

April 10, 2014

The Honorable Chuck Hagel
Secretary
United States Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary,

The undersigned civil liberties, human rights, and religious organizations wrote to you on December 19, 2013 to express serious concerns over two developments at the Guantánamo Bay detention facility (that letter is attached). Shortly before writing, we learned that protocols for managing hunger strikes at Guantánamo had been revised, but the military refused to disclose the changes. We also learned that US Southern Command had decided to stop providing the public with information on the number of detainees engaged in hunger strikes.

Unfortunately, basic information about detainees currently on hunger strike at Guantánamo, including critical details about how the military manages them, remains cloaked in secrecy. The prospect that the number of detainees on hunger strike has increased since we last wrote makes transparency even more urgent.¹

The March 10, 2014 release of a Defense Department document titled “Medical Management of Detainees with Weight Loss” raises additional concerns. Though heavily redacted and replete with inappropriate euphemisms, the document appears to contain the governing protocol for managing hunger strikes at Guantánamo (or “long-term religious fast[s],” as JTF-GTMO now labels them). Much of the information needed to assess thoroughly whether the revised protocol ameliorates any of our moral, ethical or legal concerns remains secret. However, the disclosed portions of the protocol – coupled with [recent allegations](#) that detainees continue to be force-fed in a manner which amounts to cruel, inhuman or degrading treatment – suggest that serious violations of medical ethics, medical care standards and human rights obligations could be commonplace. For example:

- Enclosure 7 (“Enteral Feeding Nursing Note”) reveals that detainees subject to “enteral feeding” continue to be restrained, which can include violent “Forced Cell Extractions” (FCEs) both to and from the restraint chair.

¹ According to recent [comments](#) by Rear Admiral Richard Butler, the number of detainees on hunger strike and approved for force-feeding may have risen from 15 (the number reported on Dec. 2, 2013 – the last day Guantánamo’s public relations team disclosed figures) to as many as “a couple dozen”.

- According to section II.B., all detainees are now being weighed monthly. Those “who are of concern to the medical staff” are weighed more frequently. Any detainee who refuses to consent is weighed “involuntarily.” In practice, we fear that this mandate will lead to an increase in the frequency of often brutal FCEs. Indeed, the protocol explicitly contemplates weighing detainees “while on backboards or wearing shackles.”
- A Defense Department spokesman has [said](#) previously that JTF-GTMO’s protocols for managing hunger strikes “match” those followed by the U.S. Bureau of Prisons (BOP). As we noted in our previous letter, Senator Dianne Feinstein (D-CA) [wrote](#) to you in June of last year challenging that claim, in particular with respect to certain safeguards that BOP follows.² According to section I.B. of JTF-GTMO’s “weight loss” protocol, “[t]he current medical management of detainees with weight loss ... has been developed using procedures *adapted* from the Federal Bureau of Prisons.” (Emphasis added). Nothing about that carefully worded description indicates that the BOP protections are in place at Guantánamo, and reports from detainee counsel suggest otherwise.
- According to section II.E., “[p]reventing [redacted] is important to maintaining good order and discipline in the detention environment, and in protecting detainee health.” If the redaction is a reference to hunger strikes, it could be read implicitly to sanction punitive measures to break or deter them. If it is a reference to public release of hunger strike-related information, it gets the relationship between transparency and detainee welfare exactly backwards.

The [World Medical Association](#), the [American Medical Association](#), the [International Committee of the Red Cross](#), the [Inter American Commission on Human Rights](#), and [United Nations Special Rapporteurs on Torture, on Human Rights and Counter-Terrorism, and on Health](#), all oppose force-feeding – a practice that appears to continue at Guantánamo. It is time to lift the veil of secrecy around hunger strikes, and to provide the public with the information that it needs – and deserves – to understand what is happening and to hold its government accountable. To that end, we reiterate our request that you order JTF-GTMO to resume providing basic information on the numbers of detainees on hunger strike, including how many have been approved for force-feeding and how many have been hospitalized. We further urge you to make public a fully unredacted copy of the current hunger strike management protocol.

² Those safeguards include: a requirement that the facility warden notify a judge if an inmate is to be fed involuntarily, including relevant background and an explanation for why involuntary feeding is necessary; an individualized assessment of how involuntary feeding is to be administered; and a requirement that all involuntary feedings are videotaped. We do not suggest that implementation of those safeguards at Guantánamo would be sufficient to render JTF-GTMO’s hunger strike management protocol consistent with international law.

Thank you for your attention to this important matter.

Sincerely,

American Civil Liberties Union

Amnesty International USA

Arab American Institute

Center for Constitutional Rights

Center for Victims of Torture

The Constitution Project

Friends Committee on National Legislation

Human Rights First

Human Rights Watch

International Justice Network

National Religious Campaign Against Torture

National Security Network

Physicians for Human Rights

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