

## THE TORTURE FILES

# Now US denies sick Briton in Guantanamo a medical test

## They claim it would be 'too difficult'

From **Ian Drury** in London and **Daniel Bates** in New York

BRITAIN'S last Guantanamo Bay detainee has been denied a medical examination by the US despite growing concerns his health is deteriorating rapidly.

In an extraordinary legal submission, the US Department of Justice said it would be 'too difficult' to allow independent doctors to assess Shaker Aamer.

They also again described the 48-year-old detainee as an 'enemy combatant' - a discredited term used by George W Bush's administration to justify holding suspected terrorists in Guantanamo without trial - which Mr Aamer's lawyer condemned as 'Orwellian'.

The development, which campaigners described last night as 'outrageous', is another painful blow to Mr Aamer's family in London and dampens hopes he could soon be released.

The father of four has languished in the notorious military prison in Cuba without charge for 13 years even though he has twice been cleared for release, by President Bush in 2007 and Barack Obama in 2009.

His lawyers are demanding the medical examination as part of a bid for his freedom due to his ill health. He was last assessed in December 2013, when US doctor Emily Keram said he was suffering 'serious physical and psychological ailments' that would get worse unless he was released.

Mr Aamer had tinnitus, debilitating headaches, asthma, ear pain, worsening vision and kidney pain as well as post-traumatic stress disorder (PTSD), depression and insomnia, she said.

His supporters believe US authorities are avoiding allowing another

**HELD IN A HELL HOLE FOR 13 YEARS WITHOUT TRIAL**

From *tMail*, December 11, 2014

**US 'is slapping oldest ally in the face over Guantanamo Briton'**

*Mail*, May 26, 2015

**Real reason Shaker's still behind bars: US doesn't trust Britain**

June 6, 2015

**PM tells Obama: You must free Shaker Aamer**

June 8, 2015

report because the last one was damaging for their claims captives are treated humanely. The US stance is also a slap in the face for David Cameron, who was told by President Obama that Mr Aamer's release was a 'priority' during talks in January.

Tom Davies, of Amnesty International UK, said: 'It's outrageous to try to deny a court-ordered medical examination to a man who's been behind bars for 13 years, has allegedly been tortured and whose deteriorating mental and physical health is already a huge concern.'

'It's also worrying that US government lawyers are still peddling arguments about Guantanamo detainees somehow not having basic rights. Of course they do. Everyone held without charge at Guantanamo should be either properly charged and put on trial in a US civilian court, or they should be released.'

'All of this should be ringing alarm bells in Downing Street.

President Obama promised action. If anything, things now seem to be going backwards. It's hugely frustrating and very worrying.'

Lawyer Ramzi Kassem, who represents Mr Aamer in the US, said: 'The US government's behaviour when it comes to Shaker Aamer is downright schizophrenic.'

'On the one hand, you have President Obama himself pledging to prioritise [Shaker's release] ... but,

**'Victim of a war crime'**

on the other hand, you have Obama's own Justice Department fighting tooth and nail in court to keep Shaker at Guantanamo, even going so far as to exhume long-abandoned concepts like "enemy combatant". It is Orwellian.'

Mr Aamer's lawyers want him to be assessed by a 'mixed medical commission' of a US army doctor

and two independent international experts. But the White House claims this would be 'too difficult' because it has never before set up a commission for a Guantanamo detainee.

By allowing a commission the US would also effectively be admitting Mr Aamer is a prisoner of war and therefore entitled to protection under the Geneva Convention - which establishes proper treatment for PoWs. Therefore they are continuing to claim he is an 'enemy combatant' and say that being a prisoner of war is a 'privilege' to which is not entitled.

Clive Stafford Smith, director of legal charity Reprieve and Mr Aamer's lawyer in the UK, said: 'It has been 13 years since the US said prisoners were being treated consistent with the Geneva Conventions. Well, you either are or you are not, and if you are not that is considered a war crime.'

'So here we have an overt confession that Shaker is once again a

victim of a war crime, and yet the UK government seems to be powerless to do anything about it. At the very least they could demand a proper medical evaluation.'

The US government also disputes Mr Aamer has PTSD and blames him for his own ill-health. Documents to the court state: 'Even if [Mr Aamer's] claims about his health were accurate, they are so at least in part because he refuses medical treatment.'

Saudi-born Mr Aamer, who moved to south London almost 20 years ago, was detained in Afghanistan in 2001 while doing voluntary work, his supporters say. He was tortured at a secret 'black site' prison before arriving at Guantanamo in 2002.

Last month he was given fresh hope of release when the White House said it was in the 'final stages' of drafting a plan to close Guantanamo. But even if the closure goes ahead, there is no guarantee he will be returned to the UK.



'Serious ailments': Shaker Aamer, with two of his children

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won voters; music fans were impressed: journalists gained awards.

But what about the young people who were supposed to be the ones to benefit? Of course, some youngsters have had their lives improved or even turned around by the work of dedicated staff at Kids Company. But there are others whose views are disturbing.

They saw no point complaining about any faults they might have found in the running of the charity.

As one said: 'Who's goin' to ask us, crack addicts, robbers, street kids, kids from care, our views? Who's goin' to talk to us when all those nice middle-class people are saying how wonderful Kids Company is?'

Even the Government was in on it. It continued to lavish money on a charity despite the misgivings of civil servants and some ministers.

When Michael Gove was Education

Secretary, he and the then children's minister Tim Loughton are said to have opposed giving grants to the charity. But Downing Street was in favour of the funding.

Perhaps the real tragedy is that charities such as Kids Company are desperately needed to pick up the pieces of our failed welfare state.

Because of the epidemic of broken homes and dysfunctional families, there are large numbers of children who desperately need help.

Equally, I have no doubt that many of the Kids Company staff do a heroic job.

Now, it seems, those staff and those youngsters will have to look elsewhere after Camila shut down the charity last night.

Is this the action of a woman with her heart in the right place? Or one who cannot face a future out of the limelight?

Charities should be judged with heads and not hearts, and Camila and her organisation - for all their good intentions - should be no different.

## Grieving gran is told: Death doesn't constitute a refund

A GRIEVING grandmother was told to fax over her recently deceased partner's death certificate - so she could get a refund on their planned honeymoon.

Jean Kinahan, 78, was told by the caravan letting company that 'death doesn't constitute a refund' when she contacted them to cancel her week-long holiday.

Her partner James Burgess, 76, passed away last Monday after a lengthy battle with heart disease.

The couple, who had been together for 20 years, were planning to marry once he came out of hospital and had already booked the caravan honeymoon.

Grandmother-of-six Miss Kinahan, of

Croydon, South London, said: 'He was looking forward to it - we both were.'

'I can't believe what the holiday company said to me - it's disgraceful. I asked them: "Surely you don't think I'm pretending my partner died?"'

Miss Kinahan had contacted West Sussex holiday company Bunn Leisure to try to cancel the £424 stay, and to give them as much notice as possible to fill the vacancy at the site at West Sands park in Selsey.

Philip Mitcheson-Smith, the Bunn Leisure general manager, said: 'This is a very difficult situation and I have asked a member of our senior management team to give her a call.'