

ACLU report highlights ICE brutality against hunger striking migrants under Obama and Trump

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On Wednesday, the American Civil Liberties Union (ACLU) and Physicians for Human Rights (PHR) released a report highlighting the brutal and inhumane treatment by Immigration and Customs Enforcement (ICE) of migrants who went on hunger strikes in various detention centers around the country. The report, based on over 10,000 pages of information released under the Freedom of Information Act, deals with ICE's response to hunger strikes in its facilities between 2013 and 2017, a period that covers parts of the Obama and Trump administrations.

Apart from outright intimidation and threats of retaliation, the “involuntary and invasive medical procedures” detailed in the report include force feeding, forced hydration and forced urinary catheterization—which involves inserting a tube into the urethra to involuntarily collect urine from people on a hunger strike.

A hunger strike is often the last resort available to desperate detainees, who have no other means to draw attention to their plight.

As José Tapate, who was held in immigration detention and went on a hunger strike over poor food and medical care, told the authors of the report: “What we want people to know is that people go on hunger strike because something is happening on the inside... There are so many things happening behind closed doors that people are not aware of.”

Joe Mejia, a detainee who went on a five-day hunger strike with other detainees in Mesa Verde, California, to protest against poor conditions and lack of COVID-19 precautions, stated in an interview: “No one wants to starve, to feel their intestines move inside their body because of hunger ... The housing, conditions, clothing, food, hygiene—they try to make individuals in ICE detention miserable.”

That conditions in ICE detention centers are dire does not come as a surprise. In April, an internal watchdog report released by the Department of Homeland Security (DHS) Inspector General found serious concerns regarding “detainee care and treatment”—including one case where a cancer patient ran out of leukemia medication after staff forgot to order a refill in time.

A peaceful protest by detainees to demand better Personal Protective Equipment (PPE) during the pandemic was met with a response that included the deploying of chemical agents from the ceiling and the firing of pepper spray from handheld devices.

The watchdog report was based on an unannounced, remote inspection of a single facility, La Palma Correctional Center in Eloy, Arizona, for a span of just four months between August and November 2020. One can only imagine what the results would have been had the sample included more facilities and a greater timespan. The ACLU-PHR report provides a version of this perspective.

The report found there were hunger strikes by at least 1,378 people across 62 immigration detention centers from 2013 to 2017. While it was not clear how many were subjected to forced and invasive measures, documents acquired by the ACLU and PHR show evidence that force feeding had been carried out by ICE as early as 2012.

The report highlights the travails of John Otieno, whose name was changed to protect his identity, a 28-year-old East African asylum seeker held at Pine Prairie ICE Processing Center in Louisiana. Otieno, who had been detained by ICE after seeking asylum at the US-Mexico border, had been moved between multiple facilities and found it impossible to fight his case since he was not being released on parole. In early 2020, he decided that he would seek asylum in a different country and sent

multiple letters to ICE stating that he would even pay his own way if he was released. His requests met with no response. After finding out that refusing to eat for three days would mean higher officials would have to become involved in his case, Otieno decided to go on a hunger strike. “It was the only option I had,” he said. “I needed my freedom. I needed to move on with my life—because at that point, I was stuck in one place with no hope, only doom.”

After day four of his first hunger strike in March 2020, Otieno was sent to solitary confinement and threatened with forced feeding. After 12 days, he met with an ICE supervisor who agreed to look into his case if he ate. Otieno agreed and ended his strike. But it was an empty promise.

In July 2020, Otieno went on a second hunger strike with 28 other detainees who were fighting for improved conditions within the center. On day three, ICE guards in riot gear escorted the detainees to solitary confinement. On day nine, Otieno and two others collapsed and were taken to a medical facility. When the employees at the hospital refused to force-feed the hunger strikers, ICE took Otieno back to the Pine Prairie ICE Processing Center. The next day, Otieno was sedated and strapped to a stretcher with restraints placed on his arms, chest and legs. With six officers and three nurses surrounding him, a plastic feeding tube was forced into his nose, down his throat and finally to his stomach.

“It was cruelty,” Otieno told BuzzFeed News. “It’s humiliating to me as a man when some other man can do as he wishes with my body... You feel hopeless... like a piece of trash.”

In addition to the medical procedures, the ACLU-PHR report details the other measures used by ICE to retaliate against hunger-striking detainees. These range from denying commissary privileges to limiting water access and threatening prosecution. In one case, ICE reportedly brought in a Bangladeshi consulate official to meet with asylum-seekers on a hunger strike who had fled persecution from their government. Another document reveals that during a hunger strike in 2016 by 22 mothers at the Berks County Residential Center in Pennsylvania, Dr. Philip Farabaugh, an associate medical director at ICE, suggested separating families, taking the children away from the mothers as a way to control the situation.

Joanna Naples Mitchell, a US researcher for PHR, told BuzzFeed News that she had seen documents in which ICE was planning to transfer immigrants on a hunger strike to Krome Service Processing Center in Miami,

where force-feeding was more likely to be administered, so that the detainees could be deported as scheduled.

Responding to the report, ICE released a statement claiming it does not retaliate against hunger strikers: “For their health and safety, ICE carefully monitors the food and water intake of those detainees identified as being on a hunger strike... Additionally, ICE explains the negative health effects of not eating to its detainees, and they are under close medical observation by ICE or contract medical providers.”

To say that this pro forma response is ludicrous is to perhaps state the obvious. It should also be noted that the force-feeding that has been adopted so enthusiastically by ICE and its private contractors—similar to the methods the CIA used to torture detainees at international black sites—is condemned by the American Medical Association as a violation of “core ethical values of the medical profession” and by the United Nations as torture and a breach of international law.

The ACLU-PHR report comes on the heels of testimonials from migrant children about the horrifying conditions that currently exist in the emergency shelters set up by the Biden administration, and on the eve of Vice President Kamala Harris’ first visit to the US-Mexico border. Harris, who was appointed as the “Migration Czar” by Biden in early March, has so far stayed away from the border region.

When questioned about it in a much-derided interview with NBC’s Lester Holt, the vice president claimed that a visit would only be a “grand gesture” and that she had not been to Europe either. However, the increasing number of revelations about the horrifying conditions faced by migrants in federal custody has perhaps made the administration feel like it is time for a “grand gesture.”

During her trip to Guatemala earlier this month, Harris chided desperate immigrants who would seek entry into the United States. Her message was very clear: “Do not come. Do not come... If you come to our border, you will be turned back.” Left unsaid was what the recent reports make clear: if they are not turned away, migrants will be subjected to cruel, inhumane and degrading treatment in violation of ethical norms or international law.



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