

Courts back Trump administration as ICE continues to force-feed immigrants

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Since Immigration and Customs Enforcement's (ICE) practice of force-feeding immigrants in its detention was revealed in January this year, the Trump administration has continued to find support within the judicial system for flouting basic democratic norms including the ban on cruel and unusual punishment.

In January, the Associated Press reported on over a dozen hunger-striking immigrants at five different ICE detention centers for which the agency had been able to obtain a federal court order authorizing force-feeding. Eight months later there are multiple hunger strikers in ICE custody that are being subjected to the same brutal treatment with the backing of the courts.

Ajay Kumar, an Indian asylum seeker from Punjab who fled due to political persecution by the Hindu supremacist Bharatiya Janata Party (BJP) government, began a hunger strike on July 8 with three other men over their lengthy detention, now over one year. While Kumar is still being held in ICE's El Paso detention center, the condition of the other three is unknown, as two have since been deported and one was transferred to another facility. Kumar's attorney has not yet been able to locate them. Kumar has told the media that he fears for his life in India, warning that "If I go back to India, I will be tortured and killed. I can die here."

Dr Parveen Parmar, chief of the division of global emergency medicine at the University of Southern California, told the court reviewing Kumar's case that Kumar had received "the worst medical care I have seen in my 10 years of practice."

Meanwhile, Evgenii Ivanov, a Russian man detained at the Otay Mesa Detention Center in San Diego since November of last year, began a hunger strike on Aug 4. His exact reasons for his strike are unclear, as he does not speak English and does not have an attorney. He has reportedly lost 27 pounds in under a month of

refusing food. Federal Judge Dana Sabraw approved a request from ICE to restrain and forcibly feed and hydrate him in mid-August.

Mergensana Amar, also a Russian immigrant, died in ICE custody at their Tacoma detention center after an attempted suicide around Thanksgiving of last year. Before his death he had started a months long hunger strike and was punitively placed in solitary confinement and threatened with force-feeding.

Force-feeding typically can cause excruciating pain, is dangerous when performed on unwilling participants, and is recognized by international doctors' associations as a form of torture.

In accordance with the Hippocratic oath, the World Medical Association's Declaration of Tokyo explicitly forbids forced feeding of hunger strikers as torture and makes no exceptions as to prison doctors in participating in the act. According to the declaration, those capable of "rational judgment concerning the consequences of such a voluntary refusal of nourishment ... shall not be fed artificially."

Rejecting both the US Constitution's Eighth Amendment ban on cruel and unusual punishment and the basic humanitarian principles behind the Tokyo declaration, Sabraw wrote in his order defending ICE that "The Court finds that Plaintiff is likely to succeed in showing that its interests in preserving life and discharging its duties to care for those in its custody outweigh any interest Defendant might have in expressing himself through a hunger strike."

The Trump administration has systemically emboldened and abetted the fascistic elements in and around ICE. While ICE has always attracted the most right-wing layers, their actions have reached qualitatively lower depths under the Trump administration.

The unapologetic use of torture by ICE has met with tacit approval from the entire political establishment, including its nominally “left” wing. In June, House Democrats voted to fund ICE to the tune of \$4.6 billion using humanitarian pretensions to argue that some of the funding would be used to improve conditions for immigrants.

The same barbaric acts used today against immigrants will tomorrow be used against native born Americans. In a time of the resurgence of the class struggle around the world, the ruling class is again turning towards authoritarian and fascistic forms of rule. It is entirely possible that the same methods used against “illegal” immigrants today will be used against “illegal” strikers tomorrow.

The entire ruling class is promoting nationalism as a means to divide the working class and is at the same time building up right wing forces such as ICE in preparation for a confrontation with the working class.



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