

GITMO DETAINEES TRY TO FORCE END TO FORCE-FEEDING IN TIME FOR RAMADAN

According to Carol Rosenberg's count, 44 of the 106 Gitmo detainees currently on hunger strike are being tube-fed. Which suggests there are too many men to carry out the tube feeding after sunset and sunset, which is what the camp has done in past years when there were fewer detainees hunger striking during Ramadan.

That is just one of the issues cited in the emergency motion filed by the lawyer for Shaker Amer and three other detainees, Cori Crider, plus John Eisenberg (of al-Haramain fame) to end the practice.

Petitioners have been detained at Guantánamo Bay for up to 11 years. At this point, their detention without trial or military commission proceedings has become indefinite. To force-feed a noncriminal detainee in order to prolong his indefinite detention violates the law of human rights and thus serves no legitimate penological interest.

Petitioners' force-feeding also violates medical ethics and is inhumane. For that reason, too, it serves no legitimate penological interest. The only theory advanced to justify petitioners' detention is that, more than a decade ago, they were enemy belligerents. Their detention, it is said, is necessary to ward off some putative "return" to the battlefield. They dispute that claim, but even if one accepts it, a noncriminal enemy belligerent is still entitled, under the Geneva Conventions and basic standards of human decency, to be treated honorably and humanely. Being

strapped to a chair and having a tube forcibly inserted through one's nostrils and into one's stomach is dishonorable and degrading. It falls within the ambit of torture or other forms of inhumane treatment. In the long history of American detention of the enemy, bodily invasions of this character have never been the routine business of the prisoner of war camp.

The motion has individual descriptions from each of the four detainees explaining why they are striking.

[Nabil] Hadjarab is an Algerian citizen and former French resident. His living relatives are French citizens and have requested that the French government accept him in honor of his family's history of French military service. He was also cleared by the Bush administration ARB in 2007 and by the Obama-era GRTF in 2009.

[snip]

Mr. Hadjarab was among the first prisoners to be force-fed, on March 22, 2013. Crider Decl. Ex. A, at 11. He also finds the process degrading and painful, stating that the feeding chair " 'reminds [him] of an execution chair.' " Id. at 11. He, too, has sought to raise concerns with medical staff and has been rebuffed.

The big question will be whether the courts accept a challenge on prison conditions.

The judges in these detainees' habeas cases, Rosemary Collyer and Gladys Kessler, have given the government until Wednesday to respond.

Ramadan starts Monday.