Bagram and Kandahar Airforce bases in Afghanistan where UK agents were present and party to his treatment and what subsequently occurred when in early 2002 Mr Aamer was rendered, via Portugal and with no judicial oversight or opportunity to challenge his transfer, to Guantanamo Bay where he has now been held for over 11 years. Mr Aamer has been "cleared for transfer" since 2007 and the US has indicated there are no plans to prosecute him.
3. In his 11th year in US detention, at Guantanamo Bay, Mr Aamer's condition is rapidly deteriorating. Mr Aamer is currently on hunger strike and has described a litany of new abuses being inflicted on him and fellow prisoners. (for further information please see appended "CSS Declaration on Shaker Aamer 2013_03_29 and "CSS Declaration on Shaker Aamer 2013_04_11").
4. As the crisis at Guantanamo deepens, Mr Aamer is under increasing mental and physical strain, and has recently stated to his lawyer Clive Stafford Smith: *"It's hard to keep calm. They are killing us, so it is hard to keep calm. It is hard to understand what they are doing or why...No matter how much I show you I am tough, in reality I am dying inside. If you want us to die, leave us alone. But they do not want us to die, and they do not want us to live like a human being. What is worse than that?"*¹

The detention of Shaker Aamer in its own right can now be classified as torture

2. Mr Aamer has been unlawfully and arbitrarily detained for more than eleven years. He was abducted in Afghanistan in November 2001 by bounty hunters acting on behalf of the Northern Alliance and imprisoned in Kabul at a time when that city was under the joint control and authority of the UK and the US. He has been in the custody of the United States military since approximately 25 December 2001; first in Bagram and then in Kandahar airbase. He was transferred to Guantanamo Bay on 13 February 2002 and has been held there ever since.
3. Mr Aamer has been cleared for transfer from Guantanamo Bay since 2007, and a Task Force established by the administration of President Barack Obama confirmed at some point in 2009 that there could be no further legal action against him. However, Mr Aamer's actual release is now said by the UK to be

¹ 2013_04_11 CSS Declaration on Shaker Aamer Report.

dependent upon the US Secretary of State for Defense exercising a “waiver” contained within the National Defence Authorisation Act (NDAA) 2012. No such waiver has yet been exercised and although the UK formally asked the US Secretary of State for Defence to consider exercising the waiver with respect to Mr Aamer in a letter sent in June 2012, the US Secretary of State has declined to reply. The lengthy silence is interpreted as being a refusal to do so.

4. Mr Aamer’s position must therefore constitute the paradigm case of arbitrary detention, since it has been definitively determined that he will face no legal process at all in the jurisdiction of the country that detains him. As to the essence of what it means to be arbitrarily detained consider, for instance, the description given in *Van Alphen v Netherlands*, Comm no 305/1988, UN Doc CCPR/C/39/D/305/ 1988, 15 August 1990 [5.8] in which the HRC stated that “arbitrariness” is not to be equated with “against the law”, but must be interpreted more broadly to include elements of “inappropriateness, injustice and lack of predictability”. The UK House of Lords described indeterminate detention sanctioned by a regime that lasted for 3 ½ years as “anathema to any country governed by the rule of law” and “the stuff of nightmares” (*A and Ors (No 1) v Secretary of State* [2005] 2 AC 86, HL, [74] and [155]).
10. Given the length of time of the detention itself, Mr Aamer can be very clearly said to be suffering torture within the meaning of Article 1 UNCAT and serious cruel, inhuman and degrading treatment under Article 16 UNCAT and any other commensurate test for torture or serious inhuman and degrading treatment under international treaty law and customary international law.

Physical and psychological harm constituting torture

18. Aside from the ill treatment constituted by the length of time of detention per se, Mr Aamer has made detailed complaints of serious physical and psychological harm in Bagram, Kandahar and Guantanamo Bay, sufficient to meet the criteria for the definition of torture in Article 1 UNCAT and not only still continuing, but the most recent reports, suggests worsening. These abuses are set out in the Factual Summary appended to this Shadow Report. The authorised “interrogation” techniques alone used by the US authorities from October 2001 to January 2009 would meet the criteria for the definition of torture in Article 1 of UNCAT.

British refusal to make an interstate complaint to the Committee against Torture

19. All reports and meetings with the FCO have stated in terms that no discussion with US officials or members of the Obama Administration has included any active agreement and plan by the US that Mr Aamer should return to the UK. Furthermore, all FCO reports confirm that neither torture nor arbitrary detention have been canvassed by the UK with US officials or ministers at any stage as issues either implicitly or explicitly.

20. In a letter before action dated 5 April 2012, sent to the United Kingdom government on behalf of Mr Aamer's wife Mrs Zineera Ahmed, a request was made for the following steps to be taken:
- a. A direct request from the Prime Minister to President Obama for the release and return of Mr Aamer;
 - b. The issuing of a Note Verbale from Her Majesty's Government to the United States Government to the same effect and stating the following:
 - (i) That his return is regarded as a commanding the highest possible priority;
 - (ii) That the Intelligence Services of the United Kingdom have assessed that they would be able to supervise Mr Aamer on his return such that any risk he could be said to present would be substantially mitigated;
 - (iii) That a failure to release and return Mr Aamer would force the United Kingdom to consider making an inter-state complaint under the United Nations Convention Against Torture.²
21. A response to this request was received by letter dated 18 May 2012 in which it was asserted that the primary decision-maker concerning the release of Mr Aamer was the US Secretary of Defence, and that the Secretary of State and the British Government had been using their best endeavours to persuade the relevant individuals to release and return Mr Aamer to the UK.³
22. Hence, the British Government's view was that directing the request to the US President would not assist Mr Aamer. With respect to the issuing of a Note Verbale it was implied that such a step would not assist Mr Aamer and was likely to damage his prospect of release and return to the UK. The same response, that it would be counterproductive, was made to the request that an inter-state complaint be made to CAT.
23. In a telephone conversation on 29th June 2012, in response to an enquiry as to whether the British Government ministers or officials have informed the US authorities that consideration was being given to making an interstate complaint to CAT, Mr Aamer's legal team were informed that this approach would not be taken with the US; the USA would see it as confrontational as it did not consider the detention of Mr Aamer for more than 10 years at Guantanamo Bay to be illegal.
24. In light of the evident failure of the UK government's continued efforts to effect Mr Aamer's transfer, on 21 November 2012, a further request was made by Mrs Ahmed's legal representatives that the UK government make an interstate complaint to the US under article 21 UNCAT.⁴

² *Letter before action*, 5 April 2012.

³ UK government response, 18 May 2012.

⁴ *Letter before action*, 21 November 2012.

30. A substantive response to this request was received on 23 January 2013, in which the UK Foreign Secretary reiterated the long-held position that it would be *“inappropriate to [write to the US under the interstate complaint mechanism as set out in article 21 of the Convention Against Torture]...judging that it would be counterproductive and more likely to damage than improve Mr Aamer’s prospects of expeditious release,”*⁵ stating that it was under no duty to make a formal interstate complaint under Article 21 UNCAT.
31. The basis of the UK’s position is it claims that article 21 UNCAT gives rise to no enforceable duty or obligation in domestic law; that the “wide margin of discretion” afforded to governments by the wording of article 21 in any case entails no obligations to individuals; and equally that no obligation to make an interstate complaint in these circumstances can be derived from the UK’s duty to prevent torture under article 2 UNCAT.
32. Leaving aside the question of whether the UK government’s interpretation of domestic law is correct; the UK Government’s proposition that any article of the UNCAT is de-facto unenforceable in the domestic legal system of a signatory State clearly cannot entail that the article in question, or indeed the UNCAT in general, is not in principle binding upon that State.
33. As to the UK government’s position that the wording of article 21 affords such a wide margin of discretion as to give rise to no obligations to individuals: this interpretation is deeply misleading in the context of the general non-derogable nature of the prohibition on torture, and the status of the UNCAT as the paradigm international legal instrument designed to ensure adequate protection for all purposes against torture and cruel, inhuman and degrading treatment or punishment.
34. The mechanism of interstate complaint provided for under article 21 UNCAT is one of two key mechanisms provided for by the UNCAT, for the protection of torture victims such as Mr Aamer in whose cases all other legal avenues have been exhausted. Both the UK and the US have derogated from one of those mechanisms, provided for by article 22 UNCAT, which would otherwise allow for a complaint to be brought by Mr Aamer against either or both states. Thus, the only legal avenue left available for Mr Aamer is for the UK to exercise its power under article 21 UNCAT and make an interstate complaint against the US. For what purpose could the mechanism of interstate complaint have been created if it were not so that circumstances such as these could be appropriately confronted?

UK failure to protect Mr Aamer from torture under article 2 UNCAT

35. With respect to its article 2 UNCAT duties, the UK government contends that *“the ‘prevention’ obligation under article 2(1) UNCAT is expressly confined to ‘measures to prevent acts of torture in any territory under its jurisdiction.’ It does*

⁵ UK response to letter before action, 23 January 2013.

not extend to acts occurring on territory outside the UK's jurisdiction. The detention of Mr Aamer at the US detention centre in Guantanamo Bay is, manifestly, occurring on territory outside the UK's jurisdiction."⁶ This extremely narrow interpretation of UNCAT jurisdiction, and the CAT's contrasting position, is rehearsed in the UK's 2012 State Party Report and the dialogue around the CAT's List of Issues for the UK.⁷

36. The UK's position here essentially contradicts UK case law,⁸ as well the decisions of UNCAT. On 22 November 2001 the CAT adopted a statement in connection with the events of September 11 2001, explicitly noting that article 2 UNCAT "*must be observed in all circumstances*".⁹ By way of further explanation, CAT *General Comment No. 2* states: "*the Committee also understands that 'any territory under its jurisdiction linked as it is with the principle of non-derogability, includes any territory or facilities and must be applied to protect any person, citizen or non-citizen without discrimination subject to the de jure or de facto control of a state party. The Committee emphasizes that the State's obligation to prevent torture also applies to all persons who act, de jure or de facto, in the name of, in conjunction with, or at the behest of the State party.'*"¹⁰
37. In fact, the UK government and its officials have failed to exercise article 2 UNCAT obligations towards Mr Aamer from the earliest days of his detention in Afghanistan: in late 2002, Mr Aamer was held for several weeks and tortured by the Northern Alliance in Kabul, which was then under joint US/UK control. Following this, he was transferred to US detention at Bagram and Kandahar where he was held in conditions obviously violating all international legal norms and where he was interrogated by British personnel, who on at least one occasion witnessed his physical torture at the hands of US interrogators (see eg appended Factual Background at pp 4-5). During his time in detention in Afghanistan and Guantanamo Bay, UK security personnel engaged in his interrogations through supplying information (much of it false) to be used in his questioning, and receiving the fruits of his unlawful interrogations from the US. Such conduct by UK clearly amounts to a breach of their article 2 obligations and may also amount to "acquiescence" in torture under article 1 UNCAT.
38. With respect to the current stage of Mr Aamer's detention, and the UK's engagement with the US to effect his transfer to the UK, after over two years of diplomatic failure to effect Mr Aamer's release, the UK now has a discrete obligation under article 2 UNCAT to revisit and reconsider its decision not to make an interstate complaint to the US. CAT *General Comment No.2* states that "Article 2, paragraph 1, obliges each State party to take action that will reinforce the prohibition against torture through legislative, administrative, judicial, or other actions *that must, in the end, be effective in preventing it*" (italics

⁶ UK response to letter before action, (23 January 2013), para 4.

⁷ CAT/C/GBR/5).

⁸ *Al-Skeini and others v. the UK, and Al-Jedda v. the UK*, Grand Chamber Judgment, 7 July 2011, involved findings by the European Court of Human Rights that the United Kingdom had jurisdiction in relation to acts committed abroad under article 1 of the European Convention on Human Rights.

⁹ (A/57/44, paras), 17-18.

¹⁰ CAT *General Comment No. 2* (CAT/C/GC/2), 28 January 2008, para 7.

supplied).¹¹ The Committee further notes that “*State parties have the obligation to keep under review...their performance under the Convention...If the measures adopted by the State party fail to accomplish the purpose of eradicating acts of torture, the Convention requires that they be revised and/or that new effective measures be adopted.*”¹²

39. Mr Aamer’s position at Guantanamo Bay is not only continuing, it is in fact changing on a daily basis, for the worse (see appended “CSS Declaration on Shaker Aamer 2013_03_29 and “CSS Declaration on Shaker Aamer 2013_04_11”). The UK government thus has an article 2 obligation in these circumstances to both closely monitor the developing crisis at Guantanamo, continually review, and if necessary change the content and mode of its representations to the US with regard to Mr Aamer.
40. In these circumstances of Mr Aamer’s swiftly deteriorating condition and arbitrary detention and torture for over eleven years, the UK’s refusal to move beyond the failed diplomatic approach to achieving his release from Guantanamo Bay; and the refusal to comply with the request of Mr Aamer’s family that the UK make an interstate complaint to the US that Mr Aamer is being tortured, is we submit in violation of the UK’s obligations to prevent torture under Article 2 UNCAT. In this breach, the UK not only fails Mr Aamer and his British family, but sends a message to the US and wider world which totally undermines the UK’s claims of commitment to the prevention and eradication of torture around the world.

The UK’s special responsibility

41. Whilst the ongoing failure to secure Mr Aamer’s release to the UK represents a flouting by the US of its most binding and important obligations, those regarding the prohibition on torture and on arbitrary detention, the UK has direct knowledge of Mr Aamer’s treatment in breach of UN prohibitions against torture and arbitrary detention, and not only because UK personnel were present during some of the worst of that treatment.
42. In addition, Mr Aamer’s first place of detention, from which he was transferred to Bagram, was under the joint control of UK and US forces. Whilst in US detention in Bagram, Mr Aamer’s fate was clearly susceptible to UK interference, influence and control. Mr Aamer reports that British agents were present whilst American interrogators physically abused him in Bagram. UK agents provided information (much of it wrong and misleading) to US officials so that it could be used in his interrogations and in turn received the product of those interrogations from the Americans.
43. Further, the UK has a special responsibility as it is submitted that UK officials had the ability to influence the decision of whether Mr Aamer was to be rendered to Guantanamo Bay. This relates to Mr Aamer’s account of an attempt by British Intelligence agents to recruit him as an agent in exchange for the promise of

¹¹ CAT General Comment No. 2 (CAT/C/GC/2), 28 January 2008, para 2.

¹² CAT General Comment No. 2 (CAT/C/GC/2), 28 January 2008, para 4.

release. This occurred whilst he was in US detention in Afghanistan. It is understood that an acceptance of this offer by another prisoner resulted in his not being rendered to Guantanamo. Further, UK agents directly participated in several interrogations of Mr Aamer in Guantanamo a Bay, while he was subject to conditions of arbitrary detention and torture. There is documentary evidence to suggest that the UK colluded with Saudi Arabia and the US authorities to ensure that instead of returning him to the UK in 2007 with the remaining four British residents, Mr Aamer would be sent instead to Saudi Arabia where he would be subjected to indefinite arbitrary detention. This was despite the fact that some of the British residents who were returned to the UK had, unlike Mr Aamer, been charged and were due to be tried by Military Commissions in Guantanamo; and others were without family in the UK. It is believed that Mr Aamer was not transferred to Saudi Arabia because he refused to sign the necessary compliance form for a number of significant reasons, and not least because the Saudi officials were unable to assure him that his British family would be allowed to join him there.

Dialogue between the UK government and CAT - articles 12 and 13

44. The UK government's 2012 report¹³ makes no reference to Shaker Aamer's case. However, in reference to possible violations of articles 12 and 13 CAT by the UK, Question 22 of the Committee's Draft List of Issues specifies: *"Please provide updated information on the return to the State party of Shaker Aamer (where he would be reunited with his British wife and four children) who, according to information before the Committee, has been "cleared for release" from Guantanamo Bay for more than four years?"*¹⁴
45. The Draft List of Issues here does not specifically refer to the ongoing UK Police criminal investigation of alleged torture by the British security and intelligence services of Shaker Aamer (including the failure of the British government under article 12 CAT requirements to have commenced this investigation earlier, or the refusal of the US to allow Mr Aamer to meet with UK fact-finders in circumstances which would satisfy the requirements of article 12 for an impartial investigation).
46. In response to Question 22, the UK government responded on 27 March 2013 with a description of an approach unchanged from that provided to Mr Aamer's legal team almost two years previously, an approach plainly insufficient to achieve Mr Aamer's release and which the UK is obliged, under article 2 UNCAT, to review and if necessary change.¹⁵ Nor does it refer to its refusal of a direct request from Mr Aamer's family requesting the UK Government to make an inter state complaint to the US on Mr Aamer's behalf.

¹³ See (CAT/C/GBR/5) and (CAT/C/GBR/Q/5).

¹⁴ (CAT/C/GBR/Q/5) para 22.

¹⁵ *United Kingdom Ministry of Justice UNCAT Response to the list of issues adopted by the Committee During its 49th Session (27 March 2013)*, paras 22.1-22.4.

Dialogue between the UK government and CAT – article 14

47. Question 29 of the List of Issues asks with reference to article 14 UNCAT, “please include the number of instances during the reporting period in which the State party ensured that a victim of torture or ill-treatment obtained compensation, the amount received in each case and the means for a full rehabilitation.”¹⁶
48. In response to Question 29, the UK government was silent on the question regarding rehabilitation. With regard to the payment of compensation, the UK government states that whilst “*a number of individuals have brought civil damages claims against the British government alleging complicity in their alleged torture overseas, during the reporting period there have been no instances where either: (a) a court has found the UK government to be responsible for the torture or ill-treatment of any individual; or (b) the UK government has admitted responsibility for the torture or ill-treatment of any individual*”. Therefore, the UK government states, “*no payment has been made in respect of any such finding or admission and any payment made in the case of those claims that have been settled...cannot be described as compensation.*”¹⁷
49. Mr Aamer’s continued arbitrary detention both constitutes ongoing torture and prohibits the possibility of his rehabilitation. The public denial of liability by the UK government despite the existence of a putative agreement to pay compensation to Mr Aamer when he is released and the fact of the settlement of similar civil claims by 12 other former Guantanamo claimants (four of whom were British residents whom Mr Aamer should have been released with) as a result of claims brought against the UK government for its alleged complicity in their torture, is inconsistent with the concept of the right to redress encompassed by article 14 UNCAT. *General Comment No. 3 (2012)*, which clarifies State party obligations under Article 14 CAT, emphasizes that the right to redress encompasses concepts of “effective remedy” and “reparation”, includes access to the means of a full rehabilitation and a guarantee of non-repetition.¹⁸ The Committee further notes, “restoration of the dignity of the victim is the ultimate objective in the provision of redress”.¹⁹

Other relevant UN reports and statements

50. In its 2013 List of Issues for the US, the CCPR asked at question 17: *please also clarify how many detainees that were cleared for release are still detained in Guantanamo Bay and which steps the State party is taking to ensure their immediate release.* The US has not yet responded to this question.²⁰

¹⁶ (CAT/C/GBR/Q/5) para 29.

¹⁷ *United Kingdom Ministry of Justice UNCAT Response to the list of issues adopted by the Committee During its 49th Session (27 March 2013)*, paras 29.1-29.3.

¹⁸ CAT General Comment No. 3 (CAT/C/GC/3), 13 December 2012, paras 1-2.

¹⁹ CAT General Comment No. 3 (CAT/C/GC/3), 13 December 2012, para 4.

²⁰

51. On 30 November 2012 the UN Working Group on Arbitrary Detention and Special Rapporteurs on Torture, Independence of Judges and Lawyers, and Counterterrorism and Human Rights, wrote to the United States expressing concerns about Mr Aamer's case.²¹
52. On 30 November the UN Special Rapporteurs on Torture, and Counterterrorism and Human Rights, wrote to the UK expressing concerns about Mr Aamer's case.²²
53. The *Interim Report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (A/66/268)*, 5 August 2011 deals with solitary confinement as falling under treatment prohibited by Article 7 ICCPR.
54. The *Joint Report on the Situation of Detainees at Guantanamo Bay (E/CN.4/2006/120)* makes a number of recommendations, including recommendations to close the detention facility at Guantanamo Bay, ensure that detainees are not returned to states where they risk being tortured, and ensure that all allegations of torture or cruel, inhuman or degrading treatment are thoroughly investigated by U.S. criminal courts, and perpetrators are brought to justice.
55. *CCPR General Comment No. 31 (Nature of the General Legal Obligation Imposed on States Parties to the Covenant): CCPR/C/21/Rev.1/Add.13 26/05/2004* affirms that the ICCPR applies situations of armed conflict where international humanitarian law applies, and affirms that states must ensure the treaty rights to those "within the power or effective control of that State Party, even if not situated within the territory of the State Party." This principle applies to the forces of a state acting outside its territory, and the protections are not limited to citizens of the state in question, but rather apply to all regardless of nationality.
56. *CCPR General Comment No. 20 (Art. 7): 03/10/1992* notes that no derogation is allowed from obligations under Article 7. In particular:
- 3...The Committee also reaffirms that, even in situations of public emergency such as those referred to in article 4 of the Covenant, no derogation from the provision of article 7 is allowed and its provisions must remain in force. The Committee likewise observes that no justification or extenuating circumstances may be invoked to excuse a violation of article 7 for any reasons.*

²¹ The text of the letter can be found here: [https://spdb.ohchr.org/hrdb/22nd/public -
UA USA 30.11.12 \(32.2012\).pdf](https://spdb.ohchr.org/hrdb/22nd/public_-_UA_USA_30.11.12_(32.2012).pdf)

²² The text of the letter can be found here: [https://spdb.ohchr.org/hrdb/22nd/public -
UA UK 30.11.12 \(6.2012\).pdf](https://spdb.ohchr.org/hrdb/22nd/public_-_UA_UK_30.11.12_(6.2012).pdf)

57. *CCPR General Comment No. 20 (Art. 7): 03/10/1992* notes that prolonged solitary confinement of a detained or imprisoned person may amount to acts prohibited by Article 7.
58. *CCPR General Comment No. 20 (Art. 7): 03/10/1992* notes that the protection detainees require that prompt and regular access be given to doctors and lawyers and, under appropriate supervision when the investigation so requires, to family members.
59. *CCPR General Comment No. 08 (Art. 9): 06/30/1982, CCPR General Comment No. 21: (Art. 10): 04/10/1992, and CCPR General Comment No. 13 (Art. 14): 04/13/1984* also apply.

Recommended questions for the UK

- (i) The UK government is asked to explain what action it has taken since January 2013 to bring Mr Aamer's experience of torture in Guantanamo Bay to an end and secure his release and return to the UK, in compliance with its obligations under art 2 CAT, following its refusal to comply with the family's request that it make an interstate complaint to the US.
- (ii) How does the UK government reconcile its obligations under art 21 CAT, when it refused Mr Aamer's family's request that it make an interstate complaint to the US.
- (iii) How does the UK government reconcile its refusal to accede to the request of Mr Aamer's family that it makes an interstate complaint to the US with its reply to question 1 of the List of Issues, namely ensuring that the Convention is fully applicable in the domestic legal system?
- (iv) How does the UK government reconcile its international obligations under the UNCAT, especially articles 2 and 4, with the position stated in its letter of January 2013 in which it asserts that it has no enforceable obligations to Shaker Aamer or his family?

Yours faithfully

Birnberg Peirce & Partners

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