

Federal Judge appeals to Obama to halt force-feeding at Guantánamo

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On Monday, US District Judge Gladys Kessler made an appeal to President Barack Obama, urging him to do something about the force-feeding of Guantánamo prisoners who are on hunger strike. The plea came in a four-page opinion denying a request by one of more than 100 hunger strikers at the US prison camp that she issue an injunction barring the military from forcing him to eat through a gastric tube that is inserted into his nose.

Judge Kessler noted that the force-feeding of detainees had been denounced as a violation of medical ethics and human rights by many organizations, including the American Medical Association and the United Nations. “It is perfectly clear,” she wrote, that “force-feeding is a painful, humiliating and degrading process.”

She added that the details provided by Dhiab demonstrated that force-feeding prisoners violates Article 7 of the International Covenant on Civil and Political Rights, which prohibits torture or cruel, inhumane, or degrading treatment.

In her ruling, Judge Kessler cited a statement by Jeremy Lazarus of the American Medical Association concerning the unethical nature of force-feeding prisoners. In his statement, submitted to the secretary of defense, Lazarus endorsed a World Medical Association Declaration that is very clear on this point: “Where a prisoner refuses nourishment and is considered by the physician as capable of forming an unimpaired and rational judgment concerning the consequences of such a voluntary refusal of nourishment, he or she shall not be fed artificially.”

Nevertheless, the judge claimed she could not issue an injunction against the procedure because Congress had barred the courts from intervening in questions related to conditions at Guantánamo. President Obama,

however, as commander in chief had the authority to address the issue, she wrote.

The Obama administration has defended the brutal practice of force-feeding as consistent with its “compassionate” treatment of detainees at the facility.

Petitioner Jihad Dhiab, a 41-year-old Syrian who has been detained at Guantánamo for more than 11 years, filed an application for a preliminary injunction. Dhiab is one of 86 of the 166 detainees at the facility who have been cleared by an interagency task force for transfer home or to a third country. However, all of these detainees are being held indefinitely without being charged or tried.

Judge Kessler wrote: “At no time during these 11 years has he had any hearing on the merits of his habeas petition, nor any military commission proceeding to determine the merits of his case.”

In February, several of the prisoners began a hunger strike in response to searches of detainees’ Korans, which military leaders say are used to hide contraband. The hunger strike has spread and become a broader protest of Obama’s failure to close the facility.

Twice a day, selected detainees are brought into a room where their wrists, arms, stomach, legs and head are strapped to a chair before repeated attempts to force a tube down their noses to their stomachs causing the prisoners to gag and wretch, while blood drips from their nostrils. Reportedly, guards do this twice a day to elicit the maximum amount of pain and discomfort, rather than leaving the tubes in. This is meant to discourage others from joining the hunger strike, but has largely failed.

One of the issues brought into Dhiab’s suit was the factor of Ramadan, which began Tuesday evening in North America, during which Muslim adherents are expected to fast during daylight hours. Dhiab

contended that being force-fed violated his religious beliefs. The Pentagon has responded by declaring that force-feedings will occur only after sundown and before sunrise.



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