

The Honorable Charles Hagel
Secretary of Defense

Cc.

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Special Envoy for Guantánamo Closure
Department of Defense

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July 17, 2014

Dear Mr. Secretary,

We write to ask that videotapes of the force-feedings taking place at the Guantánamo Bay detention facility be disclosed in the public interest. U.S. officials first admitted to the existence of such tapes in April, during the habeas proceedings of Abu Wa'el Dhiab, a Syrian detainee cleared for release. Several tapes of his force-feedings have been disclosed to his legal team as part of his habeas proceedings. They are unable to reveal the contents of the tapes but have broadly described them as “disturbing” and allege they are evidence of unlawful force-feedings taking place at Guantanamo Bay. The tapes are currently classified at the “Secret” level and therefore are not available to the public.

Last year, in a speech at the National Defense University, President Barack Obama reflected on the force-feeding of detainees on hunger strike at Guantánamo, asking: “Is this who we are? Is that something our Founders foresaw? Is that the America we want to leave our children?” The World Medical Association, the American Medical Association, the International Committee of the Red Cross, the Inter-American Commission on Human Rights, and the United Nations Special Rapporteurs on Torture, on Human Rights and Counter-Terrorism, and on Health, have all denounced force-feeding detainees who are on a voluntary and informed hunger strike. According to recent reports, at least one medical provider at Guantanamo is refusing to participate in force-feeding.¹

Many of the signatories to this letter have previously expressed serious concern that JTF-GTMO’s hunger strike management practices violate medical ethics, medical care standards and human rights obligations, and that those practices are improperly shrouded in secrecy.²

The legality and morality of force-feeding at Guantánamo is a matter of intense public interest and ongoing concern for the medical and human rights community. Sixteen major US media organizations have petitioned the U.S. District Court for the District of Columbia for access to the tapes, noting in

¹ Danica Coto, *Navy Nurse Refuses to Force-Feed Gitmo Detainees*, Associated Press, 15 July 2014, available at <http://abcnews.go.com/International/wireStory/navy-nurse-rejects-force-feed-gitmo-prisoners-24576198>.

² Letter to the Secretary of Defense, Chuck Hagel, 10 April 2014, available at <http://www.constitutionproject.org/wp-content/uploads/2014/04/140410-Coalition-Letter-GTMO-Hunger-Strikes-2.pdf>

their request that “the videotapes are the most direct and informative evidence of Government conduct that petitioner [Dhiab] alleges to be unlawful.”³

It is unclear what national security interest the United States is protecting by designating them “Secret.” Under the U.S. executive order governing the designation of classified information, material should not be classified in order to conceal violations of law or prevent embarrassment. We therefore urge you to have the tapes reviewed to determine whether what is depicted in them should be declassified and disclosed in the public interest. Mr. Dhiab’s lawyers have said that he has consented to waive any privacy interests associated with the disclosure of the tapes.

This administration has promised the American people transparency in the conduct of government affairs. If, as the government repeatedly claims, the force-feeding of hunger striking detainees at Guantanamo Bay is being done in a lawful and humane manner then subjecting these videotapes to public scrutiny would seem to be the best way to demonstrate this fact.

Sincerely,

American Civil Liberties Union

Center for Constitutional Rights

Defending Dissent Foundation

Friends Committee on National Legislation

Government Accountability Project

Human Rights Watch

MACAT (Massachusetts Campaign against Torture)

National Religious Campaign Against Torture

No More Guantanos

North Carolina Stop Torture Now

OpenTheGovernment.org

Physicians for Human Rights

Reprieve

Tackling Torture at the Top Committee of Women Against Military Madness

The Constitution Project

The Sunlight Foundation

Witness against Torture

³ Abu Wa’el (Jihad) Dhiab v. Barack H. Obama et al Civ. No. 05-1457.