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At Guantanamo, Treatment May be a Nice Word for Torture

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The recent protest of over 250 doctors from Britain, Ireland, the United States, Germany, Australia, Italy and the Netherlands was just the latest in a long series regarding the American treatment of prisoners at Guantanamo Bay, Cuba.

The action followed the recommendation of the United Nations that the U.S. release all detainees at Guantanamo Bay, or bring them to trial and shut the facility down. Although the Bush administration strongly rejects both the doctors' and the UN's recommendation, the fate of Guantanamo and its detainees represents among the most serious ethical and medical challenges now facing the U.S.

The administration claims that because Guantanamo is not on American soil, the legal protections provided by the U.S. Constitution don't apply to prisoners there. However, Amnesty International and Physicians for Human Rights have stated that the conditions in Guantanamo amount to the cruel, inhuman or degrading treatment of prisoners and, as such, are prohibited by international conventions to which the U.S. is a party.

The UN report confirms that prisoners have been subjected to cruel and inhuman treatment, including forced feedings to hunger strikers through tubes painfully inserted in their nose. These tactics are tantamount to torture, according to the International Committee of the Red Cross, and Physicians for Human Rights has stated that force feeding of hunger strikers is in direct violation of international codes of medical ethics.

General Bantz J. Craddock, the head of the U.S. Southern Command, admitted that detainees had been strapped into "restraint chairs" and force-fed. During that practice, detainees would urinate or defecate on themselves or, in other cases, vomit and bleed as a result of the forced insertion of the feeding tubes - tactics that, at least, amount to cruel treatment of prisoners, in itself a violation of the Bill of Rights.

Captain John S. Edmonson, former chief medical officer at Guantanamo admitted that "experience teaches us" that such symptoms must be expected "whenever naso-gastric tubes are used." However, Craddock indicated that the hunger strikers had in fact been indulged to the point that they had been allowed to choose the color of their feeding tubes.

Equally troubling from the medical and ethical perspective is the collaboration of U.S. Army doctors in the torture of prisoners, as denounced already in 2004 by the writer Robert Jay Lifton, who has written extensively on issues of medical ethics. According to Lifton, "there is increasing evidence that doctors, nurses and medics have been compliant in torture and other illegal procedures in Iraq, Afghanistan and Guantanamo Bay."

In that regard, the Declaration of Tokyo, agreed in 1975 by the World Medical Association, establishes that "The doctor shall not countenance, condone or participate in the practice of torture or cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedures is suspected, accused or guilty, and whatever the victim's beliefs or motives, and in all situations, including armed conflict and civil strife."

Physicians' participation in torture is an ongoing phenomenon, especially in countries under military rule. Many prisons in those countries have medical and paramedical personnel on their

staffs. I have been following this kind of perverse conduct for more than 25 years, since I joined in the denunciation of human rights abuses both in my native Argentina and in other Latin American countries.

Doctors' participation in torture can take several forms, ranging from assessing a prisoner's health status before torture is initiated to determining how much longer torture may be continued without immediate danger to the prisoner's life. Complicity also includes reviving torture victims who have fainted from pain, and active participation in the interrogation process.

While the U.S. is adamant in its rejection of the UN recommendations regarding Guantanamo, a top British judge has allowed three British prisoners at the prison to take legal action to force the government to facilitate their release. Judge Andrew Collins' position on this issue is in line with that of the European Parliament in Strasbourg, which condemned the treatment of prisoners at Guantanamo and renewed its calls for the detention center to be closed.

For the U.S., a serious ethical challenge is how to continue its war on terrorism and at the same time reaffirm its adherence to international human rights principles. The U.S. should seriously investigate and prosecute all allegations of torture and cruel and inhuman treatment of Guantanamo inmates. At the same time, it should form a medical committee to evaluate the health status of prisoners and take immediate action to provide those that need it with adequate treatment.

How the Bush administration ultimately deals with the Guantanamo issue offers the U.S. a chance to live up to the ideals framed in the U.S. Constitution.