

U.S. Court Upholds Guantanamo Detainees' Right to Challenge Force-Feeding

By [Reprive](#)

Theme: [Law and Justice](#)

Global Research, February 12, 2014

[Reprive](#) 11 February 2014

A Washington D.C court has today ruled that hunger-striking Guantánamo detainees, including the last remaining British resident, [Shaker Aamer](#), can challenge force-feeding in federal court.

The US Court of Appeals for the District of Columbia ruled in *Aamer et al. v. Obama*, a case brought by lawyers from human rights charity [Reprive](#) and associated counsel [Jon B. Eisenberg](#), that the [Federal District Court](#) has jurisdiction to decide whether the techniques used to force-feed Guantánamo detainees.

The appellate court held that the detainees should be allowed a 'meaningful opportunity' back in District Court to show that the Guantánamo force-feeding was illegal. The judges also invited the detainees to challenge other aspects of the protocol. The detainees have [alleged that the force-feeding is both a violation of their rights, and gratuitously torturous](#).

The judges refused to ban force-feeding altogether, saying that for an immediate injunction "it is not enough for us to say that force-feeding may cause physical pain, invade bodily integrity, or even implicate petitioners' fundamental individual rights."

The judges also said that they could not bar the doctors from following military orders in Guantánamo merely because they might be acting in violation of their medical ethics.

The judges also ruled, with respect to the [Religious Freedom Restoration Act](#) (RFRA), that the foreign detainees could not be deemed to be 'persons' within the definition of the act. Therefore, the prison could not be prevented (by the courts) from trampling on the detainees' religious freedoms.

Detainee [Emad Hassan](#), who has been on hunger strike and force-fed since 2007, said in a recent conversation with his lawyer Clive Stafford Smith: "I am so dehydrated that my tongue becomes dry like tanned animal skin. They can't find a vein to take my blood. They always strap me to the chair for force feeding, whether I am vomiting or not. The chairs slope backwards and because I have terrible kidney problems it is very painful."

Shaker Aamer, in a conversation with his lawyer in anticipation of the judgement, said: "This is one step towards justice. A general in charge of this place said they were going to make it less 'convenient' for us to go on a peaceful hunger strike. The way they force feed us is just torture, using the FCE [Forcible Cell Extraction] team to force us to the feeding room, using the torture chair to strap us down, using tubes that are too big for our noses, and putting

the 120 centimeter tubes in and pulling them out forcefully twice each day, with each feeding. Instead of making matters worse here, they should treat us with respect, like human beings.”

At the latest count, 17 of the strikers continue to be force-fed, and there are another 17 who are not currently being force-fed.

Cori Crider, Reprive’s strategic director, said: “This is a victory for the prisoners. The detainees have been on hunger strike for years now, with the simple, peaceful demand that they be given a fair trial or freedom. President Obama agrees that the Guantánamo regime is a blot on the reputation of America, and it is time he put an end to the torturous force feeding there.”

Jon B. Eisenberg, the California-based lawyer who argued the case, said: “This decision puts a large crack in the edifice of lawlessness that has surrounded Guantánamo Bay since 2002. It’s a good day for the rule of law in America.”

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