



**DEPARTMENT OF DEFENSE  
FREEDOM OF INFORMATION DIVISION  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155**

Ref: 23-F-0841  
April 29, 2024

Mr. Jason Leopold  
Bloomberg News  
[REDACTED]

Dear Mr. Leopold:

This is a final response to your July 15, 2014, Freedom of Information Act (FOIA) request to the United States Southern Command (SOUTHCOM), a copy of which is enclosed for your convenience. We received your request and documents, totaling two pages, from SOUTHCOM on May 8, 2023, for a review and direct response to you. Your request has been assigned FOIA case number 23-F-0841, and we ask that you use this number when referring to your request.

The Office of the Under Secretary of Defense for Policy and the Department of Defense Chief Information Officer (CIO), components of the Office of the Secretary of Defense, conducted reviews of the referred records. They determined that the documents are appropriate for release in their entirety, without excision.

This constitutes a full grant of your request and closes your case file in this office. There are no assessable fees associated with this response.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Toni Fuentes, at 571-372-0462, or by email at [OSD.FOIALiaison@mail.mil](mailto:OSD.FOIALiaison@mail.mil). You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

If you have any questions or concerns about the foregoing or about the processing of your request, please do not hesitate to contact the Action Officer assigned to your request, Camille Streeter, at [camille.a.streeter.civ@mail.mil](mailto:camille.a.streeter.civ@mail.mil) or 703-693-6490. Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Sincerely,

*for Pamela Andrews*  
Stephanie L. Carr  
Chief

Enclosures:  
As stated

VIP - David  
+  
mike

SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

MAY 13 2015

The Honorable Dianne Feinstein  
Vice Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter dated March 31, 2015, concerning the enteral feeding of detainees at the Guantanamo Bay detention facility and the recent Defense Health Board advisory report entitled, *Ethical Guidelines and Practices for U.S. Military Medical Professionals*. The Department of Defense is committed to ensuring the health, safety, and humane treatment of all detainees in its custody. The Department's policy on treatment of non-religious fasters is focused solely on protecting the life and health of detainees whose continued refusal of food and/or fluids might result in death or serious harm to their health. Enteral feedings are a type of medical care and, as such, are individualized and must be recommended and monitored by the detainee's attending physician. All enteral feedings must be approved by the Commander of Joint Task Force, Guantanamo.

The Department's policy on treatment of non-religious fasters is lawful, ethical, and consistent with that of the Bureau of Prisons in all substantive respects. Further, our policies are aligned with the longstanding U.S. Government policy to preserve the life and health of those in government custody, which has been challenged and repeatedly upheld in Federal courts. The civilian and uniformed leadership of the Military Health System has thoroughly evaluated the Department of Defense policy and firmly believes that the policy is both appropriate and ethical. Unfortunately, adherence to the policy recommended by the World Medical Association could result in the unnecessary death of a determined non-religious fasting detainee, which would be an unacceptable outcome.

We are currently reviewing all of the recommendations received in the Defense Health Board's recent report and are aware of the comments concerning care for detainees. Many governments around the world have concluded that medical actions to preserve the health of a detainee may be justified even where the detainee refuses to provide consent. In the detention facility context, there is undoubtedly an increased risk that an individual's decisions may suffer under undue influence or coercion by other detainees, especially those who "outrank" a non-religious fasting detainee in the detention facility hierarchy. I am convinced that when weighing our obligation to protect the life and health of detainees in our custody against considerations of the individual autonomy of non-religious fasters, our emphasis on preserving life and health is correct and is fully consistent with our obligation to provide humane treatment.

The use of restraints during enteral feedings at Guantanamo is consistent with procedures used in Federal prisons. This practice provides for the safety and security of the guard force, medical staff, and detainees.

Enclosure 2

In regard to the nurse referenced in your letter, I understand that the Navy is providing a separate response addressing this case. With respect to the issue of excusing military medical professionals from assignments to which they have an ethical, moral, or religious objection, current practices for health care professional assignments to the Guantanamo Bay detention facility include a thorough briefing, after arriving on the island, on the range of health care services involved. Those who have an ethical dilemma with conducting enteral feeding and raise an objection have been assigned to alternative duties. I would note that recent legislation allows for accommodation of individual expressions of conscience, moral principles, or religious beliefs; however, such accommodation is balanced against any adverse impact on military readiness, unit cohesion, good order and discipline, or adherence to the Uniform Code of Military Justice.

Department of Defense personnel will arrange with your office to show you, and limited staff with appropriate clearances, video of enteral feedings. As a matter of policy, the Department does not videotape medical procedures administered to a detainee at the Guantanamo Bay detention facility, including enteral feedings. Videotaping of enteral feedings of Guantanamo detainees that did occur was an unintended consequence of the filming of another authorized activity.

Finally, let me state my appreciation for the recognition you give to the U.S. military personnel serving at Guantanamo Bay. These men and women operate in an extremely challenging environment and take their duty very seriously to conduct this mission in a professional manner.

Sincerely,  
