

# URGENT ACTION

## PUSH USA ON NEW PROMISE TO SHUT GUANTÁNAMO

**According to the military authorities, 102 of the 166 detainees in the US naval base at Guantánamo Bay in Cuba are on hunger strike, with 30 being “tube fed”. In recent days, the US administration has promised a “renewed effort” to close the detention facility.**

Concerns for the health of the Guantánamo detainees – already acute given their years of indefinite detention, combined with any torture and other ill-treatment, enforced disappearance and other human rights violations they may have endured since being taken into custody – are heightened by the hunger strike. This protest also draws attention to the urgent need for independent medical care, something that is missing in this military base.

The number of detainees officially recognized as being on hunger strike has risen from 14 in mid-March to 45 in mid-April. This reached 100 on 27 April, rising to 102 on 16 May. The number reported as being “tube-fed” was 30 as of 16 May. Force feeding of a mentally competent hunger striker by medical personnel is contrary to medical ethics, and breaches the detainee’s right to freedom of expression. Hunger strikers were moved to single cell isolation on 13 April. There are concerns regarding the authorities taking apparently punitive actions against such detainees. Force feeding would constitute cruel, inhuman or degrading treatment, or in some circumstances torture, if it is intentionally and knowingly conducted in a way that causes unnecessary pain or suffering.

Detainees have claimed that the current hunger strike, which began in February, was sparked by abusive cell searches. These claims have been rejected as unfounded by the military authorities. Whatever the truth of the matter, the backdrop to the protest remains the continued indefinite detention without charge of the vast majority of the 166 men still held at the camp. This includes dozens long since “approved for transfer” by the US authorities. Many of the detainees on hunger strike have been held without charge or trial since 2002.

On 30 April President Barack Obama broke his recent silence on Guantánamo and restated his belief that it should be closed. This came more than four years after he originally committed his administration to closing the detention facility by 22 January 2010. On 13 May, Attorney General Eric Holder said that “we’re going to make a renewed effort to close Guantánamo” and that the administration was “looking at candidates” to take the issue forward. In February the Office for the Special Envoy for the Closure of Guantánamo Bay was closed down.

### **Please write immediately in English or your own language:**

- Welcoming the administration’s promise to make a “renewed effort” to close the Guantánamo prison camp;
- Calling for this effort to be conducted as a matter of urgent and continuing priority and for the administration and Congress to fully recognize and comply with US international human rights obligations in addressing the issue;
- Calling for an end to indefinite detention without charge, with detainees either charged for fair trial in ordinary civilian court without further delay or immediately released;
- Calling for an end to the force feeding of any mentally competent detainee on hunger strike;
- Calling for the detainees to have prompt and regular access to independent medical care.

### **PLEASE SEND APPEALS BEFORE 28 JUNE 2013 TO:**

President Barack Obama

The White House

1600 Pennsylvania Avenue NW

Washington DC 20500, USA

Fax: + 1 202 456 2461

Email: [www.whitehouse.gov/contact/sub](http://www.whitehouse.gov/contact/sub)

[mit-questions-and-comments](http://www.whitehouse.gov/contact/sub/mit-questions-and-comments)

Salutation: Dear President Obama

Secretary of Defense Charles Hagel

US Department of Defense

1000 Defense Pentagon

Washington DC 20301-1000, USA

Fax: + 1 703 571 8951

Salutation: Dear Secretary of Defense

**And copies to:**

Secretary of State John Kerry

US Department of State

2201 C Street, N.W.

Washington DC 20520, USA

Fax: + 1 202 647 2283

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## PUSH USA ON NEW PROMISE TO SHUT GUANTÁNAMO

### ADDITIONAL INFORMATION

Among the Guantánamo detainees on hunger strike is Obaidullah, an Afghan man who has been in US military custody without trial since being arrested during a night raid of his family home in Afghanistan on 21 July 2002. In nearly 11 years, he has never been brought to criminal trial to have any charges against him tested in an independent court. His daughter, born two days before he was arrested, is now over 10 years old. Obaidullah himself was aged about 19 when he was taken into US custody and is now about 30. He told his lawyer in late March 2013: "I am losing all hope because I have been imprisoned for almost eleven years now at Guantánamo and still do not know my fate". He has said he has not participated in previous hunger strikes, but that he felt compelled to take action after what he said were dehumanizing cell searches in early February 2013. According to a message from Obaidullah's lawyers in late April, "after the April 13 raid in which prison guards put everyone hunger striking into solitary cells, he has had no toothbrush or toothpaste for two weeks, no nail clipper, no soap. His showers and recreation are often offered in the middle of the night, forcing him to choose between that and sleep. The guards are making lots of noise to prevent the detainees from sleeping soundly." If these allegations are true, it appears that he is being punished for his protest.

Another of the men who has been on hunger strike is Yemeni national Musa'ab Al Madhwani. Three years ago a federal judge found the detailed allegations of his secret detention, torture and other ill-treatment in US custody prior to being brought to Guantánamo to be "credible". In a sworn statement in March 2013, Musa'ab Al Madhwani said: "Both of my parents have died during the time that I have been in prison in Guantánamo Bay. They were waiting for me to come home and now they are gone. I am afraid that my entire family will be dead before I am released from this prison. I, and other men here at the prison, feel utterly hopeless. We are being detained indefinitely, without any criminal charges against us... I have no reason to believe that I will ever leave this prison alive."

Among the detainees being "tube fed" is Fayiz al-Kandari, a Kuwaiti national who has been held at Guantánamo without trial since May 2002, after being transferred there from Afghanistan. Another detainee being "tube fed" is Uthman Abdul Rahim Mohammed Uthman, a Yemeni national taken into custody by Pakistani authorities in October 2001, handed over to the USA and taken to Guantánamo on 16 January 2002. He has been held ever since without charge or trial. His detention was found unlawful by a federal judge in 2010, before the government appealed and the Court of Appeals overturned the decision.

An account of force feeding given by another Yemeni detainee, Samir Naji al Hasan Moqbel, was published in the media in April. He stated: "I will never forget the first time they passed the feeding tube up my nose. I can't describe how painful it is to be force-fed this way. As it was thrust in, it made me feel like throwing up. I wanted to vomit, but I couldn't. There was agony in my chest, throat and stomach. I had never experienced such pain before. I would not wish this cruel punishment upon anyone. I am still being force-fed. Two times a day they tie me to a chair in my cell. My arms, legs and head are strapped down. I never know when they will come. Sometimes they come during the night, as late as 11pm, when I'm sleeping..."

The World Medical Association's Declaration of Malta on Hunger Strikers states: "Forcible feeding is never ethically acceptable. Even if intended to benefit, feeding accompanied by threats, coercion, force or use of physical restraints is a form of inhuman and degrading treatment. Equally unacceptable is the forced feeding of some detainees in order to intimidate or coerce other hunger strikers to stop fasting."

While the recent comments from US officials are cause for cautious optimism for progress towards resolving at least some of the detentions, the administration has yet to address the issue of closing Guantánamo under a human rights framework, framing it instead as an issue of national interest governed under its unilateral and flawed "law of war" framework. Until it changes approach and recognizes its international human rights obligations, it remains likely that unfair trials by military commission of some detainees and indefinite detentions of some dozens of other will continue, elsewhere if Guantánamo is closed.

In recent weeks, appeals to the US government to resolve the detentions have come from, among others, the United Nations High Commissioner for Human Rights, the UN Working Group on Arbitrary Detention, three UN Special Rapporteurs (whose mandates cover torture and other ill-treatment, health and counter-terrorism and human rights), and the Inter-American Commission on Human Rights (for further information, see <http://www.amnesty.org/en/library/info/AMR51/022/2013/en>)

Name: All detainees at the US naval base in Guantánamo Bay, Cuba, including those on hunger strike

Gender: All male

UA: 129/13 Index: AMR 51/029/2013 Issue Date: 17 May 2013