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Ending the Guantánamo Nightmare



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Legend has it that on April 30, 1494, Christopher Columbus arrived to the Guantánamo Bay area and spent the night there. Columbus probably didn't dream that that area was going to be a subject of acrimonious debate centuries later. And the debate has not ceased, prompting calls for closing the facility. More appropriately, it should now be returned to its original owners, the Cuban people.

Guantanamo's contentious history is what Florida Gov. Ron DeSantis found, to his chagrin, when he was questioned by Mansoor Adayfi, a former detainee at the Guantanamo prison, at the Museum of Tolerance in West Jerusalem in late April. He angrily denied Adayfi's accusation that he watched unperturbed as Adayfi was forced fed to break his hunger strike in 2006. Two other former detainees, as well as defense lawyers and officials at the base, confirmed Adayfi's claim.

Although DeSantis initially said that he advised the base authorities in favor of the force-feeding program, he later retracted his statement. That three former detainees at the facility question DeSantis behavior, is a serious accusation that should be considered in discussions about his qualifications as presidential candidate.

The Guantanamo Bay Naval Base, colloquially called GTMO by members of the U.S. military, has a complex history. It is located on 45 square miles of land and water on the shore of Guantanamo Bay, at the southeastern end of Cuba. It is the oldest U.S. naval base in the world, and has been leased since 1903 as a coaling station and naval base. Initially the lease was \$2,000 in gold per year. This was amended in 1974 to \$4,085.

After the Spanish-American war ended with the Treaty of Paris in 1898, Spain formally relinquished control of Cuba. American officials denied Cuba a seat at the Paris peace conference.

In 1901, the U.S. government passed the Platt Amendment, part of an Army Appropriations Bill. In its section VII it read, "That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points to be agreed upon with the President of the United States."

After the Platt Amendment was incorporated into the Cuban Constitution, Gen. Leonard Wood, named by President William McKinley to be Cuba's military governor, told President Theodore Roosevelt, "There is, of course, little or no real independence left Cuba under the Platt Amendment." During the invasion of Cuba carried out by Cuban exiles at the Bay of Pigs in April of 1961 with the support of the U.S., Washington concentrated troops and weapons in Guantanamo.

In the last two decades of the 20th century the base was also used to house Cuban and Haitian refugees fleeing their country who were intercepted on the high seas. Since Jan. 11, 2002, the base has housed the Guantanamo detention center, where some 780 Muslims, captured during the U.S. invasion to Afghanistan, have been detained and tortured. As of February 2023, 31 detainees remain imprisoned at Guantanamo Bay. These are not the conditions under which the leased was signed.

Several human rights organizations such as the International Committee of the Red Cross, Amnesty International, and Human Rights Watch, as well as the United Nations have

condemned the treatment of inmates at Guantanamo, several of whom have committed suicide rather than accept the conditions at the detention camp.

Since 1959, the Cuban Government has stated its desire to end the lease on Guantánamo, a request that the U.S. has systematically refused. The Cuban government insists that the lease conditions were imposed under duress, since the treaty was imposed on the Cuban National Assembly as a pre-condition for limited Cuban independence. Alfred-Maurice de Zayas, an American lawyer and professor of international law, notes that article 52 of the Vienna Convention on the Law of Treaties states, “A treaty is void if its conclusion has been procured by the threat or use of force in violation of principles of international law embodied in the Charter of the United Nations.”

Legal and ethical arguments favor the return of Guantanamo to Cuba. The world is exhausted by infamous images of cruelty and violence. What are needed instead are examples of civility and intelligence that show the kindness of the human spirit. Returning Guantanamo to Cuba, a long-delayed measure that would bring a worldwide wave of goodwill, would be a step in the right direction.

Dr. Cesar Chelala is a co-winner of the 1979 Overseas Press Club of America award for the article “Missing or Disappeared in Argentina: The Desperate Search for Thousands of Abducted Victims.”

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