

**Index: AMR 51/014/2013**  
**Letter to US Secretary of Defense in relation to**  
**hunger-strikes at Guantánamo**

Ref: TG AMR 51/2013/003

The Honorable Charles Hagel  
Secretary of Defense  
US Department of Defense  
1000 Defense Pentagon  
Washington DC 20301  
USA

22 March 2013

Dear Secretary of Defense

I am writing to express Amnesty International's continuing deep concern at the situation faced by the detainees held in Department of Defense custody at the US naval base at Guantánamo Bay in Cuba. Our long-held concern about the psychological and physical impact of years of indefinite detention upon the detainees, added to the effects of any human rights violations they endured during the interrogation process at the hands of military or other government agency personnel after being taken into US custody, is heightened by reports that a number of the men are currently on hunger-strike.

While Amnesty International is not in a position to know the full details of the men's reasons for their current protest or the credibility of the claims, we recall among other things the disturbing history of hunger-strike protests at the camp, as well as the fact that there have been nine deaths there since 2006, including seven that the US authorities have reported as suicides. We would urge you to ensure: a serious and thorough review of the current situation including cell-search policies and practices; that everything possible is done to address sources of tension between the detainees and detention facility personnel; to guarantee the men continued and regular access to independent medical assessment and care including with reasonable grounds to be treated by a doctor of their choice; that the men's lawyers receive full responses to the various letters they have sent you and the Guantánamo authorities; that they are kept fully informed about developments relating to the health and well-being of their clients; and that the men's lawyers, family members where appropriate, and Amnesty International in response to this letter, are informed as to how these measures are being implemented.

At a Department of Defense briefing on 20 March, General John F. Kelly, Commander of US Southern Command, said that under the definition of a hunger-strike used at Guantánamo – namely "nine missed meals in a row" – "we think about 24" of the detainees were on hunger-strike and that eight detainees were being fed through a tube each day. Latest reports indicate that the hunger-striker total is now 26. Thus it seems that the hunger-strike is gaining momentum rather than being resolved. As of 15 March, there were reported to be 14 hunger-strikers officially recognized as such by the Department of Defense.

General Kelly dismissed as "nonsense" allegations that there had been mishandling of the Quran by personnel during cell searches at Guantánamo, one of the reported claims made by detainees as a trigger for the protest. Also on 20 March, Captain Robert Durand, Director of Public Affairs at Joint Task Force-Guantánamo, issued a statement asserting that "recent allegations by detainees that conditions at GTMO have deteriorated or that guard [sic] have abused detainees or the Quran are patently false". He said that "25 of the 166 detainees are currently designated as hunger-strikers", although "we have seen more detainees support the hunger strike", but added that reports of "hunger-strike related deteriorating health and detainees losing massive amounts of weight are simply untrue".

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Whatever the truth of the matter, there is no getting away from the fact that the vast majority of the detainees, including dozens of individuals who have long been "approved for transfer" by the US authorities, are held in indefinite detention without charge or criminal trial, with all the distress and uncertainty that such a detention regime can engender. At the Pentagon briefing on 20 March, General Kelly said that the detainees had had "great hope" that the Guantánamo detention facility would have been closed by now. It is now, after all, more than three years past President Obama's deadline for closing the facility, with no resolution of the detentions in sight. In a statement to the House Armed Services Committee on 20 March, General Kelly pointed out that a "temporary detainee operation has now lasted over 11 years" and added a stark illustration of this when he said that among the "major challenges" faced by the authorities at Guantánamo were "the medical issues of the ageing detainee population [which] are increasing in scope and complexity".

At the 20 March Pentagon news briefing and at the House Armed Services Committee hearing on the same day, General Kelly suggested that a contributory factor to the current protests were recent developments perceived by detainees as indicating that the administration has given up on fulfilling President Obama's 22 January 2009 executive order on closing Guantánamo. General Kelly said that these developments included the announcement in early February 2013 that the Office for the Special Envoy for the Closure of Guantánamo Bay would itself be closed down, and the fact that President Obama had made no mention of the Guantánamo detentions either in his inaugural address of 21 January or in his 12 February State of the Union speech. General Kelly further told the House Armed Services Committee on 20 March that the detainees had been "devastated" by what they perceived as the President having "backed off" closure of the Guantánamo detention facility.

It should not be difficult for any human being to imagine the sense of hopelessness such silence could compound in a detainee population held for years in indefinite detention. The note of desperation sounded by an Afghan detainee at his Administrative Review Board hearing in Guantánamo poignantly captured the experience detainees face at Guantánamo: "I was a young boy got captured and brought here, my youth has been spent here in jail... I'm trying to be patient as I can, I've been patient". He said, not yesterday, but *five and half years ago*, in 2007. And by that time he had already been held in US custody for five and a half years. He remains in Guantánamo without trial today, not knowing when, if ever, his case will be resolved. About 19 years old at the time he was first taken into custody, he is now over 30.

A tragic reminder of the numbing cruelty of indefinite detention, and the urgent need to resolve these detentions, came six months ago with the news that another detainee had died at Guantánamo, reportedly as a result of suicide. Amnesty International expressed the hope that the death of Yemeni national Adnan Farhan Abdul Latif – who had been held in US custody without charge or trial for more than a decade – would spark a renewed effort by the US authorities to resolve the Guantánamo detentions. The organization deeply regrets that this has not happened. Yet Adnan Latif's mental health had given cause for considerable concern over the years. Writing to his lawyer in March 2010, for example, he had said that his circumstances made "death more desirable than living". Four months later, the US District Court ruled that his detention was unlawful. Despite the fact that Adnan Latif had also been "approved for transfer" by the executive authorities, the Obama administration appealed this judicial ruling. On 14 October 2011, a divided Court of Appeals panel overturned the District Court order. At a meeting in Guantánamo 11 days after that reversal, Adnan Abdul Latif told his lawyer "I am a prisoner of death". On 11 June 2012 the US Supreme Court refused, without comment, to review the case. Latif was dead three months later.

According to his attorney, Adnan Latif had been held in isolation for the majority of his detention and had not received adequate medical treatment. Adnan Latif had been involved in detainee protests at Guantánamo, including hunger strikes. When his lawyers met with him in May 2012, Adnan Latif had resumed his hunger strike. He was physically very weak and he "thinks he will die and has given up all hope".

While President Obama was silent on the Guantánamo detentions in the two key speeches mentioned above, Amnesty International recalls something that he did say in his State of the Union address, namely that the USA would "insist on respect for the fundamental rights of all people". And in his inauguration speech three weeks earlier, the President said that "human dignity and justice" were

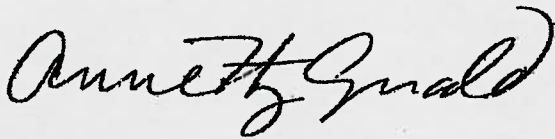
among those principles which must be constantly advanced. To a detainee, and the wider world, it must surely seem that Guantánamo is an exclusion zone as far as such principles are concerned.

Whatever the cause of the current detainee protests at Guantánamo, the backdrop remains one where the USA continues to flout international human rights law in its failure to charge for fair trial or release the detainees held at the base. More than 11 years into the detentions, this failure of the US authorities to resolve the cases in line with the USA's international obligations deepens the stain on the USA's human rights record and undermines US credibility when seeking to promote human rights elsewhere. The failure, moreover, is a cruelty being inflicted upon the detainees and their families. Their "fundamental rights", it seems, are rights the USA insists upon ignoring, not respecting.

I urge you, in the name of universal rights, human dignity and justice to ensure that a new and redoubled effort is injected into finally meeting the promise made by President Obama on 22 January 2009 to close the Guantánamo facility and end the detentions there. Meeting this promise must put human rights principles front and centre if the detentions are to be resolved in ways that meet the USA's human rights obligations, rather than in ways that merely relocate indefinite detentions without charge or fair criminal trial elsewhere.

I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Anne FitzGerald". The signature is fluid and cursive, with the first name "Anne" and the last name "Gerald" being the most prominent parts.

Anne FitzGerald  
Director of Research and Crisis Response