

DETAINEE HOSPITAL GUANTANAMO BAY, CUBA	SOP NO: 050
Title: DETAINEE REFUSAL OF CARE	Page 1 of 3 Effective Date: 07 Aug 03
SCOPE: Detention Hospital	

- I. ENCL:** (1) DoD Policy on Medical Care for Enemy Persons Under US Control Detained in Conjunction with Operation ENDURING FREEDOM, 10 April 2002.
(2) U.S. Southern Command Confidentiality Policy for Interactions Between Health Care Providers and Enemy Persons Under U.S. Control, Detained in Conjunction with Operation ENDURING FREEDOM, 6 August 2002.

II. BACKGROUND. The Detainees held at Joint Task Force (JTF) GTMO are not Prisoners of War, they are considered to be unlawful combatants. The Detainees do not qualify for the Geneva Convention Rules; however, they will be treated humanely, in a manner consistent with the principles of the Geneva Convention relative to the treatment of prisoners of war.

III. POLICY:

- A. Detainees under U.S. control suffering from a serious disease, or whose condition necessitates special treatment, surgery, hospital care, or rehabilitation shall be provided, to the extent feasible, the medical attention required by their state of health per the policies delineated in enclosure (1).
B. JTF military medical personnel will provide medical care as applicable to military correctional facilities (SOUTHCOM Policy Memorandum 8-02) found in enclosure (2).

IV. PROCEDURES:

- A. Detainees may refuse care that is not required to protect their lives, significant health interests (limbs/organs), the lives or health of others, or legitimate security interests of the United States.
B. Detainees will be treated humanely at all times.
C. Force should be avoided whenever reasonable.
D. Do not use force in situations where the risk of danger to the detainee exceeds the risk of not getting the treatment.
E. Do not use medical treatments as a discipline tool in order to modify detainee behavior. Joint Detainee Operations Group and the JTF Commander will handle the discipline of detainees.
F. Time out or a delay in most treatments by 1-2 hours is acceptable to diffuse the

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situation, allow the detainee to reconsider, and/or adjust to the realities of his situation.

G. Refusals are usually an expression or an attempt to achieve control by the detainee. These control issues are usually related to a personal issue and not a larger group or philosophy issue.

H. Ramadan is a religious holiday that requires fasting all day for an entire month. Medication and clinic schedules will need to be adjusted during that time period.

I. The detainees come from a barter culture. Excessive discussion and permission seeking for a benign procedure that does not require informed consent is usually counter-productive. The detainees have a generally fatalistic view of life. Threatening the detainee with a shorter life span for not taking his blood pressure medication or lipid-lowering medication will usually not convince the detainee to take the medication.

J. The Bioethics Committee, Naval Hospital GTMO is another source to help resolve significant issues of bioethical conflict.

K. Informed consent with a native language interpreter as the witness will be obtained for all surgeries and use of anesthesia.

L. The Senior Medical Officer will review all requests for the use of force and provide final approval for the use of force in the case of medical treatment or management.

M. JTF Commander has final decision for all medical matters in regards to issues concerning national security.

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STANDARD OPERATING PROCEDURES
Detention Hospital
Guantanamo Bay, Cuba

REVIEWED AND APPROVED BY:	
_____ Officer In Charge	_____ Date
IMPLEMENTED BY:	
_____ Director for Administration	_____ Date
_____ Senior Enlisted Advisor	_____ Date
ANNUAL REVIEW LOG:	
By: _____	Date: _____
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Copy to: Joint Task Force Surgeon's Office	

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