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## Guantánamo Prison: 22 Years of U.S. Horror, Torture, and Impunity



**Sources:** Question Digital

This year marks the 22nd anniversary of the creation of the infamous Guantanamo Bay prison in the territory illegally occupied by the United States in Cuba. In 2002, former President George W. Bush opened the prison, and thirteen years ago former President Barack Obama signed an order for its dismantling, but the concentration camp is still active.

In the aftermath of the terrorist attacks of September 11, 2001, the United States decided to open a detention center at the U.S. Naval Base at Guantanamo Bay, Cuba. The U.S. government considered that keeping the detainees outside the U.S. would deprive the federal courts of jurisdiction over the detainees' complaints. Seven years later, this premise was declared unconstitutional.

Former President Barack Obama said Guantanamo "is a facility that should never have been opened [and] has become a symbol around the world of an America that flouts the rule of law," but he did not close it. The fact that a State confronts terrorism should not result in the restriction of the protection of the physical integrity of the individual.

Far from being a symbol of democracy, the White House has become an emblem of human rights violations. 22 years later, a group of activists continues to denounce the existence and operations of the infamous prison at Guantánamo, a territory illegally occupied by the U.S. in Cuba, but which serves as a center of torture and horror.

The Inter-American Commission on Human Rights (IACHR) noted that the U.S. government authorized the use of "enhanced interrogation techniques," which included close confinement, the wall technique, stress positions, sleep deprivation, waterboarding, sensory deprivation, brutal beatings, electric shocks, induced hypothermia, dry waterboarding, among other types of torture.

Two months after the opening of the facilities at Guantánamo, the IACHR was the first international body to call on the United States to take urgent measures to respect the fundamental rights of the detainees and was the first quasi-jurisdictional body to call for the closure of Guantánamo.

Force-feeding has been used in hunger strikes initiated by prisoners in protest. A U.S. judge described force-feeding as a "painful, humiliating and degrading process." Adnan Farhan Abdul Latif, who described force-feeding as "having a dagger shoved down your throat," committed suicide at Guantánamo in 2012.

Since 2002, more than 779 people have passed through these facilities. Under the justification of the so-called "War on Terror" and subsequently, under the pretext of National Security, the U.S. government exercises death, torture and state terrorism. A scene that the corporate media prefers to keep quiet. Thirty elderly Muslim men, physically and psychologically damaged, continue to be held in this prison-concentration camp.

Ninety-three percent of the detainees were not detained by the U.S., but sold or handed over for a cash reward. Twenty-two children and adolescents were detained: 15-year-old Omar Khadr was denied medical attention, kept in a cell with ferocious dogs, threatened with sexual abuse, and his head covered with a plastic bag.

### **The Platt Amendment**

A year before Cuba's declaration of independence, the U.S. Congress voted the U.S. Army Budget Act. That legislation had an add-on, the Platt Amendment. This text, devised by

Senator Orville H. Platt, was also added to the Cuban Constitution, written in 1901, and granted the United States the right to intervene militarily in Cuba whenever it deemed it appropriate, which meant greater influence in the day-to-day politics of the island.

The United States focused on a particular piece of land: Guantanamo Bay, 945 kilometers from Havana, almost at the southeastern tip of the island, and signed a lease agreement for the territory of 117 square kilometers, between the mainland, sea and swamps, turning it into an extension of their territory where they built a naval base and surrounded it with all kinds of shops.

Throughout its history, there were McDonald's, KFC, Starbucks, Pizza Hut and Taco Bell locations in Guantánamo. The U.S. presence became more contrasting after January 1, 1959, when the Cuban revolution triumphed. Since 1903, the U.S. paid Cuba a sum of approximately \$2,000 a year for the lease of Guantanamo.

In 1973, after a sort of internal revaluation, an adjustment in which the Cuban authorities did not participate, the value of the lease was updated to \$4,085 per year. In 1959, after the revolution, Fidel Castro stopped cashing checks in protest against the illegal occupation of the bay.

Successive U.S. administrations – both Republican and Democratic – ignored international complaints, mainly related to human rights, that the Guantánamo prison functioned as "a legal black hole."

Cuban Foreign Minister Bruno Rodriguez demanded that Washington close the U.S. Naval Base in Guantanamo Bay and return that illegally occupied territory to the island. It also denounced the detention of 30 prisoners in that prison, arbitrarily detained, without trial or due process, victims of torture and degrading treatment that violates human rights.

### **The Basis**

The Guantanamo naval base covers an area of 117.6 square kilometers of Cuba's national territory, usurped since 1903 against the will of its people. The military enclave began operations in December 1903 as a training and preparation stage for the U.S. fleet.

Year after year, the Cuban government reiterates its rejection of the U.S. military presence in Cuba and demands the return of the illegally occupied territory in the province of Guantanamo. A United Nations assessment of the illegally occupied military prison in Guantanamo Bay, Cuba, determined last June that its closure is a priority due to the injustices committed there.

The Special Rapporteur on the protection of human rights while countering terrorism, Fionnuala Ní Aoláin, met some of the prisoners during a visit to the site, and found that all of them live with constant harm as a result of systematic torture and arbitrary detention.

He explained in a statement that "for many, the dividing line between past and present is extremely thin and past experiences of torture live in the present, with no obvious end in sight." The special rapporteur called on the U.S. government to ensure accountability for all violations of international law. "The time has come to undo the legacies of exception and discrimination perpetuated by the continued existence of Guantánamo," he said.

But what can be expected from a government and administration that openly finances and supports genocide and a new military interventionism? This time in Yemen, one of the poorest countries on earth. In this sense, Guantánamo, torture, its abuses and terrible record, become just one of the edges of how the United States pretends to ignore the existence of human rights and international law.

The U.S. naval base at Guantanamo Bay has a movie-like feel to it. Enter it from the airport, on a ferry that crosses the crystal clear bay in a postcard landscape. The uptown, with its baseball field, McDonald's, Irish pub and open-air cinemas, could be a tropical version of the small provincial town in *Back to the Future*.

But the barriers that prevent passage, the checkpoints and the constant patrols of the military police remind us that behind the fences, the cruel reality is hidden. Hidden from view, physically separated from the rest of the base and relegated to the news, the Guantanamo Bay prison, synonymous with some of the worst abuses by the U.S. in its so-called war on terror, remains open.

As many as 779 Muslim males were captured and secretly transferred, hooded and handcuffed, to this prison. Then-President George W. Bush ordered it to be created in reaction to the September 11 attacks in 2001, to house terrorist "enemy combatants" without the obligation to offer them the guarantees to which they would be entitled as prisoners on U.S. soil.

The vast majority of inmates had nothing to do with those attacks, the al-Qaeda network or Islamic terrorism. Many were sold for a handful of dollars to the CIA. Each, notes the UN Special Rapporteur for Human Rights and Counterterrorism Fionnuala Ní Aoláin, in her report published last June, "lived or is living their own indelible experiences of psychological and physical trauma after enduring profound abuses of their human rights".

## **Islamic "terrorism"**

The fear of a sudden attack by Islamic terrorism on this corner of Cuba has disappeared. The naval patrols of soldiers armed with assault rifles that roamed its waters and were one of its most characteristic images have just been eliminated. At this base, where about 6,000 people – soldiers and civilians – reside, 800 work in prison-related work. That's half as many as three years ago, but the figure shows a ratio of almost 27 for every prisoner.

Guantanamo Bay costs the United States \$13 million (€11.8 million) per prisoner, arguably the most expensive in the world. It is not allowed to take pictures of the faces of any military personnel, or of any kind of infrastructure. Many soldiers don't want to be known to serve there: it embarrasses them.

"The name Guantánamo may always remain synonymous with the systematic use of illegal rendition, torture and arbitrary detention," Ní Aoláin told a news conference in New York.

The X-ray field is a permanent reminder of everything that happened. On the northwest side of the base, it was the first prison to be built. He got up in a hurry. The result: cages barely two by two meters, under the open sky, under the inclement Caribbean sun. In each, two cubes. One with water, one for feces. And nothing else in them. It was used for four months, before transferring prisoners to more permanent structures.

Today it is an abandoned field, which the media can only see from afar. Thick barbed wire fences still demarcate the different areas. The roofs of watchtowers, cells and interrogation rooms – "wooden boxes" – are described by Mark Fallon, a former researcher on al-Qaeda in the most brutal era and who once denounced torture to the authorities.

The result was widespread use and abuse of torture, waterboarding, wholesale beatings, extreme sleep deprivation, anal rape.

Mark Fallon, then head of an investigative unit at Guantánamo, confirmed in recent court testimony the existence of a culture of mistreatment that had become widespread by the summer of 2002 among a military intelligence unit.

He denounced efforts to induce a feeling of extreme disorientation, the use of dogs to intimidate, forced painful positions. The interruption of sleep was "routine inside the camp", this witness testified before the military court in a preliminary hearing - also in a limited area isolated from the rest of the base, the Justice Camp - on the case of Abdelrahman al Nashiri, suspected of perpetrating the attack on the destroyer USS Cole in 2000. with a toll of 17 dead and 40 wounded, in waters near Yemen, a country now being bombed by the United States.

"The Guantanamo Bay prison is still open, not because of what these people have done to us. It's still open because of what we've done to them," Fallon said. "The government continues to try to hide, black-pen and classify anything that would lead to accountability for those involved in the torture programme, as well as those who defended it."

Allegations about what was happening in those cells led then-presidential candidate Barack Obama to announce that closing the jail would be his first move in the White House. He never succeeded. His successor, Donald Trump, promised instead to fill it with "bad people"... And he didn't make it happen either.

The current occupant of the White House, Joe Biden, pledged to close it. So far, it has only been able to release ten prisoners. The latest of these is Said bin Brahim bin Umran Bakush, who was transferred to Algeria in April 2023. The remaining 30 remain in various forms of legal limbo.

### **779 prisoners, but only two convictions**

Only two of the 779 prisoners have been convicted and are serving their sentences at the base on Cuban soil. Along with them, three others are classified as "enemy combatants" and are nicknamed "the eternal prisoners": they will not be put on trial and the United States does not want to release them, although their status is subject to periodic reviews.

Another 16 have been cleared to be transferred to a third country, but not many are willing to accept them. Nine are awaiting trials on their cases – the *bombing at the School*, 9/11, the attack on a nightclub in Bali – postponed during the pandemic, which are entangled in appeal after appeal and never quite arrive.

Anthony Natale, head of the team of lawyers defending Al Nashiri, points out that "it's a system that was created to offer none of the safeguards that the U.S. judicial system, or even a military court, would have. And it was done intentionally. It was decided that the hearings would be held at Guantánamo because they believed it was a place outside the protections of the Constitution," he explains.

"Almost all the relevant material is classified. They try to prevent us from being able to access the information. And we have to be constantly litigating about things that there wouldn't be any reason to be about if we were in a normal courtroom. If we add the logistical distances for any procedure, we have the perfect recipe for an unfair system," he added.

Two decades after their arrival at Guantánamo, these 30 prisoners are now elderly people with physical and mental health problems, caused both by their age and by the ill-treatment and torture they suffered. These inmates show signs of "accelerated aging,

worsened by the cumulative effects of their experiences and years spent in detention," according to senior International Committee of the Red Cross official Patrick Hamilton, who visited the facility in March.

Ní Aoláin denounces that "arbitrariness seeps into the entire detention infrastructure at Guantánamo, making detainees vulnerable to human rights abuses and contributing to conditions, practices and circumstances that lead to arbitrary detention." A number of procedures, such as referring to them by number rather than name, or the "disproportionate" use of solitary confinement, "constitute, to say the least, cruel, inhuman and degrading treatment".

It's hard to see how the situation will be resolved given that the U.S. government doesn't want to go to trial, because "they want to hide the torture, and how systematic, how pervasive, and how horrific it was. There are things I can't describe to you: they're classified," says Di Natale.

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