

US judge orders release of Guantánamo hunger strikers' medical records

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A federal judge ruled on October 26 that the Bush administration and the US military must provide information to defense attorneys about the conditions of detainees in Guantánamo Bay. The lawyers are representing detainees from Qatar, Yemen, Saudi Arabia and Afghanistan who have been participating in a hunger strike for more than three months to protest their incarceration and treatment at the US detention camp.

Federal District Judge Gladys Kessler ordered the US military to release to lawyers the medical records of the prisoners they are representing—records that are currently classified. The government must also notify a lawyer representing a detainee within 24 hours of a force-feeding by Guantánamo authorities, a brutal practice that is prohibited by international medical standards and has been denounced by civil liberties advocates. Kessler rejected another demand by the attorneys that they be put in regular telephone contact with their clients. The US government may appeal the judge's decision.

Julia Tarver, an attorney with the Center for Constitutional Rights who recently visited the hunger strikers, found that the medical practice of force-feeding has become a new form of torture at Guantánamo Bay. Many of the strikers had trouble speaking to her because of throat lesions caused by having finger-width feeding tubes shoved through their noses.

A 2004 Supreme Court ruling permits lawyers to travel to Cuba to meet their detainees in person. Before that, lawyers had no contact whatsoever with the inmates. Lawyers still may not make contact with their clients in writing or over the phone, and all information regarding the reasons for the detainees' incarceration, as well as any statements made by the detainees

themselves, are withheld as classified.

In an interview with "Democracy Now!," Tarver delivered a chilling account of her recent visit. "What we found is that the situation at Guantánamo has deteriorated drastically, even since our previous visit at the end of July. The level of hopelessness in the camp has reached a point where our clients are literally vowing they have no other choice but to die. The treatment they are receiving from the guards and the medical staff at Guantánamo is very, very disturbing.... [T]he guards and the medical staff are using intervention, medical intervention, to actually inflict forms of torture on our clients."

Multiple detainees reported to Tarver the same behavior on the part of the military personnel. Feeding tubes were moved from one detainee to another without any sanitization, "with the bile and the blood still on the tube from the previous detainee," according to Tarver.

She said that she was told that "no doctor was present" for many of these incidents, which sometimes simply consisted of "six men holding one client down while someone inserts a tube up their nose and into their stomach."

Guards also routinely taunt the gravely ill hunger strikers. "This is what your religion has brought you," the soldiers jeer, and prevent the detainees from sleeping. "We had independent interviews with more than one client, who had had no way to contact each other in between, who told us precisely the same horrific tales," Tarver said.

According to an October 27 article in the *New York Times*, detainee Yousef Al-Shehri reported that a feeding tube had been so roughly inserted into his throat through his nose that he spat up blood.

The US military has denied that the force-feeding is

being used to intentionally inflict pain on the detainees. Dr. John Edmondson, who administrates the medical facility at Guantánamo, contends that anesthetic and lubricants are always used, and that only doctors and nurses had been involved in the force-feeding.

Even if these assertions were accepted, the practice of force-feeding in this situation is expressly forbidden by international medical standards. Article 5 of the 1975 Tokyo Declaration of World Medical Association, which has been accepted by the American Medical Association, instructs doctors that if a prisoner goes on a hunger strike to protest torture and abuse, it is the doctor's responsibility *not* to intervene in the hunger strike by force-feeding the prisoner, thereby readying the prisoner for more torture.

According to the Center for Constitutional Rights, about 200 prisoners have been involved in the rolling hunger strike, which has been coordinated across multiple complexes with some prisoners refusing food for as many as 60 days (See "Guantánamo Bay hunger strike enters third month").

The Guantánamo detainees are protesting widespread torture and humiliation, religious persecution, sexual abuse, lack of shelter, and the denial of their most basic legal rights. The victims' families have often not heard from their loved ones since they were first swept up in Afghanistan and other locations and carried away by US soldiers.

Most of the detainees were taken into US custody in early 2002, and have spent almost four years at Guantánamo without any criminal charges being brought against them, and without any of the basic rights and protections guaranteed to prisoners of war by the Geneva Conventions. There are no court dates set for any of the prisoners. Flouting its disregard for international law, the Bush administration has coined the phrase "enemy combatant" in an attempt to create new legal circumstances whereby detainees can be denied their most basic democratic rights.



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