

URGENT ACTION

CHILEAN HUNGER STRIKERS MAY BE FORCE FED

Four Chilean prisoners currently on hunger strike could be subjected to forcible feeding. In some circumstances, forcible feeding may amount to cruel, inhuman or degrading treatment.

Health authorities in the Araucanía Norte region have requested a court order enabling them to take all necessary measures to ensure the health of four Mapuche prisoners who have been on a liquid hunger strike of only water or water with sugar, for more than 80 days. The measures requested include granting them the authority to carry out medical tests or other medical actions including feeding them to guarantee their lives. **Héctor Llaitul, Jonathan Huillical, José Hueniche** and **Ramón Llanquileo** have expressed their desire not to receive liquid intravenously or be forcibly fed. They are currently being monitored in Victoria Hospital, Malleco Province.

Prisoners on hunger strike, in the same way as any other prisoner, have the right to adequate medical care. This includes the principle of informed consent – that is, being informed of the likely consequences for their health of undertaking a hunger strike, and having the right to refuse medical treatment, including feeding. AI opposes forcible feeding of a mentally competent hunger-striker that is carried out without medical supervision, or before there is any plausible medical rationale for it, or in a cruel manner. Medical necessity is the only reason for which forcible feeding may be compatible with human rights, and any such feeding should be done only after an assessment of the mental competence and health needs of the hunger striker, under continuing medical supervision, and by medically trained personnel. Two key statements of medical ethics by the World Medical Association, the Declaration of Tokyo and the Declaration of Malta, provide that hunger strikers should not be forcibly given treatment they refuse and that forcible feeding of a mentally competent hunger striker is unjustifiable.

The four prisoners began a hunger strike on 15 March protesting against the use of anti-terrorist legislation against them and alleged violations of due process. On 22 March, the Cañete Penal Court sentenced them to between 20 and 25 years' imprisonment for robbery with intimidation and a failed homicide attempt of a deputy prosecutor and serious injuries of police personnel. On 3 June, the Chilean Supreme Court partially annulled the initial ruling and reduced the sentences to between 14 to 10 years' imprisonment.

PLEASE WRITE IMMEDIATELY in Spanish or your own language:

- Urge the authorities to respect their obligations in relation to the right to health of the hunger-striking prisoners, in particular to ensure that they have continual access to adequate medical care;
- Express concern that forcible feeding of mentally competent hunger strikers which is not undertaken for reasons of medical necessity and in line with medical ethics may amount to cruel, inhuman or degrading treatment;
- Call on the authorities to make sure that health personnel involved in the treatment of the four hunger strikers are not required or pressured to forcibly feed competent hunger strikers or act in any other way which is contrary to medical ethics.

PLEASE SEND APPEALS BEFORE 20 JULY 2011 TO:

Mr. Jaime Mañalich
Minister of Health
Ministry of Health
Mac Iver 541
Santiago, Chile
Fax: +56 2 6322405
Salutation: Dear Minister

And copies to:
Dr. Joaquin Sanzana Muñoz
Interim Director Victoria Hospital
Av. Dartnell S/N
Victoria,
Malleco 4720000
Fax: +56 45 556000

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

**AMNESTY
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ADDITIONAL INFORMATION

The four Mapuche prisoners, Héctor Llaitul, Jonathan Huillical, José Hueniche and Ramón Llanquileo were also part of a hunger strike in 2010, a hunger strike which, at its peak, 34 prisoners participated in. It ended in October 2010 following negotiations between representatives of the prisoners and the government. An agreement signed by all parties stipulated that all the cases brought under anti-terror legislation would be transferred to ordinary criminal law; that the government would pursue reforms to the Code of Military Justice; and that other measures to address Mapuche demands would be taken in line with international human rights standards.

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