

# Federal judge backs force-feeding at Guantanamo

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A US District Judge in Washington, DC rejected the attempt of three Guantanamo Bay detainees who are on hunger strike to block the coercive and painful force-feeding that dozens of detainees have been subjected to in recent months.

Judge Rosemary Collyer's 15-page opinion, handed down on July 16, dripped with contempt for the scores of detainees who remain at the prison camp at Guantanamo, many of them for more than a decade. The vast majority have never been charged and many have languished at the prison camp for years although they are clearly innocent of any charge of taking up arms against US troops, having been handed over to the US military in Afghanistan and elsewhere in exchange for bounties.

"There is nothing so shocking or inhumane in the treatment of petitioners—which they can avoid at will—to raise a constitutional concern that might otherwise necessitate review," the judge stated. "Although framed as a motion to stop feeding via nasogastric tube, Petitioners' real complaint is that the United States is not allowing them to commit suicide by starvation."

This ruling, upholding the official line of the military authorities and the Obama administration, arrogantly declares that the prisoners have no right to engage in fasting as a means of political protest.

Collyer's ruling is no different in legal effect from one issued on July 10 by Judge Gladys Kessler, of the same federal court, on a separate petition from Guantanamo detainees. Kessler declared that Congress had passed a law that removed conditions at Guantanamo from the jurisdiction of the federal courts.

At the same time, however, Judge Kessler acknowledged that force-feeding is "painful, humiliating and degrading." Voicing the disquiet of a section of the judiciary and the broader political

establishment, she said that President Barack Obama was "the one individual who does have the authority to address the issue."

The prisoners at Guantanamo have endured conditions that, in terms of length of imprisonment and the stripping of habeas corpus and virtually all other legal rights, are almost without precedent. They began their hunger strike in February. While it was originally triggered by the handling of Korans and other abusive treatment, it has become a means of protesting their indefinite confinement under appalling conditions, including the fact that, entrapped in the endless US "war on terror," they have been given almost no hope of release.

One hundred sixty-six detainees remain at Guantanamo, hundreds having been repatriated to their home countries or elsewhere after years and years of imprisonment without trial and without, of course, a word of apology or a penny of reparations. In the recent period, however, inmate releases have virtually stopped. Of the remaining detainees, 86 have been cleared for transfer, mostly to Yemen, but they remain trapped because of what the Obama administration claims is political instability in that country.

Jon Eisenberg, an attorney representing the detainees whose latest request has been summarily rejected, refuted the charge that they seek to kill themselves. "Judge Collyer has misunderstood what the hunger-striking detainees want," he said, according to the Politico web site. "They don't want to commit suicide. They want to protest their indefinite detention, and hunger-striking is the only means they have to do so."

Military authorities claim that the number of hunger strikers has begun to fall, from a peak of 106 last week to 80 as of this Tuesday. Eisenberg said there was no weakening of resolve by the prisoners, however. "The

government is denying the detainees the right to perform communal Ramadan prayers unless they eat,” he explained. “That’s why the numbers of hunger-strikers are going down. They want to pray.”

The role of the White House in relation to the hunger strikers is particularly hypocritical and contemptuous. On May 23, Barack Obama gave a speech in which he repeated his vow to shut Guantanamo, calling it “a symbol around the world for an America that flouts the rule of law.” Two months later, absolutely nothing has been done to close the facility or even to release those detainees who have supposedly been cleared to leave. It is difficult to believe that the president feels his occasional “human rights” rhetoric is fooling anyone, in the US or around the world.

In another ruling handed down by a district court judge last week that at least partly exposed the brutality of conditions at Guantanamo, Judge Royce C. Lamberth barred US guards from continuing groin searches. As reported by Walter Pincus in the *Washington Post*, Lamberth explained that for the last several months guards were required to use a flat hand “to press against the groin to detect anything foreign attached to the body.”

Lamberth declared that this and some related actions were “religiously and culturally abhorrent” to Muslim detainees. The judge rejected government arguments that the invasive searches of detainees when they leave and return to their cells were necessary to find contraband, declaring that they were an “exaggerated response” to security concerns.



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