

**THE HIGH COURT**

**RECORD NO.: 2020/3457P**

**BETWEEN:**

**THE GOVERNOR OF A PRISON**

**PLAINTIFF**

**-AND-**

**GDC**

**DEFENDANT**

**JUDGMENT of Ms Justice Tara Burns delivered on the 10th July, 2020**

1. The Defendant is an inmate at A Prison having been convicted on 22nd February 2018 of several rape and sexual assault offences in respect of his daughter. He was sentenced to fifteen years imprisonment with the final year suspended. His scheduled release date is 7th August 2028.
2. On 29th March 2020, the Defendant informed the Plaintiff, by letter, that he was commencing a hunger strike in protest at his conviction, his treatment by the criminal justice system and the treatment of his family by the State.
3. By 13th May 2020, the Defendant remained on hunger strike. His condition had become precarious. Arising from this, the Plaintiff instituted these proceedings seeking declaratory relief, pursuant to the inherent jurisdiction of the High Court, in the following terms:-
  - a) *That the Defendant has capacity to make a decision to refuse food and nourishment and has the capacity to make a decision to refuse all forms of medical assistance arising from such refusal of food and nourishment, should the necessity for such assistance arise;*
  - b) *That the Defendant's decision of 29th March 2020 to refuse food, nourishment and medical assistance is valid and should remain operative in the event that the Defendant becomes incapable of making a decision of whether to accept food and nourishment or such medical treatment;*
  - c) *That the Plaintiff's decision not to feed the Defendant against his wishes, to wit not to force-feed the Defendant, is lawful;*
  - d) *That the Plaintiff is entitled to give effect to the Defendant's wishes not to be fed or receive nourishment, and not to receive medical assistance.*
  - e) *In the alternative, Directions as to the appropriate course of action for the Plaintiff to take if emergency care for the Defendant is required as a result of his decision to refuse food and nourishment.*
4. The plaintiff also sought interlocutory declaratory relief in the terms set out above by Notice of Motion dated 13th May 2020. However, when the interlocutory matter came on for hearing before the High Court, an urgent plenary hearing was directed which took place before myself on 15th May 2020.

5. By that date, the Defendant had been without food for 48 days. He was taking water and coffee. He had lost 13kgs. Dr Rasool, a general practitioner attached to A Prison summarised the Defendant's condition as:

*"He has lost significant amount of weight, hypoglycaemic, low blood pressure, physical frailness, episodes of dizzy spells and progressively getting weaker day by day."*

His condition was further complicated by pre-existing health issues, most particularly in relation to his heart: he had suffered a heart attack in October 2019, as a result of which he had three stents inserted.

6. At the plenary hearing, the Defendant's position was that he consented to the orders sought by the Plaintiff at paras (a) – (d) of the Plenary Summons. He requested that his right to self-determination and autonomy be recognised and respected by the Court. Accordingly, no party made any arguments contrary to the Plaintiff's submissions.

### **The Protest**

7. As already referred to, the Defendant commenced his hunger strike by letter dated 29th March 2020. The various matters which he was protesting about were set out in the letter and can be summarised as follows: he was protesting his innocence in respect of his conviction; protesting that his trial was unfair; protesting determinations made by the Court of Appeal; and protesting about earlier actions of the State which interfered with his family unit. He also made a plea to his daughters, including the victim of the sexual offences, to come forward and tell the truth which would involve them admitting that they had made false allegations against him. He indicated in that letter that he did not wish to receive any medical attention related to his hunger strike.
8. A letter was received from his solicitor dated 28th April 2020 which affirmed that he was on hunger strike and that he did not wish to receive medical attention arising from this course of action.
9. In light of what the Defendant was protesting about, it is important to set out what had occurred in the trial process.
10. As already indicated, the Defendant was convicted by a jury in February 2018 of several rape, s. 4 rape and sexual assault offences, relating to his daughter, occurring between 2006 and 2010. An appeal against his conviction and sentence was lodged before the Court of Appeal in April 2018.
11. In addition to the appeal, a motion seeking leave to adduce fresh evidence at the hearing of the appeal was lodged in May 2018. This application arose in the following circumstances: very shortly after the defendant's conviction, his daughter visited him in prison. The defendant contended that during this visit, his daughter acknowledged that she had lied during the trial. Arising from this visit, the defendant's solicitor contacted her whereupon he said that she indicated to him that she had told lies during the trial. The victim also had communication with another individual who asserted that the victim

had indicated that the defendant was not a rapist and had not done these things to her. The Court of Appeal agreed to hear evidence regarding this fresh evidence de bene esse and to rule, during its judgment, on whether the Defendant could rely on it.

12. The appeal was heard before the Court of Appeal in November 2018 and January 2019. Judgment was delivered by the Court of Appeal on 20th December 2019.
13. The appeal focussed on three areas, namely that the trial was unfair in several material respects but in particular that the trial judge's conduct of the trial was objectively unfair; that grossly prejudicial material had been adduced in evidence before the jury thereby prejudicing the Defendant; and that the fresh evidence which had emerged since the trial established that the Defendant's daughter had now recanted and admitted that she had lied giving her evidence at the trial.
14. The Court of Appeal heard oral evidence regarding the fresh evidence application. It heard from the Defendant, the Defendant's solicitor, a witness who had communication with the Defendant's daughter and the Defendant's daughter.
15. The Court of Appeal determined that the evidence of the alleged confessions made by the Defendant's daughter to the defendant and the other witness were not credible. In relation to what was said to the Defendant's solicitor by the Defendant's daughter, the Court of Appeal determined that while there was clear and credible evidence that the Defendant's daughter said that she would swear an affidavit indicating that she had told lies during the trial, there was no evidence that she actually confessed to the solicitor that she had lied. Accordingly, the Court of Appeal determined not to permit the Defendant rely on this evidence for the purposes of his appeal application.
16. With regard to the other two grounds of appeal, the Court of Appeal was not disposed to uphold either of these other grounds.
17. At the time of the hearing before me, an appeal against severity of sentence remained before the Court of Appeal. However, it was indicated to me that the Defendant had been advised regarding seeking leave to appeal his conviction before the Supreme Court.
18. In a letter from the Defendant to Sarah Hume, Prison Psychologist, dated 3rd May 2020, the Defendant stated:-

*"If I were to be taken to a special sitting of the courts today where after reviewing the evidence they were to commute this sentence to time served and release me I assure you my protest would not end. This is about 10 years of absolute tyranny conducted by the Irish State and its organs against my wife, kids and myself. Nothing short of an independent public inquiry would be sufficient to appease me, that said I don't make that demand as I want nothing from the State, I expect nothing."*

19. In evidence before myself, the Defendant stated that what he wanted to achieve from the protest was for his daughters to publicly state that they made false allegations against

him. He also said that he wanted the State to apologise for its actions over the last ten years, but he did not expect this to happen.

20. It is important to set out the genesis of the Defendant's protest to understand that there is nothing that the prison service, or indeed this Court can do to resolve the reasons for his protest and also to establish the Defendant's understanding of his protest.

### **Capacity**

21. Two psychiatrists, Dr Frank Kelly and Professor Gulati, examined the Defendant and gave evidence before the Court that the Defendant had the capacity to make the decision to refuse food and medical treatment on foot of same. They were each satisfied that his decision making was not influenced by any underlying mental illness. When asked by Professor Gulati about the consequences of his actions, the Defendant stated:-

*"My blood has become acidic. It may cause me to lapse into unconsciousness and coma. I have a heart condition. There is a possibility I might suffer cardiac arrest. My internal organs, my kidneys are deteriorating and could fail. The responsibility lies solely with me and my actions."*

22. It is clear to me, as the evidence establishes, that the Defendant has full capacity to decide to refuse food and medical treatment on foot of same. He fully understands the ultimate consequences of his protest.

### **The Prison Rules 2007**

23. Rule 33 of the Prison Rules 2007, as amended provides that:-

*"Each prisoner shall be entitled, while in prison, to the provision of healthcare of a diagnostic, preventative, curative and rehabilitative nature (in these Rules referred to as "primary healthcare") that is, at least, of the same or a similar standard as that available to persons outside of prison who are holders of a medical card."*

24. Rule 100(1)(g) of the Rules provides that a healthcare professional may:-

*"only administer treatment to a prisoner or conduct any test on a prisoner with the consent of that prisoner except in the case of treatment or a test required by or under these Rules, any statute, or by order of a court."*

25. The Irish Prison Service has developed a protocol on food refusal and this prohibits the force feeding of prisoners of full capacity who have refused nourishment. The World Medical Association in October 1975 adopted guidelines known as "The Tokyo Guidelines" during its 29th General Assembly and these guidelines provide as follows:-

*"Where a prisoner refuses nourishment and is considered by the physician as capable of forming an unimpaired and rational judgment concerning the consequences of such a voluntary refusal of nourishment, he or she shall not be fed artificially. The decision as to the capacity of the prisoner to form such a judgment should be confirmed by at least one other independent physician. The*

*consequences of the refusal of nourishment shall be explained by the physician to the prisoner."*

26. Evidence was given before me by Enda Kelly. He explained that respecting a prisoner's rights is of paramount importance to the prison authorities in this situation; that it would go against every policy of the prison service to force feed a prisoner; that affording the Defendant a dignified death was the Governor's priority. The Governor of A Prison averred in an affidavit that his view and that of the Irish Prison Service was that "the Defendant's right to refuse nourishment and medical treatment should be respected."

## **The Law**

### **The Constitution**

27. Article 40.3.2 of the Constitution states:-

*"The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name and property rights of every citizen."*

### **Relevant Case Law**

#### **Right to Autonomy**

28. The issue of whether the prison authorities should respect a prisoner's decision to refuse food, having regard to the fatal consequence which that might have, in circumstances where that prisoner has full capacity to make that decision, has already been considered by the High Court (Baker J) in *Governor of X Prison v. PMcD* [2015] IEHC 259.
29. Having considered the import of the Supreme Court judgments in *Re a Ward of Court (withholding medical treatment) (No. 2)* [1996] 2 IR 79 and *Fleming v. Ireland* [2013] 2 ILRM 73 and the Divisional High Court decision in *PP v. HSE* [2015] 1 ILRM 324, Ms Justice Baker stated at para. 106 of her judgment:-

*"Thus it seems to me that while it could not be said that a person has a right to commit suicide, it can be said that he has a right to freely elect to refuse food, provided his choice is full, free and informed and he does not require assistance to achieve that end, and it is rather the case that he has refused such assistance. The distinction is between a positive right to directly end one's life, and to make choices which have the indirect effect that death follows. The latter right is constitutionally recognised as flowing from the autonomy of the self."*

30. With respect to the ultimate question for her determination, as to whether the Court should interfere with the prisoner's right to self-determination so as to uphold the obligation on the State to protect the right to life, Ms Justice Baker found at para. 115 of the judgment:-

*"I conclude that the right of self determination may prevail over the duty of the State to preserve the right to life. The duty of the State imposed upon it by the Constitution reflects the social order and the fact that the citizen is part of a community, and that the social contract requires that the State protect that citizen*

*from an attack on his or her life and person. While the duty on the State may be stated in the affirmative and is not merely a reactive obligation, or an obligation to react or defend a right that is actively under attack, that duty, if it is fully to protect the citizen, must in an appropriate case give way to the express free choices of the individual. To consider otherwise would be in my view to give the State power to overbear the right of the individual not envisaged by the Constitution, and would fail to recognise the right of autonomy and individual self-determination that it promotes.*

*Thus, there is in my view no reason arising from considerations of the Constitution or human rights law that mandates the Court or the plaintiff to ignore the [prisoner's] wishes, and that the constitutional imperative goes the other way, and requires that the plaintiff abide by his wishes."*

### **Conflicting Public Interest in the enforcement of Court Orders made in the Criminal Justice System**

31. However, two later decisions of the High Court take issue with the concept of permitting a prisoner to hunger strike having regard to the competing public interest in the enforcement of court orders made in the criminal justice system.
32. In *AB v. CD* [2016] 3 IR 598, the prisoner had inflicted a serious injury to himself. The wound was not healing and the prisoner refused to take prescribed medication. He was admitted to hospital where it was determined that he required immediate and continuing intravenous antibiotic administration. In the absence of such treatment, the possibility of sepsis and ultimate death were raised. A psychiatric analysis found that the prisoner lacked the capacity to give consent to the treatment required. The hospital sought declaratory relief authorising it to administer all necessary medical treatment to the prisoner.
33. Mr Justice Humphreys recognised that a person of full age and capacity had an entitlement to end their life by refusing food, hydration or medical treatment which stemmed from their right to autonomy and bodily integrity. However, he was of the view that an imprisoned person did not retain this right as by ending their life in this manner, a court order would be frustrated and the orderly maintenance of the prison system not maintained. In reaching this conclusion, Humphreys J relied on a number of US cases which held that a prisoner's right to privacy was outweighed by the important public interest of maintaining the integrity of the justice system. He stated at para. 38 of the report:-

*"[T]he purpose of the prison service is to provide for the custody of offenders and persons committed to custody, in accordance with court orders. Such orders and the consequent duty of the prison service to implement them are inconsistent with an alleged right to die by refusing medical or surgical treatment, food or hydration..."*

And at para. 49 of the report:-

*"There is no right to evade the implementation of the criminal justice system, either before, during or after trial, and whether directly or indirectly. In addition, the State interest in preventing prisoners killing themselves either directly or indirectly also supports the maintenance of order in prisons for a series of reasons spelled out in US caselaw."*

However, having stated the above, he added at para. 50 of the report:-

*"If a prisoner wants to starve to death or die by medical neglect, it is a matter for executive discretion as to whether to allow them to do so in all the circumstances: it might be too prescriptive in the modern era to declare a positive duty to force feed a person of full age and capacity in particular, at least in all cases."*

34. Before setting out my view of the law regarding this issue, is it important to set out the factual differences which exist between the circumstances underlying these two cases:-
- The Plaintiff in McD was the governor of the prison where the prisoner was incarcerated, whereas the Plaintiff in the AB case was the Hospital where the prisoner was being treated;
  - The reliefs sought in each case were in sharp contrast. In McD, the Governor sought an Order ultimately permitting him to respect the prisoner's wishes, which order was sought with the consent of the prisoner. In AB, the Plaintiff sought an order permitting medical treatment to be administered to the prisoner when he had not given his consent to such medical treatment;
  - The prisoner in McD was found, by the court, to have full capacity to make his decision regarding refusing medical treatment having heard evidence from the prisoner and two psychiatrists who examined him. In AB, a decision was not made by the Court as to whether the prisoner had capacity regarding medical treatment arising from the Court's determination of the law. However, reports had been placed before the Court which indicated that he did not have the capacity to make a decision regarding medical treatment;
  - The issue in McD was the prisoner's informed and capable decision to refuse food and the inevitable consequences arising from that. The issue in AB was the prisoner's incapacity to consent to medical treatment;
  - The Orders made in McD were on foot of a three day plenary hearing in the High Court where detailed affidavit and oral evidence was before the Court. The Order made in AB was on foot of an interlocutory application based on an affidavit.
35. On the basis of these very real and significant differences between McD and AB and the factual scenario applying in each case, it is clear that the comments of Humphreys J. in AB regarding the refusal of food are *obiter dictum* and that AB can be distinguished from McD and the instant case.

36. *Nash v. Chief Executive of the Irish Prison Services* [2015] IEHC 504, is another decision which refers to this issue. In *Nash*, the applicant wished to be detained at Arbour Hill Prison rather than the Midlands Prison. He had been an inmate at Arbour Hill for a long period of time but was moved to the Midlands after his conviction for multiple murders. He asserted that his detention at the Midlands was punitive, dangerous (due to security threats claimed by him to exist) and deprived him of a range of activities which he enjoyed at Arbour Hill. He had developed suicidal thoughts due to his incarceration in the Midlands and previously had not eaten for a significant period.

37. With respect to the detention of a prisoner by the Minister for Justice in a particular prison, the Court stated:-

*"The courts should...intervene with the exercise of this particular power in only the gravest of cases. Any suggestion that prisoners can or should be detained in the prison of their own choosing, or avail of hunger strike or suicide threats to secure their own objectives, would create chaos in prisons and fatally compromise the proper administration of our prison system."*

38. Again, significant differences exist between *McD* and *Nash*, which can be set out as follows:-

- The applicant in *Nash* was the prisoner, rather than the Governor of the Prison as in *McD*;
- The Orders being sought were in respect of the lawfulness of the applicant's detention at the Midlands Prison;
- An Order was not being sought regarding his right to refuse to food. In fact, the issue of the applicant in *Nash* refusing food is referred to but not central in the case;
- The applicant was not in fact on hunger strike or refusing food at the time of the hearing. He had been refusing food at an earlier stage of his detention, but this was not at play at the time of hearing.

39. Again, on the basis of these very real and significant differences between *McD* and *Nash* and the factual scenario applying in each case, it is clear that the comments of Kerins P regarding the refusal of food are *obiter dictum* and that *Nash* can be distinguished from *McD* and the instant case.

40. There is a further significant issue of distinction with respect to the instant case and *AB* and *Nash*, which is the affidavit evidence of the Governor of A Prison and the viva voce evidence I heard from Enda Kelly, senior Nurse Manager with the Irish Prison Service. Mr Kelly indicated that it is of paramount importance to the prison service that a prisoner's wishes be respected with regard to refusal of food and medical treatment on foot of such refusal. He stated that the prison service would not want to take any step in conflict with those stated wishes. Having regard to the executive function which the prison service



exercises, I must have due regard to the evidence of Mr Kelly. In light of this evidence, given on behalf of the prison service, it is difficult to see how there is an evidential basis for the assertion that prison order would not be maintained if prisoners were permitted to indirectly end their lives.

#### **Continuing Constitutional Rights of a Prisoner**

41. However, aside from the fact that I find that AB and Nash can be distinguished from McD and the instant case, I in any event disagree with the analysis of the law set out by Humphreys J and referred to by Kearns P.
42. While a prisoner loses many of his constitutional rights as a result of his incarceration, as a human being he retains the constitutional right to his personal autonomy and bodily integrity. These rights have been recognised in very many cases involving prisoners.
43. In *Creighton v. Ireland* [2010] IESC 50, Fennelly J., delivering the judgment of the Supreme Court stated at para. 4 of the judgment:-

*"A sentence of imprisonment deprives a person of his right to personal liberty. Costello J explained in Murray v Ireland [1985] IR 532 at 542 that "[w]hen the State lawfully exercises its power to deprive a citizen of his constitutional right to liberty many consequences result, including the deprivation of liberty to exercise many other constitutionally protected rights, which prisoners must accept." Nonetheless, the prisoner may continue to exercise rights "which do not depend on the continuance of his personal liberty..." I would say that among these rights is the right to autonomy and bodily integrity."*

44. The nature of the constitutional rights which a prisoner continues to enjoy has recently been analysed by the Supreme Court in *Simpson v. The Governor of Mountjoy Prison* [2019] IESC 81 in the context of prison conditions.
45. Mr Justice MacMenamin, stated at para. 2 of his judgment:-

*"The fact of imprisonment necessitates a restriction on freedom and other fundamental rights; but this does not mean that all of a detainee's personal constitutional protections are abrogated."*

And at para 84:-

*"As interpreted and applied by the Superior Courts, therefore, the Constitution has been held to provide a wide range of protections for the personal rights of prisoners. A deprivation of liberty must not only be in accordance with law, but any attenuation of prisoners' fundamental rights must be proportionate: the diminution must not fall below the standards which we identify to protect human dignity. The range of protections has been considered in cases such as *The State (Richardson) v. Governor of Mountjoy Prison* [1980] ILRM 82, *Brennan v. Governor of Portlaoise Prison* [1999] 1 ILRM 190, *Holland v. Governor of Portlaoise Prison* [2004] 2 IR 513 and *Mulligan [v. Portlaoise Prison]* [2013] 4 IR 1)... The rights of the person who is a*

*prisoner were considered in Kinsella v. Governor of Mountjoy Prison [2012] 1 IR 467. These are valuably surveyed by Mary Rogan in Prison Law (Bloomsbury Professional 2014)."*

46. Mr Justice O'Donnell, delivering a concurring judgment in Simpson stated at paras 10 and 11 of his judgment:-

"10 *The right of the person, as it has been described, clearly entails more than a prohibition of physical intrusion.... In understanding the extent of the right of the person, it is, I think, useful to have regard to the right of privacy, identified in McGee v. The Attorney General [1974] IR 284 as a right deduced from a series of enumerated rights and the social order contemplated by the Constitution. Privacy obviously has a physical element, but also clearly extends beyond it, and it contains aspects of autonomy. When both rights are read as they must be, which is in the light of the value of dignity espoused in the preamble to the Constitution, it is not difficult to understand why torture, or inhuman or degrading treatment, or indeed severely substandard prison conditions, can be an infringement of the constitutional rights of the individual. The fundamental rights contained in Article 40, were adopted "so that the dignity and freedom of the individual may be assured" and must be interpreted in that light.*

11 *When the Constitution is viewed as a whole, then it seems clear that the guarantee of protection of the person in Article 40.3.2 must mean that, while the State may lawfully deprive a citizen of liberty in accordance with law, it may not do so by a means which, far from assuring the dignity of the individual, falls below a standard that could be considered minimally acceptable."*

47. A further instructive case regarding the nature of the continuing constitutional rights of prisoners, and most particularly, protection of the person, can be found in *Connolly v. The Governor of Wheatfield Prison [2013] IEHC 334*. Mr Justice Hogan (now Advocate General) when considering Article 40.3.2 of the Constitution stated:-

"14. *Here it must also be recalled that the Preamble to the Constitution seeks to ensure that the 'dignity and freedom of the individual may be assured'. While prisoners in the position of [the applicant] have lost their freedom following a trial and sentence in due course of law, they are still entitled to be treated by State in a manner by which their essential dignity as human beings may be assured. The obligation to ensure that the dignity of the individual is maintained and the guarantees in respect of the protection of the person upheld, is perhaps even more acute in the case of those who are vulnerable, marginalised and stigmatised.*

15. *While due and realistic recognition must be accorded by the judicial branch to the difficulties inherent in the running of a complex prison system and the detention of individuals, many of whom are difficult and even dangerous, for its part the judicial branch must nevertheless exercise a supervisory function to ensure that the essence of these core constitutional values and rights – the dignity of the individual*

*and the protection of the person – are not compromised. See Creighton v. Ireland [2010] IESC 50 per Fennelly J.*

16. *The obligation to treat all with dignity appropriate to the human condition is not dispensed with simply because those who claim that the essence of their human dignity has been compromised happen to be prisoners...*
  17. *For even though prisoners may have strayed from the path of righteousness and even ... severely and wantonly injured other persons, the protection of the dignity of all is still a vital constitutional desideratum. This is because the Constitution commits the State to the protection of these standards since it presupposes the existence of a civilized and humane society, committed to democracy and the rule of law and the safeguarding of fundamental rights. Anyone who doubts these fundamental precepts need only look at the Preamble, Article 5, Article 15, Article 34, Article 38 and the Fundamental Rights provisions generally.'*
  18. *By solemnly committing the State to protecting the person, Article 40.3.2 protects not simply the integrity of the human body but also the integrity of the human mind and personality."*
48. In light of this eloquent exposition of the rights of a prisoner, I fail to see how the public interest in ensuring compliance with a court order imposing a prison sentence is of greater importance than a prisoner's right to bodily integrity and autonomy when to effect same would involve force feeding the Defendant.
49. What is at issue in the present case is a prisoner determining that he does not want to intake any sustenance with the inevitable consequence that ultimately death will ensue. This will not be immediate. It will be over a long drawn out period. In the present case, at the time of hearing, the Defendant had been without food for 48 days. Deterioration will be gradual and painful: dizziness, blindness, exhaustion, muscle wasting. All of this is known and understood by the Defendant and yet he wishes to continue with this course of action. He does not want to engage in the most basic, natural and necessary action which all living creatures must engage in to survive, the action of taking nourishment. He wishes to continue with this course to demonstrate his autonomy and self-determination. This cannot be a decision which is taken and pursued lightly, most certainly not 48 days into a hunger strike when death looms.
50. In light of his right to bodily integrity to include integrity of mind and personality and his right to autonomy, it is not appropriate that his will would be overwhelmed so as to force feed him. Although he is a prisoner on whom a substantial term of imprisonment has been imposed having been found guilty of the most vile crimes, his core and basic rights as a human being would be completely violated by such action. It would turn him into a lesser being and turn society into the captors of lesser beings. This is not what is envisaged by our noble Constitution. While the enforcement of court orders in the criminal justice system is of major significance, it does not trump the core rights of the person to autonomy and self-determination.

51. For this reason, I previously granted the orders sought by the Plaintiff at paras. (a) – (d) of the Plenary Summons, whilst urging the Defendant to cease his hunger strike. I understand that my words did not fall on deaf ears and that the Defendant ceased his hunger strike after the conclusion of the hearing. I was very pleased to hear that the Defendant, of his own choosing, took this course of action.