

California judge authorizes force-feeding of prisoners on hunger strike

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A federal judge from the U.S. District Court in San Francisco has approved California prison officials' request to force-feed inmates who are taking part in a statewide hunger strike that began on July 8. Having attracted 30,000 inmates at its peak, the hunger strike is the largest in state history.

Now entering its seventh week, there are still as many 69 inmates who have refused all prison-issued meals since the start of the strike, which was called in response to the cruel and unusual punishment of holding suspected gang members in solitary confinement for indefinite periods of time. The California Department of Corrections and Rehabilitation (CDCR), which oversees California's vast prison system, has described the statewide protest against prison conditions as a "mass disturbance" in "[violation] of state law."

Dr. Steven Tharratt, director of medical services for the federal official tasked with overseeing all medical care in California's prison system, stated that force-feeding would only be employed against those inmates who are unconscious or near death, regardless of whether an inmate signed a "do not resuscitate" directive or not.

Attempting to make a distinction between California's force-feeding policy and that of Guantanamo Bay, Dr. Tharratt emphasized that it would most likely be done intravenously. "It's not really force-feeding at that point. It doesn't evoke images of Guantanamo Bay or anything like that. It's actually a totally different setting."

However, Joyce Hayhoe, a spokesperson for the California Correctional Health Care Services, has said that the CDCR would not rule out a scenario where inmates could be force-fed using feeding tubes inserted through their nasal passage, as was done at

Guantanamo Bay.

Force-feeding, according to Rupert Colville, spokesman for the UN Office of the High Commissioner for Human Rights, is a violation of international law. "If it's perceived as torture or inhuman treatment—and it's the case, it's painful—then it's prohibited by international law."

In May, the Constitution Project also stated that the force-feeding of inmates that occurred at Guantanamo Bay could be considered torture. Dr. Gerald Thomson, one of the group's members, said, "The World Medical Association and international officials have clearly identified that process as cruel, inhuman and degrading treatment. And given the level of brutality it could extend to torture."

The American Medical Association and the United Nations condemnation of the force-feeding of inmates is based on the World Medical Association's 1975 Declaration of Tokyo. The document states that when a prisoner "refuses nourishment and is considered by the physician as capable of forming an unimpaired and rational judgement concerning the consequences of such a voluntary refusal of nourishment, he or she shall not be fed artificially."

It was later added to the document, in 1991, that force-feeding is "never ethically acceptable."

Whatever form the force-feeding measures may take, they are intended to discourage any resistance against deteriorating prison conditions and indefinite solitary confinement practices. Last month, prison officials began segregating hunger strike leaders and lowering the temperatures in their cells in an attempt to break the strike. Similarly, the plans to begin force-feeding inmates are intended as punitive measures against inmates participating in the statewide hunger strike.

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