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March 31, 2015

SSCI# 2015-0848

The Honorable Ashton Carter  
Secretary of Defense  
The Pentagon  
Washington, D.C. 20301

Dear Secretary Carter:

Following up on previous letters I have written to the President and former Secretary Hagel, I write today to urge you to end the unnecessary force-feedings of detainees at the Guantanamo Bay detention facility. I also urge you to adopt the recommendation of a recent report by the Defense Health Board that leaders at the Department of Defense should “excuse health care professionals from performing medical procedures that violate their professional code of ethics,” such as force-feeding.

A March 3, 2015 Defense Health Board report titled, *Ethical Guidelines and Practices for U.S. Military Medical Professionals*, notes that the practice of force-feeding has created conflicts between the role of military health professionals as members of the Armed Forces and their obligations as health care providers.

As noted in the report, the World Medical Association has stated in its Declaration of Malta that force-feeding is “never ethically acceptable” and feeding accompanied by coercion, force or use of physical restraints “is a form of inhuman and degrading treatment.” The report further explains that the American Nurses Association has been monitoring the force-feeding of detainees at Guantanamo Bay for approximately six years. In response to the case of a Navy medical officer (a registered nurse) who refused to continue managing force-feedings of hunger strikers at Guantanamo and was reassigned to “alternative duties,” the association issued a statement supporting the right of the medical officer to refuse to perform force-feedings. The statement and a letter to then-Secretary Hagel urged “military leadership to recognize the ethical code of conduct to which professional registered nurses are accountable.” The Defense Health Board’s

recommendation regarding health professionals' objections based on ethical principles is in line with the views of the American Nurses Association.

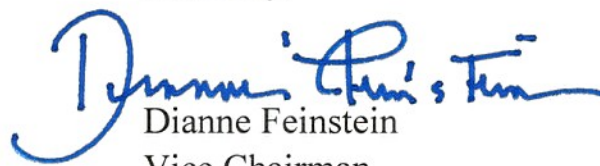
If force-feeding continues at Guantanamo, I urge you to direct that the Department of Defense must at least observe the safeguards and oversight mechanisms established at U.S. Bureau of Prisons facilities. For example, according to the Defense Health Board report, "the U.S. Federal Bureau of Prisons usually does not use a force-feeding restraining chair; it must report to a sentencing judge as to what it did, and the final authority in prisons is the physician."

Finally, last year I requested access to videotapes of force-feedings of detainees at Guantanamo. Your department declined my request in a letter dated December 3, 2014, on the grounds that public release of these videotapes is not imminent. This response is unacceptable; the public release of the videotapes has nothing to do my request for the videotapes. I hope that under your leadership at the Department of Defense, you will re-examine this issue and provide the tapes that I have requested.

As I have said previously, U.S. military personnel serving at Guantanamo are doing an excellent job under difficult circumstances but they are being asked to carry out an unsustainable policy of indefinite detention as Congress and the Executive Branch have failed to close Guantanamo. The hunger strikes themselves stem in part to the fact that many detainees have remained in legal limbo for more than a decade and have given up hope. Therefore, it is imperative that the Administration outline a formal process to permanently close the Guantanamo facility as soon as possible. I look forward to continue working with you to achieve that end.

Thank you for your attention to this important matter.

Sincerely,

  
Dianne Feinstein  
Vice Chairman