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Gitmo's Hunger Strikers

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"I am slowly dying in this solitary prison cell," says Omar Deghayes, a British refugee and Guantánamo Bay prisoner. "I have no rights, no hope. So why not take my destiny into my own hands, and die for a principle?"

This magazine goes to press on the forty-ninth day of the Guantánamo hunger strike. In 1981 near Belfast, Bobby Sands and nine other members of the IRA starved themselves to death. The prisoners had insisted that they be treated as POWs rather than criminals. They died before the British government accepted that its use of kangaroo courts and its policy of "criminalization" did not just betray democratic principles; these methods functioned as the most persuasive recruiting sergeant the IRA ever had. How soon these lessons are forgotten. Three and a half years of internment without trial in Guantánamo, and any US claim to be the standard-bearer of the rule of law has dissolved.

But there are two important distinctions between the experience of Sands and Omar Deghayes: The US military has insisted on secrecy regarding Guantánamo, and the US media have been compliant in their apathy. Despite the traditional British hostility to free speech, every moment of Bobby Sands's decline was broadcast live. In contrast, nothing we lawyers learn from our Guantánamo clients can be revealed until it passes the US government censors. Thus, two weeks went by before the public even knew there was a hunger strike, and the military has been allowed to dissemble on the details since.

From its inception, Guantánamo has relied on a soldier-speak that is replete with half-truths and distortions. In 2002 there was a ripple of concern at the number of Guantánamo detainees trying to take their own lives. The military then announced that suicide attempts had radically declined. It took a foreign journalist to expose the truth: The very word "suicide" had been replaced by the authorities with the term Manipulative Self-Injurious Behavior (SIB)— and there were still plenty of SIBs. The military was lying by semantics.

Similar dissimulation is taking place around the Guantánamo hunger strike, which began June 28. It was suspended July 28, when the military promised various concessions, terrified at the public relations prospect of having six prisoners in the hospital within forty-eight hours of death. The strike started again on August 11, because the detainees concluded that the military had broken its promises.

Defense Secretary Rumsfeld has insisted that the Guantánamo prisoners are being treated in a manner "consistent" with the Geneva Conventions. To end their hunger strike, the detainees ask simply that they be treated in a manner "consistent with the Geneva Conventions." If Rumsfeld is telling the truth, why would the prisoners have to starve themselves to death?

The Conventions mandate that, unless convicted of a crime, "prisoners of war may not be held in close confinement." In Camp V each detainee is held in a Supermax solitary cell, hermetically sealed from all human contact, allowed out for just one hour each week. The detainees there include juveniles and even Sami Al Laithi, held for more than four months in his wheelchair after being found innocent by the US military's own biased tribunals.

The Conventions forbid coercive interrogations. The prisoners reasonably objected when, on August 5, Hisham Sliti had a mini-refrigerator thrown at him by an interrogator nicknamed King Kong.

The Conventions guarantee the free exercise of religion. So why, the detainees demand, haven't they been allowed to meet with an imam for three years? Why is collective prayer curtailed? And why was a Yemeni prisoner recently beaten and his Koran trampled because he asked to finish his prayers before responding to a guard's demand?

The conclusion is inescapable: The detainees have a series of valid complaints, and Rumsfeld is not telling the truth.

Governments did learn one lesson from Bobby Sands: He is famous because he died. The US military is determined not to allow its prisoners to make this ultimate, tragic political statement. Thus, the military admits to force-feeding prisoners. Recently its spin doctors changed the phrase to "assisted feeding," another attempt to hide the truth of what is going on. During the July hunger strike, prisoners tore the needles out of their arms to prevent drip-feeding, so the military is now using nose tubes. They assure us that none of the twenty-one people in the Guantánamo hospital will be able to kill himself.

But someone committed to self-starvation could easily remove such a tube, if he had any freedom of movement. So we can surmise that there is a line of twenty-one hospital beds, each with a prisoner held tight in four-point restraints. His head must be strapped down, immobile, and forcible sedation seems probable. Hardly the image evoked by the term "assisted feeding."

Deprived of legal rights, the Guantánamo detainees must rely on public scrutiny to protect them. This is also true for detainees in Iraq, where the United States has acknowledged it is bound by Geneva, but where soldiers recently interviewed by Human Rights Watch describe systemic humiliation and torture, encouraged by military higher-ups. The only lasting solution is for the United States to practice what it preaches, rather than hide its hypocrisy behind a smokescreen of secrecy and semantics. Human rights enforcement is the most effective counterterrorism measure the US government can take, and deep down its leaders have always known this. The United States signed the Geneva Conventions more than fifty years ago. Surely Rumsfeld has had enough time to work out how to apply them.