

By Jeff Bachman

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On July 15, the *Miami Herald* [reported](#) that a Navy medical officer recently refused to continue to participate in the force-feeding of Guantanamo Bay prisoners who are on hunger strike. According to Cori Crider of Reprieve, who was informed of the Navy officer's decision by her client, Abu Wa'el Dhiab, "Once [the officer] saw with his own eyes that what he was told was contrary to what was actually taking place here, he decided he could not do it anymore." Dhiab also told Crider that the officer [announced](#), "I have come to the decision that I refuse to participate in this criminal act."

In May 2013, [Al Jazeera](#) obtained an unredacted copy of a revised set of Standard Operating Procedures (SOP), issued in March 2013, for dealing with Guantanamo Bay prisoners on hunger strike. Journalist Jason Leopold, who has taken the lead in investigating the abuse of Guantanamo Bay prisoners, [reviewed and analyzed](#) the revised SOP. From the document, Leopold details the "brutal and dehumanizing medical procedure that requires them to wear masks over their mouths while they sit shackled in a restraint chair for as long as two hours." A tube as much as two feet long is "snaked through their nostril until a chest X-ray, or a test dose of water, confirms it has reached their stomach."

Dhiab, who has been cleared for release since 2009, has been at the center of legal challenges to the practice of force-feeding of hunger strikers. Not having any other option, Dhiab and others went on hunger strike to challenge their continued detention. Yet, Dhiab has [expressed](#) his willingness "to be force-fed in a humane manner," [including being](#) "spared the agony of having the feeding tubes inserted and removed for each feeding, and if he could be spared the pain and discomfort of the restraint chair."

He [asks](#), "Is it necessary for them to torture me? Is it necessary for them to choke me every day with the tube? Is it necessary for them to make my throat so swollen every day? Do I have to suffer every day? Is it necessary for them to put me on the torture chair in order to feed me?"

Dhiab's legal challenges have been heard by Senior Judge Gladys Kessler of the U.S. District Court for the District of Columbia. In her ruling from May 22, 2014, Judge Kessler [wrote](#), "Mr.

Dhiab has indicated his willingness to be enterally fed...if he could be spared the agony of having the feeding tubes inserted and removed for each feeding, and if he could be spared the pain and discomfort of the restraint chair....The Department of Defense refused to make these compromises."

Despite the Obama administration's [repeated claims](#) that force-feeding is humane and necessary to keep hunger striking prisoners alive, the DoD's refusal to accept the compromise Dhiab offered demonstrates the real purpose behind the manner in which Guantanamo Bay prisoners are force-fed. The real purposes are to punish them for acting on their human right to protest, to coerce them into ending their protest, and to dissuade other prisoners from joining them. As George Annas, a professor and Chair of the Department of Health Law, Bioethics & Human Rights at Boston University, [ask](#)
[ed](#),

"Is there a legal justification for force-feeding a prisoner who is willing to be fed voluntarily?"

The answer is unequivocally 'no'. Article I of the [UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as...punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person,...when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

Jon Eisenberg, who also represents Dhiab, believes that while some of the practices associated with the force-feeding of prisoners may not reach the severity necessary for them to constitute torture, others do, and he has "no doubt that cumulatively it all adds up to torture." The purpose of the torture is punitive, coercive, and is intentionally painful. Further, it is perpetrated with the full knowledge and consent of the Obama administration in clear violation of the United States' obligations as a party to the Torture Convention.

Everyone from those who administer the force-feeding to Secretary of Defense Chuck Hagel to President Obama share responsibility for the torture and abuse of prisoners on hunger strike. As has been demonstrated by the Navy medical officer, those being asked to torture the prisoners can choose whether to participate. As established during the [Nuremberg Trials](#), following orders is not a legitimate defense. Secretary Hagel is responsible for the torture because he is responsible for DoD policies. And President Obama is responsible because, as Commander-in-Chief, he has the ultimate authority to dictate DoD policies. President Obama could have ordered the DoD to accept Dhiab's compromise, but instead he permits the ongoing

torture.

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