

JPRS 69065

9 May 1977

TRANSLATIONS ON LATIN AMERICA  
No. 1645  
GUANTANAMO-YANKEE NAVAL BASE  
OF CRIMES AND PROVOCATIONS

**DISTRIBUTION STATEMENT A**  
Approved for Public Release  
Distribution Unlimited

20000215 101

**U. S. JOINT PUBLICATIONS RESEARCH SERVICE**

Reproduced From  
Best Available Copy

LATIN

AMERICA

## NOTE

JPRS publications contain information primarily from foreign newspapers, periodicals and books, but also from news agency transmissions and broadcasts. Materials from foreign-language sources are translated; those from English-language sources are transcribed or reprinted, with the original phrasing and other characteristics retained.

Headlines, editorial reports, and material enclosed in brackets [] are supplied by JPRS. Processing indicators such as [Text] or [Excerpt] in the first line of each item, or following the last line of a brief, indicate how the original information was processed. Where no processing indicator is given, the information was summarized or extracted.

Unfamiliar names rendered phonetically or transliterated are enclosed in parentheses. Words or names preceded by a question mark and enclosed in parentheses were not clear in the original but have been supplied as appropriate in context. Other unattributed parenthetical notes within the body of an item originate with the source. Times within items are as given by source.

The contents of this publication in no way represent the policies, views or attitudes of the U.S. Government.

## PROCUREMENT OF PUBLICATIONS

JPRS publications may be ordered from the National Technical Information Service, Springfield, Virginia 22151. In ordering, it is recommended that the JPRS number, title, date and author, if applicable, of publication be cited.

Current JPRS publications are announced in Government Reports Announcements issued semi-monthly by the National Technical Information Service, and are listed in the Monthly Catalog of U.S. Government Publications issued by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Indexes to this report (by keyword, author, personal names, title and series) are available through Bell & Howell, Old Mansfield Road, Wooster, Ohio, 44691.

Correspondence pertaining to matters other than procurement may be addressed to Joint Publications Research Service, 1000 North Glebe Road, Arlington, Virginia 22201.

<b>BIBLIOGRAPHIC DATA SHEET</b>		1. Report No. JPRS 69065	2.	3. Recipient's Accession No.
4. Title and Subtitle TRANSLATIONS ON LATIN AMERICA, No. 1645 Guantanamo-Yankee Naval Base of Crimes and Provocations			5. Report Date 9 May 1977	
7. Author(s)			6.	
9. Performing Organization Name and Address Joint Publications Research Service 1000 North Glebe Road Arlington, Virginia 22201			8. Performing Organization Rept. No.	
12. Sponsoring Organization Name and Address As above			10. Project/Task/Work Unit No.	
			11. Contract/Grant No.	
			13. Type of Report & Period Covered	
15. Supplementary Notes			14.	
16. Abstracts  The serial report contains articles on political and sociological developments in major areas of Latin America, as reported primarily from Latin American newspapers and periodicals. It also includes information on major segments of Latin American economy, geography, culture, and ethnography.				
17. Key Words and Document Analysis. 17a. Descriptors				
Political Science	___ Inter-American Affairs	___ Ecuador		
Sociology	___ Argentina	___ El Salvador		
Economics	___ Bolivia	___ Guatemala		
Culture	___ Brazil	___ Guyana		
Ethnology	___ Chile	___ Haiti		
Technological	___ Colombia	___ Honduras		
Geography	___ Costa Rica	___ Mexico		
	<input checked="" type="checkbox"/> Cuba	___ Nicaragua		
	___ Dominican Republic	___ Panama		
		___ Paraguay		
		___ Peru		
		___ Uruguay		
		___ Venezuela		
17b. Identifiers/Open-Ended Terms				
17c. COSATI Field/Group 5D, 5C, 5K				
18. Availability Statement Unlimited availability. Sold by NTIS Springfield, Va. 22151		19. Security Class (This Report) UNCLASSIFIED	21. No. of Pages 87	
		20. Security Class (This Page) UNCLASSIFIED	22. Price PC A05	

TRANSLATIONS ON LATIN AMERICA

No. 1645

GUANTANAMO-YANKEE NAVAL BASE

OF CRIMES AND PROVOCATIONS

Havana GUANTANAMO, BASE NAVAL YANQUI DE CRIMENES Y PROVOCACIONES  
in Spanish 1970 pp 1-132

[This document was published by the Ministry of Foreign Affairs  
of Cuba, Directorate of Information; passages enclosed in slant  
lines printed in bold face]

CONTENTS	PAGE
Title Page Information.....	1
Introduction.....	2
The Guantanamo Naval Base and International Law.....	4
Doctrinal and Juridical Aspects.....	13
Conclusions.....	25
Naval Base...Base of Crimes, Tortures and Provocations.....	27
Position of Cuba With Respect to the Guantanamo Naval Base.....	31
Chronology.....	39
Five Points for Peace With Dignity.....	58
Photo Appendix .....	59

TITLE PAGE INFORMATION

[Text]

GUANTANAMO, YANKEE NAVAL BASE  
OF CRIMES AND PROVOCATIONS

Nine years of continuous aggressions  
The base and international law  
The position of Cuba



## INTRODUCTION

[Text] The recent history of aggressions by the U.S. Government against the Republic of Cuba, even before the formal break in diplomatic relations took place in January 1961, has proved how right some of the patriots were who discussed the terms of Cuban national sovereignty at the beginning of the century with the representatives of Yankee interventionism, when they attacked the imperialist Platt Amendment and other shyster-lawyer sophistries of Washington which limited the exercise of our will as a free and independent country.

As an example of the situation foreseen by those forefathers, we can today present the case of the Guantanamo Naval Base, which the North Americans occupy in Cuban territory against the manifest will of our people and which they use to harrass the Cuban Revolution constantly, having caused the deaths of several fellow citizens by cowardly aggressions that have put to the test the patience and courage of the men who guard the border that separates us from the hateful enemy.

Of the antecedents of this historical case of usurpation and violence, analyzed from the point of view of International Law; of the position of the Cuban Government, expressed publicly in universal tribunes by three of the most representative leaders of our revolution, a position supported by judiciousness, the curb of courtesy and respect for the law; of the crimes and provocations perpetrated by the undisciplined Yankee troops carrying out higher orders from Guantanamo Naval Base; of all the aspects of the burning question posed by the illegal stationing of troops of a foreign and aggressor power on Cuban soil, this pamphlet, profusely illustrated with photographs that show irrefutably the nature of the aggressions, offers an informative summary.

In many international meetings, where in past years the peoples of the world have discussed the formulas that can prevent the holocaust that the Yankee warmongers are provoking in their criminal madness, the name of Guantanamo has been mentioned repeatedly as a point of friction.

In his speech on 26 July 1962 commemorating the 9th anniversary of the attack on Moncada Barracks, the prime minister of Cuba, Maj Fidel Castro said: "The naval base is a dagger plunged into the heart of Cuban soil...a base which we are not going to take away by force but a piece of land which we will never give up."

More than once the trite phrase of "powder keg" has been applied to the situation that prevails as a result of the pillaging zeal of the neocolonialists of Washington in the narrow strip of land they hold on our southeastern coast, and which at a given moment and not too distant future they will return to the patrimony of its true owner: the people of Cuba.

## THE GUANTANAMO NAVAL BASE AND INTERNATIONAL LAW

[Text] The subject of the Caimanera Base suggests infinite ramifications, each one of which has a tremendous importance because in them are implied all the questions that at present concern suffering humanity. Their study emphasizes a great truth proclaimed by Marxism-Leninism: that imperialism knows no other relationships between states that are not those of domination and submission; those of oppression of the weak by the strong; that it bases its international relationships on imposition and threats; on violence and arbitrariness.

The State of Law, born of the bourgeois juridical literature, describes the capitalist system as if there were no room in it for an arbitrary power and where there is the reign, apparently, of right and law. It affirms the rule of law over the state and considers law as something independent of the state and even above the state (the ideal state under the reign of the State of Law).

Such are the characteristics of the theory of the State of Law which at the same time that it gives its praises to the bourgeois democracy, considers itself as pure and above social classes.

But all these fallacies, among which the worn-out slogan of "government of law" is outstanding, are ingenious doctrines that deliberately serve the purpose of hiding the true class nature of the bourgeois state, whose primary function is to consolidate the domination of capitalism.

In the final phase of monopolistic imperialism, in which capitalism of the state acquires vast development, the doctrine of the State of Law is relegated to a secondary plane and it gives up its place to a new ideology whose fascist content can be defined by the following tendencies: 1) destruction of bourgeois legality; 2) suppression of the last vestiges of the formal freedoms proclaimed in constitutional documents.

The bourgeoisie do not openly abandon their doctrine of a State of Law but use it in their exclusive class interest, giving it a particularly reactionary meaning, and attempting, through demagogic procedures, to inculcate illusions among the masses to hide the imperialist nature of the contemporary



bourgeois state and law. The doctrine of the State of Law is clearly directed against the revolutionary movement of the working class and against the political and economic liberation of the colonial and semicolonial countries, particularly after the consolidation of the world system of socialism.

The world system of capitalism has been formed and developed in a process of fierce struggle among the states that make it up through the subjection and exploitation of the weak states by the strong; through the subjugation of hundreds of millions of people and the transformation of entire continents into colonial appendages of the imperialist metropolis, while the process of formation and development of the world socialist system takes place on the basis of equality, sovereignty and self-determination, in keeping with the most vital interests of the workers of all the states of this system.

Cuba has been one of the many victims of imperialism. As it is stated in the Second Declaration of Havana, "Yankee troops occupied our territory. The Platt Amendment was imposed on our first constitution as a humiliating clause that consecrated the hateful right of foreign intervention. Our resources passed into their hands, history was distorted, administration and politics molded entirely to the interests of the interventionists; and the nation subjected to 60 years of political, economic and cultural asphyxia. But Cuba rebelled, Cuba was able to redeem itself from the bastard tutelage. Cuba broke the chains that linked its fate to the oppressing empire, recovered its sources, retrieved its culture and unfurled its sovereign banner as a /Free Territory and People of America/."

However, a piece of its territory is still illegally in the hands of the United States. That piece of territory is occupied by the Guantanamo Naval Base, which today, like yesterday, far from being an instrument "for enabling the United States to maintain the independence of Cuba and protect the people thereof," as the 7th article of the so-called Platt Amendment says hypocritically, is a permanent threat to the sovereignty of Cuba and a claw planted over the integrity of our territory.

The object of this work is to investigate and determine whether the leasing of the Guantanamo base, imposed unilaterally on the Cubans by the United States, should remain intact and untouchable despite the fact that consent for it was coercively wrested from the lessor, and highly extraordinary, unforeseeable and inevitable circumstances changed the obligation, making it excessively onerous for the lessor; or if, on the contrary, due to this perversion of consent and as a result of subsequent events that substantially change the basis of the deal, the nullification or rescission of the original contract should be arranged.

We shall study the problems from the doctrinal point of view as well as from the standpoint of international law and Cuban legislation.

## Historical Background

In 1823, the then secretary of state of the United States and later its sixth president, John Quincy Adams, formulated the well-known policy of "the ripe fruit" with respect to the island of Cuba. They waited 75 years for the fruit to ripen and in the meantime they remained alert to prevent the coveted prize from falling into the hands of England or France, the great rival empires. Thirty years of bloody struggle against Spain were not enough to move the new empire of the north but in 1898 the fruit was sufficiently ripe for Yankee intervention and President McKinley judged that the opportunity to become "indignant" at the horrors of the reconcentration ordered by Weyler had finally arrived, and he demanded that Spain grant autonomy to Cuba.

The Spanish Government, seriously concerned, granted autonomy and withdrew Weyler. However, the mysterious explosion of the "Maine" and the incident of the famous Dupuy de Lome letter were the pretexts whereby McKinley in a message to Congress 11 April 1898 recommended armed intervention in Cuba, if necessary, with "acts of hostility against the two contending parts, to force them, one and the other, to effect a truce during which a due settlement may be obtained."

On 13 April the North American Senate approved a resolution couched in the following terms:

"That the people of Cuba are, and by right should be, free and independent and that the government of the United States /recognizes by this present the Republic of Cuba as the legal and true government of that island/."

However, the lower house, under the pressure of the executive branch, opposed the senate's formula and established two conditions before approving the joint resolution: 1) that the words "Republic of Cuba" be removed from the heading, 2) that the first article be worded thus: "That the people of the island of Cuba /should/ by right be free and independent.."

Finally, on 20 April 1898, the famous Joint Declaration was approved in the following terms:

First: That the people of Cuba are, and by right should be, free and independent.

Second: That it is the duty of the United States to require, as the government of the United States requires by this present, that the government of Spain immediately renounce its authority and government on the isle of Cuba and withdraw its military and naval forces from its territory and its waters.

Third: That by this present, order and authority is given to the president of the United States to use the military and naval forces of the United States in their totality, and to call to active service the militias of the different states as far as necessary, to place this resolution into effect.

Fourth: That the United States declare by this present that it has no intention or desire to exercise sovereignty, jurisdiction or control in Cuba except for the pacification of the island /and it affirms its determination, when it has been attained, to leave the government and control of Cuba to its own people/.

Throughout the process for the drafting of this Joint Declaration, a clear intention is obvious: disregard the Republic of Cuba in arms and deny juridical personality to the Council of Government of the Revolution.

However, the resolution went far beyond the desires of President McKinley, which later prevented him from empowering himself of the island of Cuba as he did with the Philippines and Puerto Rico. The text of the Joint Declaration internationally committed the government of the United States, always so jealous of its "legality." There was, therefore, a need to seek other "legal paths" to insure control over the island of Cuba.

On 10 December 1898, the Treaty of Paris was signed between Her Majesty, the Queen Regent of Spain, and the President of the United States of America, in which, behind the backs of the Cuban people, it was agreed:

Article 1. Spain renounces all rights to sovereignty and ownership over Cuba. Therefore, when said island is evacuated by Spain it is going to be occupied by the United States. As long as its occupation lasts, it will take upon itself and fulfill the obligations that by the right of occupation of it are imposed by international law for the protection of lives and property.

Article 16. It is understood that any obligation accepted in this Treaty by the United States with respect to Cuba, is limited to the time the occupation of this island lasts, but when such occupation ends, they will advise the government established on the island to accept the same obligations.

North American military occupation consummated, Order 301 dated 25 July 1900 was issued, whereby general elections were ordered for delegates to a constituent convention that was to meet in the city of Havana at 1200 hours on the first Monday of November 1900 for the purpose of /drafting and adopting a constitution for the people of Cuba, and as part of it, to decide and to agree with the government of the United States with respect to the relations that were to exist between Cuba and that government.../.

The elected delegates gathered at the "Irijoa" Theater, today the "Marti," on 5 November of the aforementioned year, and Military Governor Wood

addressed the assembly to issue the last instructions. Among the paragraphs of his speech, the following are outstanding:

"In the first place, it shall be your responsibility to prepare and adopt a constitution for Cuba, and once this is finished, to formulate what in your opinion the relationship between Cuba and the United States should be..."

"When you have formulated the relationship that in your judgment should exist between Cuba and the United States, the government of the United States will adopt, without any doubt whatsoever, the measures that will lead, on its part, to a final and authorized agreement between the peoples of both countries in order to promote the development of their common interests..."

"In keeping with the order by virtue of which you were elected and are now here, you should not take part in the government of the island and you lack authority to do so. Your powers are strictly limited by the terms of that order..."

Once the constitution was drafted, the time arrived to discuss political relations between Cuba and the United States. For this purpose, a five-member commission was appointed (Gonzalo de Quesada, Juan Gualberto Gomez, Jose Ramon Silva, Enrique Villuendas and Diego Tamayo) on 12 February 1901 to study and propose whatever would lead to the aforementioned end.

Immediately, Military Governor Wood informed the commission of the instructions he had received from Washington, according to which relations between Cuba and the United States should be regulated in the following manner:

First: That no government organized under the constitution would be judged as having authority to enter into any treaty or compact with any foreign power that could diminish or oppose the independence of Cuba, or to allow any foreign power any special right or privilege without the consent of the United States.

Second: That no government organized under the constitution will have the authority to assume or contract any public debt that exceeds the ability to pay the interest with ordinary revenues of the island after defraying the current expenses of the government.

Third: That upon the transfer of control of Cuba to the established government under the new constitution Cuba consents that the United States reserve and retain the right of intervention for the preservation of Cuban independence and the maintenance of a stable government that will duly protect lives, property and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

Fourth: That all acts of the military government, and all the rights acquired by them, shall be valid and shall be maintained and protected.

Fifth: That to enable the United States to fulfill duties such as those imposed on it by the stipulations already expressed and for its own defense, /the United States could acquire title, and keep it, to land for naval stations at certain specific points/.

When the convention learned of the conditions imposed by the U.S. Government, on 27 February, it approved five basic statements that made up a position that ran counter to the statements of the North American president and in which those relative to recognition of the right of intervention and the establishment of naval stations were eliminated.

In view of this situation of open rebellion by the Cuban delegates, the U.S. Government hastened to /legalize/ its imperialist designs and it made Senator Orville H. Platt responsible for presenting an amendment to the Army Appropriations Bill that converted what was later known as the Platt Amendment into an /accomplished fact/.

In this amendment, approved by Congress and approved by President McKinley, was contained the article on the naval bases as follows:

Article 7: 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....

Article 8: The government of Cuba will add the aforementioned provisions in a permanent treaty with the United States.

Some delegates of the Constituent Assembly maintained that they did not have the authority to approve the amendment requested by the United States since it would imply limiting the independence and sovereignty of the Republic of Cuba. Then Governor Wood hastened to issue a new Military Order (12 March) in which it was declared that they were authorized to approve the measures whose constitutionality was in doubt.

Other delegates such as Manuel Sanguily opined that the Assembly should dissolve before approving measures that in such a fashion offended the dignity and sovereignty of the Cuban people. But in a session on 7 March, a commission was named to write a reply to Governor Wood, it being left to Juan Gualberto Gomez to write it. He recommended a rejection of the clauses relative to the right of intervention and to the sale or lease of naval or coaling stations "because Cuba, with those limitations could be free with respect to the rest of the countries but not of the United States, and by not being free with respect to one of the states of the world, it would not be fully independent with respect to the rest."

The convention suspended the discussion on the proposal by Juan Gualberto Gomez and decided to send a commission to the United States "to learn the aims and intentions of the U.S. Government with respect to all those particulars that refer to the establishment of a definite order of political and economic relations between Cuba and the United States, and to negotiate with the government the basis for an agreement on those points which it would present to the conventions for their final resolutions."

The North American Government hastened to declare publicly that the commission was visiting Washington on its own initiative without any invitation and without any official character.

Secretary of War Root received the commission on 25 and 26 April and told them in no uncertain terms that "the right of the United States to impose the debated clauses has been proclaimed for three-quarters of a century to the face of the American and European world and it is not prepared to give it up to the extreme of placing its own security in danger..." The Monroe Doctrine entered into full action. By virtue of this ineffable doctrine, the United States self-titled itself the owner of absolute power to do everything, that in the opinion of its leaders was proper for its sacrosanct security, including the crushing of other people.

The commission returned from Washington and tendered its report to the assembly, which received it with general dissatisfaction, and on 28 May a proposal prepared by Villuendas, Tamayo and Quesada was submitted for discussion. In it the amendment was accepted with some clarifications.

This proposal was approved by 15 votes to 14, but the U.S. Government did not accept this solution, communicating through Governor Wood that it would only accept the amendment "without qualification," and warned the convention, in the manner of an ultimatum, that the Platt Amendment being "a statute approved by the Legislative Branch of the United States, the president is obliged to execute it as it is. He cannot change it, modify it, add to it or subtract from it. The executive action required by the statute authorizes this action /when and only when a government had been established under a constitution that contained, in its body or in an appendix, certain binding provisions specified in the statute.... If he then finds these provisions in the constitution, he will be authorized to withdraw the army. If he does not find them there, then he is not authorized to withdraw the army.../.

Thus the Platt Amendment was purely and simply submitted for a vote; 16 voted yes and 11 voted no. It was 12 June 1901.

In compliance with Article VII of the constitutional appendix imposed on the Constituent Convention, the 16-23 February 1903 agreement was signed.

In its pertinent provisions, the following was stipulated:

Article 1. The Republic of Cuba /leases/ by this present to the United States for the time it may need them and for the purpose of establishing coaling or naval stations in them, the areas of land and water located on the island of Cuba described as follows:

First, in Guantanamo...

Article 3. While the United States for its part recognizes the continuation of definitive sovereignty of the Republic of Cuba over the described areas of land and water, the Republic of Cuba for its part consents that /during the period in which the United States occupies said areas/ as stipulated by this agreement, the United States will /exercise complete jurisdiction and control over said areas/ with the right to acquire (under the conditions that further on will be agreed upon by both governments) for the public purposes of the United States, any land or other property located in them by purchase or forcible expropriation, indemnifying their owners completely.

In an agreement dated 2 July 1903, regulations for the leasing of the naval and coaling stations was approved as follows:

Article 1. The United States of America agrees and stipulates that it will pay the Republic of Cuba the annual sum of 2,000 pesos in U.S. gold coin during the time that it occupies and uses said areas of land by virtue of the aforementioned agreement.

All the privately owned land and other fixed property contained in said areas shall be acquired without delay by the Republic of Cuba. The United States agrees to provide the Republic of Cuba with the amounts necessary for the purchase of said lands and private property and the Republic of Cuba will accept said amounts as an advance payment of the rent owed by virtue of said contract.

In the so-called Permanent Treaty of 22 May 1903 between the governments of the Republic of Cuba and the United States; future relations between the two governments are stated: that is, that which Manuel Marquez Sterling called "the unbearable subjection of the Platt Amendment" was assured. In this treaty were literally reproduced the eight articles of the amendment, special emphasis being made of the fact that the "Constituent Convention of Cuba adopted a resolution in June 1901 adding to the Constitution of the Republic of Cuba, which was adopted on 21 February 1901, an appendix that contains, word for word and letter for letter, the eight articles contained in the Law of the Congress of the United States approved 2 March 1901."

Finally, on 29 May 1934, the Treaty of Relations was signed in Washington, the pertinent parts of the text of which are as follows: The Republic of Cuba and the United States of America /animated by the desire to fortify the relations of friendship between the two countries, and to modify, with this purpose, the relations established between them by the Treaty of Relations signed at Havana 22 May 1903/ have agreed upon the following articles:

Article 1. The Treaty of Relations which was concluded between the two contracting parties on 22 May 1903, shall cease to be in force and is abrogated from the date on which the present treaty goes into effect.

Article 3. Until the two contracting parties agree to the modification or abrogation of the stipulations of the agreement in regard to the lease to the United States of America of lands in Cuba for coaling and naval stations signed by the president of the Republic of Cuba on 16 February 1903, and by the president of the United States of America on 23 February 1903, the stipulations of that agreement with regard to the naval station of Guantanamo shall continue in effect. The supplementary agreement in regard to naval or coaling stations signed between the two governments on 2 July 1903, shall continue in effect in the same form and on the same conditions with respect to the naval station at Guantanamo. /So long as the United States of America shall not abandon the said naval station of Guantanamo or the two governments shall not agree to a modification of its present limits/, the station shall continue to have the territorial area that it now has, with the limits that it has on the date of the signature of the present treaty.

In order to complete the picture of events, whose legal evaluation we propose to make, it is well to also transcribe the pertinent articles of the 1901 and 1940 constitutions with respect to national territory:

Article 2 (1901 Constitution). The territory of the republic includes the Isle of Cuba as well as the adjacent keys and islands which with it were under the sovereignty of Spain until the ratification of the Treaty of Paris of 10 December 1898.

Article 3 (1940 Constitution). The territory of the Republic of Cuba consists of the Isle of Cuba, the Isle of Pines and the other adjacent isles and keys that with it were under the sovereignty of Spain until the ratification of the Treaty of Paris of 10 December 1898. /The republic will not make or ratify pacts or treaties that in any way limit or undermine national sovereignty or territorial integrity/.



## DOCTRINAL AND JURIDICAL ASPECTS

[Text] 1. /Nature of the Agreement on the Guantanamo Base/

If Article VII of the Platt Amendment and Article II of the 16-23 February 1903 Agreement are examined carefully, the concern of the United States Government in emphasizing its acknowledgement of the /definitive sovereignty of the Republic of Cuba over the areas of land and water that make up the Guantanamo Base/ will be noted. However, it immediately explains that /during the period in which the United States occupies said areas pursuant to the stipulations of this agreement/ the Republic of Cuba consents to let the United States /exercise complete jurisdiction and controls over said area/.... This means that theoretically the sovereignty of the lessor state (Cuba) remained over the leased territories but in practice, the lessee (the United States) acquired complete jurisdiction and controls over said areas.

This is a matter of an ingenious procedure to avoid the principle of territorial integrity consecrated in the second article of the 1901 constitution.

It is obvious that we find ourselves faced with an international leasing treaty whereby the United States obtains the use and enjoyment of a piece of national territory of the Republic of Cuba with the sovereignty of the lessor state theoretically still remaining.

Applying, then, the rules of Civil Law, applicable to Public International Law, according to the unopposed principle of the essential unity of all the law, it is mandatory to examine the requirements that give legal existence and juridical validity to the contract, even those of an international nature: capacity, consent, object and origins.

A) Capacity. Capacity involves the general aptitude for making international agreements and the power to enter into any type of them. In the matter of a contract between sovereign states, contractual power is subordinated to sovereignty and in a certain way is part of it. It is not a right that belongs to the state but a simple attribute linked to sovereignty.

Therefore, it is imperative to take sovereignty as the basis for the evaluation of the contractual capacity of the state. As all treaty experts of International Law say, the right to negotiate and to make treaties is one of the attributes of national sovereignty.

But sovereignty is absolute, indivisible and inalienable, and it belongs essentially to the nation. Territorial sovereignty is also manifested from state to state. As the author of the Argentine Civil Code, Dalmacio Velez Sarsfield, says, it is a passive obligation as are all that are relative to real rights, an obligation of inertia of respecting the action of each country over its territory, of not hindering it, of not imposing any obstacle whatsoever.

The nation considered in all its parts has the rights of a proprietor with respect to other nations. The people, considered as a sovereign power, have an even higher action over their territory: the exercise of the right of empire, legislation, jurisdiction, command and administration; in short, a right of sovereignty throughout the expanse of its territory. It can be said, then, that international control is the right that belongs to a nation of using, of receiving products, of having its territory with the exclusion of other nations, of ruling in it as a sovereign power independent of any foreign power; a right that creates for all other states the correlative obligation of not placing any obstacles to the use that the proprietary national makes of its territory and of not arrogating to themselves any rights of rule over that same territory. Each state, in short, exercises sovereignty over its territory, excluding the other states.

For the majority of the internationalists, the evaluation of the capacity to enter into contracts is a matter of domestic law and must be judged and evaluated entirely in keeping with it. We must turn, then, to the Constitution of the Republic because this is an essential attribute of national sovereignty and its exercise cannot be ruled by any other but by the domestic public law of each country (Bustamante, Calve, Cheretin, Pradier, Fodere and others).

And in keeping with our constitutional law, sovereignty belongs to the nation, no executive being authorized to enter into, or ratify pacts or treaties, that in any way limit or undermine national sovereignty or territorial integrity. According to international law, a treaty may not be deemed valid when the one who enters into it exceeds the powers accruing to him pursuant to domestic law.

This thesis has already been accepted by positive international law. The first article of the agreement on treaties signed in the Pan-American Conference of 20 February 1928 says literally that treaties will be signed by the pertinent powers of the states or by their representatives pursuant to their respective domestic law.

The delegates of the Constituent Convention of 1901, as declared by Enrique Villuendas, were elected by the people of Cuba for four clearly determined purposes: 1) to agree upon, and adopt, a constitution for Cuba; 2) to /opine/ on relations of Cuba with the United States; 3) to provide for the election of officials pursuant to the constitution to be adopted; 4) to transfer to the government elected by the constitution, the control and sovereignty of Cuba.

It was through a "ukase" of the military governor, Wood, that the already elected Convention was authorized to "agree" to the Platt Amendment. Governor Wood, arrogating to himself the sovereign power of the people, issued a Military Order "authorizing" the members of the Convention "to agree on the measures whose constitutionality was in doubt."

From all the foregoing, it is necessary to conclude that the leasing treaty for the Base of Guantanamo is absolutely nullified from its inception because of the radical lack of authority of the Cuban Government for /giving up a piece of national territory, disguising this granting of a lease in perpetuity/.

B) Consent. Another of the essential prerequisites of any international treaty is consent; that is, the legal granting of the consent that originates the agreement, as a mandatory requirement.

In order for consent to be effective in law, it is necessary that it implies a free and spontaneous manifestation of will. That is why there is the unanimous opinion of scientific doctrine and all existing legislations, that there are events that may vitiate will, and are, therefore, an insuperable obstacle for the validity, and even for the formation of the contract. Three vitiations of will are pointed out: error, fraud and violence. We shall concern ourselves only with the latter.

Violence is the physical or moral coercion exercised over a person to convince him to enter into a contract. It is a reason for nullification because fear inspired by violence vitiates the will of the contracting party. There are three indispensable conditions whereby violence assumes the nature of vitiating consent and invalidating the contracting: 1) it must be the determining reason for the contract itself; 2) it must be unjust; 3) it must be grave.

There is violence--says Article 1267 of our Civil Code--when in order to acquire consent an irresistible force is used. There is intimidation (moral violence) when one of the contracting parties is filled with the rational and founded fear that he is going to suffer an imminent and serious injury to his person or property....

Can anyone who calmly examines the entire historical process that ended with the approval of the Platt Amendment by the 1901 Constituent Convention have any doubts as to the grave and unjust coercion that was exerted on the

Constituent Convention and that the well-founded fear that all hope of attaining the independence of Cuba would be lost forever was what decided the majority of the delegates to give their "consent" to the humiliating constitutional appendix?

Secretary Root let the convention know categorically that if it did not accept the amendment, article by article and word for word, the Yankee occupation forces would never withdraw. The consent was obtained in a coercive and unjust manner, without any other reason or right than that given by brute force.

As Juan Gualberto Gomez said in his historic report: "The sense of some of the clauses of that amendment becomes more worrisome because of the method adopted and followed by the U.S. Government and Congress for putting an end to the military occupation of the island. Previously, truly conforming to the spirit of the Joint Resolution of April 1898, the procedure that was announced was the following: pacification of the island, creation of the Cuban Government, transfer to said government of the power now exercised by the United States, leaving it in the possession of all the attributes of sovereignty. This is just and rational. Now, not by forces that must be considered enemy but allies, Cuba is asked that before it constitutes itself with its own government, before becoming free in its territory, it give the military occupant, who came as a friend and ally, rights and authorities that would cancel the sovereignty of said people. This is the situation that is being created for us by the method the United States has just adopted. It cannot be more immoral or inadmissible."

It cannot be maintained, said Fernando Laghi, that an oppressed people dominated by their conqueror (in the case of Cuba it was not even a matter of a conquered people) given the alternative of being exterminated or signing a pact that places it at the mercy of its adversary, should believe themselves validly obliged in this manner.

"In our opinion," said Bustamante, "international law must recognize as a general rule that violence or coercion exerted on a state to force it to accept an agreement, vitiate and nullify consent. It is useless to refer to the hazards for peace this principle may have, because while justice tends to produce a lasting peace, force imposes only an uneasy and transitory peace. International society needs to assimilate, in every way possible, the fundamental rules of law with which national society has managed to strengthen itself and develop within its respective nature, and national society would have been impossible if in it the evident and necessary rights of the weak had been left a prerogative of the will of the strong. It does not matter whether pressure is material or psychological, because it is enough that any of its forms result in an action or an omission that is called voluntary but takes place against the real will of one of the parties.... Violence which exceeds the limits of the law and rests on a private interest, illicitly voids the will, and in the action in which it takes place, works materially against it."

The best description of the Platt Amendment came from a North American senator of the time: "To dictate a harsh law to impose obedience on Cuba is offensive to the pride of the Cuban patriots, who without being heard, are presented with an ultimatum of Congress."

C) Object. The object is that which must be given, and content is the action itself, which can consist of giving, doing or not doing. The object of the contract is subordinated for its validity to one condition: that it be legal and possible.

No state can commit itself except for things and rights that are within the sphere of its authority. Therefore, a treaty which violates basic principles consecrated in the constitution, cannot have legal validity. No state can legitimately commit itself to renouncing its sovereignty over a piece of its territory, even though it is said technically that it is only a matter of a lease in perpetuity.

D) Reason. According to a doctrine that goes back to the Roman jurists, in order for a contract to be valid it is necessary that the obligations it gives rise to have a reason and that the reason must not be illegal or immoral. This same principle is contained in Article 1275 of our Civil Code.

The reason for the leasing of the Base of Caimanera is expressed in a unilateral manner in Article VII of the amendment: /to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense/.

It is the bourgeois sociological theory called "geopolitik" placed at the service of the imperialist policy.

It was a forecast of the theory of the present North American Nazi-Fascists who maintain that the frontiers of the United States are in Berlin, Turkey, Iran, Taiwan, Pakistan, Japan, the Caribbean and Panama.

It did not matter that Cuba was not in agreement when it consented to that type of protection for its independence in return for giving up part of its territory.

Later, the reason for the contract was substantially changed in the Treaty of 1934. In the preamble, which abrogated the previous treaty of 1903, it is said that it is animated by the /desire to fortify the relations of friendship between the two countries, and modify with this purpose, the relations established between them by the Treaty of Relations signed at Havana, 22 May 1903/.

Therefore, not only is the reason for the contract changed, but in a veiled manner it is acknowledged that the previous treaty had generated relations that should be /modified/.

In the 1903 treaty we are given a "protection" in the manner of the Chicago gangsters: "Either you pay me for protection or I'll destroy you."

In the 1934 treaty we were offered the "good neighbor" policy in the manner of those neighbors who spend the entire day in our house. They want to rule us and they sit at the table without being invited by anyone.

When the United States signed the Treaty of Paris, it made efforts to obtain the greatest advantages with a minimum of sacrifices and that is why they stipulated that "any obligation accepted in this treaty by the United States with respect to Cuba is limited to the time that its occupation lasts on that island."

However, once they established themselves firmly on the island, they changed their mind and imposed on us the "right" of intervention and the naval and coaling stations, humiliating the delegates of the Constituent Assembly and denying to the people of Cuba the right to be free and independent, previously acknowledged in the Joint Declaration. As Juan Gualberto Gomez said, they gave us the treatment of a conquered country.

Cuba as an independent and sovereign nation does not need the presence of the North American at the Base of Guantanamo to fulfill the sacred duty of defending the integrity of its territory, nor is it rationally fitting to accept that the imposition of a naval base in foreign territory is an accepted means to "fortify the relations of friendship between the two countries."

But there is something more. After the victory of the revolution, the attitude of the U.S. Government has not only ceased to be friendly but has become one of open hostility. It would be tedious to repeat all the cases of political, economic and military aggression of which we have been the victims since the victory of the revolution. Therefore, the reason that served as the basis for the lease, became a false reason. The naval station has become an instrument of aggression and not one of defense or friendship.

If the reason for the contract was to fortify the friendship between the two countries, now that the reason has disappeared there is no doubt that the contract today lacks a reason and, therefore, when one of the fundamental requirements that gives it juridical life is missing, it finds itself absolutely nullified.

2. The Leasing Contract. When the leasing of the Base of Guantanamo was agreed upon, special emphasis was made that "the United States recognizes the continuation of absolute sovereignty of the Republic of Cuba over the areas of land and water described in the agreement." It is then necessary to say that Cuba maintains "imperium" and "dominium" over these portions of land and water. This means political sovereignty and the right of property, since it only granted the use and enjoyment of that property. This being so, it cannot be denied that the contract should be ruled by the national law of the lessor.

According to Article 1543 of the Civil Code, in the leasing of things, one of the parties is obliged to give the other the enjoyment or use of a thing for a /certain time/ and set price. And according to the second paragraph of Article 1555, the lessee is obliged to /use the thing for the agreed-upon use/.

From these precepts two essential prerequisites are inferred.

A) That leasing is, because of its nature, a temporary thing; that perpetuity is not in keeping or in conformity with the intrinsic conditions of the leasing contract because--as all the civil law experts say--"it means a legally insurmountable obstacle that bars a proprietor from ever recovering the possession and direct use of the thing that is given up."

The objection could be made that in the case of the leasing of the land of the base, an attempt has been made to make the termination date favorable to the tenant, but in this case, according to Article 1128 of the Civil Code, "The courts will establish its duration." It could also be argued that it is an obligation subject to a resultant condition, that is, "as long as the United States believe it necessary to maintain the base." However, in this case, according to Article 1115 of the Civil Code, when fulfillment of the obligation depends on the exclusive will of the debtor, the /condition obligation shall be nullified/.

B) That the lessee must devote the thing leased to the agreed-upon use. It was on this point that consent was given and its consideration was what determined the formation of the reason for the contract. In the case at hand, consent wrested from the Cubans was on the basis of fortifying /friendship between the two countries/. Therefore, if those relations of friendship have disappeared, and today the base is used as an instrument to threaten national sovereignty, it is not to be doubted that "the use of the thing has been altered substantially," and pursuant to Article 1556 of the Civil Code, if the tenant does not fulfill his obligations, the lessor can ask for the rescission of the contract and indemnification for damages and losses.

3. The Rebus Sic Stantibus Clause. We have demonstrated, in the light of scientific doctrine and existing law, the various faults that are contained in realization of the leasing contract of the territorial land and waters that make up the Base of Caimanera, as well as the decisive infractions of the resolutions of said contract. However, let us admit for a moment the full validity and initial effectiveness of said perpetual leasing contract and let us examine the problem from another angle. Is the revision of a treaty for an indefinite time proper when the circumstances that gave it legal life have changed fundamentally?

To accept this possibility, it is universally believed that treaties without time limits contain a tacit condition, namely, that the treaties shall last while circumstances "rebus sic stantibus."

It is contrary to reason and nature that treaties be perpetual. As the French revolutionaries said in Article 28 of the famous Declaration of the Rights of Man and the Citizen of 24 June 1793: "A people always have the right to revise, reform and change their constitution. A generation cannot subject future generations to its laws."

In domestic law, the compulsory force of juridical provisions proceeds from the rule "The orders of the legislator must be obeyed," and in international law it emanates from the principle "pacta sunt servanda": the contract has to be complied with in the terms pactured, a principle that attains unanimous legislative consecration in all codes of individual rights and in ours is contained in Articles 1091 and 1258 of the Civil Code.

Pursuant to international law, that norm of "pacta sunt servanda" obliges the United States to obey the rules created by agreement between them. But from the principle of obligation by agreement cannot be deduced obligation against will, without which a juridical order is unimaginable. Such a principle has no absolute value in the international order. On the contrary, against it is raised the other principle with equal rank and hierarchy as that to which we are referring, that of "rebus sic stantibus": agreements once concluded can be changed or revoked depending on certain conditions.

This principle is universally accepted today in scientific doctrine and in the jurisprudence of the courts, although adopting various names: the French have given it the name of "improvidence," the Spanish, "unforeseen danger," the Italians "lack of foresight" or "coming injury," the Argentines, "theory of improvidence," while the Dutch and Brazilians have retained the original name of "rebus sic stantibus."

The origin of this clause is, according to some, in a text of the Digest [Justinian Laws] (rebus sic stantibus loquimur) but the clearest statement of the principle is undoubtedly found in this expression of subsequent glossarists: "Contractus qui habent tractum successivum det dependentium de futurum, rebus sic stantibus intelliguntur" (term contracts of successive intervals are applicable if things remain in the same state).

Canonists also accepted the principle, basing themselves on some texts of Saint Augustine, Graciano, and Saint Thomas Aquinas, who in Summa Teologica (II-2-110-3) says that noncompliance with a promise is excusable "if personal or real conditions of the case have changed."

The experts on the Napoleonic Code, that is, the code on private property, as Duguit called it, deny the formula "rebus sic stantibus" and maintain to the final consequences the principle "pacta sunt servanda." This is, naturally, the criterion of the imperialists with respect to those treaties they have imposed on weak countries through the exercise of the right of force. Their thesis is identical to that of Shylock in Shakespeare's "Merchant of Venice": "preserve my rights even if the world perishes."



However, as of the 1914-1918 war, the clause "rebus sic stantibus" has been imposed, developed and vitalized again, thanks to the preachings of jurists of the prestige of Hauriou, Demogue, Josserand, Boneeasse, Wahld, and so forth.

Windsheid, the great German jurist, bases it on the "presupposition of a conditioned will: that the juridical effect only exists when a certain state of things is given or presupposed."

Giorgi believes that the clause is a principle of the old distributive Aristotelian justice: "Jus Suum Cuique Tribuere (give each one that which is his). Ruggiero says that fairness frees the debtor and softens the harshness of the law when compliance with obligations becomes excessively onerous. Maury declares that "equivalence in benefits is the basis of agreement," while Duguit believes that the basis of the theory is found in solidarity.

The principle of contractual fidelity has its limits in the higher principle of good faith, and "it is contrary to good faith," says Von Thur, "to maintain the obligations imposed on a debtor by the contract if circumstances have changed to the point that in exchange for benefits he receives no return benefits or only receives an absolutely laughable return benefit."

We could quote an infinity of opinions from the most authoritative bourgeois jurists but it would make this explanation too lengthy. Nevertheless, it is worthwhile to pause for a moment at comparative jurisprudential doctrine.

Let us look at this decision of the Turin Court of Cassation on 16 August 1916: "Bilateral contracts that have successive intervals and subject to the future, are understood to be concluded with the clause 'rebus sic stantibus.'"

In England, based on /common law/ the way has been opened to the doctrine of jurisprudence of "frustration of the adventure" whereby "the break of the contract is admitted when there exists frustration of the purpose pursued by it as a result of subsequent unforeseen and unforeseeable events..."

In Germany, the Tribunal of the Reich, in many decisions recognizes the right to ask for the resolution of a contract "when as a result of essential changes in the economic situation caused by war or revolution, services would have become, from the economic point of view, something completely different than those the parties originally conceived and wanted and the forcing of fulfillment would result in something contrary to good faith."

And what about with respect to the United States? Let us see what the dominant jurisprudence is.

The U.S. Supreme Court has indicated the validity of an emergency law provided that the following prerequisites exist: 1) that an emergency situation exists that imposes on the state the need to protect the vital interests of the community; 2) that the law has the legitimate purpose of protecting the

general interests of society and not those of certain individuals; 3) that it be reasonable and provide a relief justified by circumstances; 4) that the establishment of the contract be temporary and the time needed for the disappearance of the reasons that made its adoption necessary be limited.

We add to this that in 1932 there was published the "Restatement of Contracts," a private codification, which reflected the solutions prevailing in jurisprudence, and in that document was established the principle that "contractual obligation is voided and the debtor freed from it when execution is impossible by unforeseen circumstances or an act of God or /because an unforeseen event makes the execution of the obligation very onerous and essentially different/."

With respect to our jurisprudence, we refer to the decision of the Hall of Contentious-Administrative Matters of the District of Havana dated 7 May 1956, confirmed by the Supreme Court, in which it declared an administrative leasing contract voided for the following reasons:

"...under these conditions, pursuant to that which is stated in Article 1124 of the Civil Code, applicable to administrative contracting by virtue of the provisions of Article 16 of the Code, it is necessary to declare the voiding of the impugned contract, not only because of noncompliance with the essential obligations accruing to the municipality, but /because by virtue of unforeseeable reasons outside the control of both sides, the essential conditions of the contract have been changed/ to the point that rendering of services has become, from the economic point of view, something completely different from what the parties originally thought and wanted. Therefore, forcing compliance would be contrary to the good faith that is present before the act of contracting (Article 1258 of the Civil Code and Article 57 of the Business Code) and more specifically, contrary to the element of objective justice implicit in the requirement for a reason in contracts, referred to essentially in the cases where providing of services become onerous to one side..."

Despite this brief incursion into the field of doctrine on the principle "rebus sic stantibus," we do not believe that the slightest doubt can be harbored on its universal acceptance. Therefore, in view of the factual and juridical Yankee presence in the Guantanamo Base for 60 years, could the right of Cuba to ask for a revision of the leasing contract in perpetuity, which the North American Government uses to enjoy the use of the base for imperialist purposes against good faith, equitableness, equivalence of benefits and the most elementary principles of equality, reciprocity, self-determination and integrity of national territory, be denied?

Argentine professor Antokoletz says in his well-known work "Public International Law," that "when the treaty is for an indefinite period, if one of the parties ignores the request for revision by the other party, there should be some recourse to arbitration to determine whether there is or is not a reason for the application of the clause rebus sic stantibus." However, the reality is that such a recourse is consecrated in Article 36 of the statutes of the International Court of Justice, pursuant to which the jurisdiction of

the court extends to all litigation that the parties submit to it and to all the matters specifically contained in the United Nations Charter. Moreover, according to Article 38 of the aforementioned statutes, the court should apply the general principles of law recognized by civilized nations and the doctrines of the most qualified writers of public law.

On the other hand, according to Article 36 of the United Nations Charter, the Security Council could recommend to the parties in a controversy, whose continuation is liable to place the maintenance of peace and international security in danger, and because of the juridical nature of the controversy, that it be submitted to the International Court of Justice in conformity with the provisions of the statutes of the court.

4. Treaty Versus Fundamental Law--According to the third article of the 1940 Constitution, reproduced in the Fundamental Law: "The Republic will not enter into, or ratify pacts or treaties, that in any form whatsoever limit or undermine the sovereignty and integrity of the territory." This precept, because of its hierarchy, is for immediate application against any pact that denies, diminishes, restricts or adulterates the principle of sovereignty and territorial integrity consecrated in it. It is not necessary to add that the norm reproduced here is not of retroactive application, according to Article 22 of the same Basic Law, since this only establishes the sphere of application as being in the time of the "laws," that is, those norms of lesser hierarchy emanating from the legislative branch. All constitutional norms have equal rank and they must be considered harmonious, which opposes that one should be used to limit the existence or effectiveness of another, when both have any relationship between them. Each constitutional norm, when it creates an institution, organizing it and directing it toward certain objectives, establishes its own sphere of application and it is, therefore, not legal, when interpreting it, to invoke any other constitutional precept of equal rank, alien to the aforementioned institution, to limit or restrict the strict sense and scope of that precept for which the establishment of a sphere is being attempted. This would be the equivalent of pitting two precepts of the basic law against each other, and opening the possibility of establishing the unconstitutionality of the Constitution (see decision Number 7 dated 2 April 1962 issued by the Hall of Constitutional Safeguards of the Cuban Supreme Court).

From the above it follows that it is mandatory to believe that the third article of the Fundamental Law is incompatible with the Permanent Treaty of 1934, and it radically invalidates it because the treaty maintains the existence of a permanent lease contract, which is equivalent in practice to the annexation to a foreign power of part of national territory. Territorial sovereignty belongs to the nation and no government is authorized to give it up in its entirety or in part and neither can rights of extra-territoriality be invoked in favor of the United States with respect to the Base of Guantanamo, particularly after the repeal of the Platt Amendment as a constitutional appendix as a result of the 1934 treaty.

According to Article 152-d of the Fundamental Law, the Supreme Court of Justice of Cuba is authorized to "decide on constitutionality of laws, decree-laws, decrees, regulations, agreements, orders, provisions and other acts of any agency, authority or functionary." It is invested, therefore, with jurisdiction for interpreting an international treaty within its own limits. Once there has been the transformation of international law into internal law by virtue of the ratification of the treaty, it becomes part of national juridical regulations and can be interpreted by our courts as a juridical act subject to internal law. It is not a matter of describing it as a diplomatic act but of establishing the scope of authority of the Cuban authorities that signed it and ratified it.

This is a doctrine that is also accepted by Italian and French jurisprudence. The Florence Court of Cassation established as fundamental "that treaties that have the nature of true laws can be interpreted as laws are generally interpreted, and each interpretation discussed in cassation" (decision issued 3 July 1874). The French Court of Cassation established this maxim more precisely in its decision of 24 June 1839 when it declared that "it is generally the responsibility of the sovereign authority to interpret political-diplomatic treaties."

It can be argued that the United States is not obliged to comply with the decisions of our courts, but it must be noted that in Article III of the Agreement of 16 February 1903 ratified in the 1934 agreement, the United States itself recognizes "the definitive sovereignty of the Republic of Cuba over the areas of land and water considered in the lease," and since in this lease only the use and enjoyment of such fixed property is granted, it is obvious that the Republic of Cuba preserves "dominium" and "imperium" over them, a condition that determines the full jurisdiction of Cuban courts for hearing controversies that arise around the legal validity and effectiveness of the aforementioned leasing contract, subject to domestic Cuban law.

This opinion is also confirmed by the circumstance that according to Article 1 of the 1903 agreement itself, "all the lands of private property contained in the aforementioned leased areas shall be acquired without delay by the Republic of Cuba," whereby it shows the concern of the U.S. Government in making it clear that the control of those lands, as well as political sovereignty, should be preserved by the Republic of Cuba. If yesterday they did not wish to appear in the face of the world as an imperialist nation, today they have to attack this stipulation inasmuch as it is harmful to them.

## CONCLUSIONS

[Text] 1. The contract for the lease in perpetuity of the territorial sea and land that make up the Base of Caimanera lacks legal existence and juridical validity because it is faulty in its essential elements: a) radical incapacity of the government of Cuba to cede a piece of national territory in perpetuity; b) for that same reason, the object and the reason are illegal; c) consent was wrested through irresistible and unjust moral violence.

2. The leasing contract is by nature temporary and the object has to be used for the agreed-upon purpose. Cuba has the right to void the contract--even if it is considered valid--given the time that has passed and the new use that has been given to the base, an attack on the principles of sovereignty and self-determination.

3. The reason for the deal having disappeared (since the naval station is used to threaten the security and independence of the Republic of Cuba), Cuba has the right to ask for the application of the clause of "rebus sic stantibus."

4. Cuba has the right to bring the controversy before the International Court of Justice with respect to the interpretation of the treaty, and the court is obliged to apply the general principles of law recognized by civilized nations, and its decisions shall be mandatory for the parties in litigation.

5. An illegal and voided treaty lacks juridical effectiveness, confers no rights, imposes no obligations, provides no protection, has no inexorable application, and is, from the point of view of law, as inoperative as if it had never been approved.

Judicial decisions do not change a valid treaty into one that is null and void; the treaty has always been null and void. The function of the court is merely to confirm that nullity and the effects of the decision are absolute and retroactive.

It is obvious that this entire explanation can be qualified as mere scientific speculation before an imperialist power for whom international law and

diplomacy have been, and continue to be, simple instruments used for imposing its will on other countries; but it is useful to make the juridical status of the Base of Guantanamo very clear.

In view of the constant provocative actions that are carried out against our country from the naval base of Guantanamo, the Revolutionary Government has declared more than once that Cuba will not resort to force to impose its right over that territory that is occupied illegally by the United States, and that trusting to the right on its side, it will appeal, at the time it believes proper, against this illegal occupation to the pertinent international organisms.

The purposes and principles that gave life to the United Nations Charter signed in San Francisco on 26 June 1945, suppose: equality, understanding and trust among states, a consideration of mutual interests, noninterference in internal affairs, recognition to each state of the right to resolve all the questions of its country independently, respect for sovereignty and territorial integrity of all the countries. The people of Cuba observe these purposes and principles...but with their guard on high: "they know the nature of the monster...and their sling is David's sling."

(Article by Dr Fernando Alvarez Tabio, director of the Institute for International Politics and director of the Political Sciences School of the University of Havana.)

NAVAL BASE...BASE OF CRIMES, TORTURES AND PROVOCATIONS

[Text] Terror

12 January 1961

Manuel Prieto Gonzalez, a Cuban employee of the base, was subjected to 24 hours of implacable interrogation during which he was the victim of criminal tortures. When his wife and children asked about his whereabouts at the base, they were the object of insults and contempt by members of the U.S. Intelligence Service. When they finally managed to see him, they could verify that he had been the object of terrible mistreatment.

During questioning by Fennor, a North American officer, and former Lieutenant Calzadilla, a former officer of the Batista tyranny, Manuel Prieto was obliged to ingest toxic pills to keep him awake.

After being released, the Cuban workers told revolutionary authorities in Guantanamo: "No one could ever imagine the hours of terror I spent in that cell at the base."

Beaten to Death

30 September 1961

Another Cuban worker at the base, Ruben Lopez Sabariego, was suspected by the U.S. Intelligence Service, and he was arrested when he was in the naval station. On 4 October, not having heard from him, his anguished wife Georgina went to ask the North American authorities. The only reply Georgina received was: "Go look for him in Cuba."

Subsequently, the chaplain of the North American forces, J. Hallsberthy, assured her that her husband was not in the territory of the base.

On 18 October an official of the U.S. Embassy told the wife of Ruben that he had been found dead in a ditch on the base.

A medical examination of the body showed that death resulted as a result of blows received.

#### Tortures

May 1962

Rodolfo Rosell Salas, a fisherman and head of a household, who earned a livelihood for his family fishing in the waters of the Bay of Guantanamo, was intercepted by soldiers from the base and murdered, after having been subjected to the same insane tortures as the previous victims.

His body was found in his small boat and it showed bruises, punctures and wounds, which showed the treatment he received at the hands of the North American murderers.

#### Provocations

18 April 1964

At 1800 hours, at the time when the ceremony of lowering of the Cuban flag was taking place, U.S. soldiers of the naval base attacked the Cuban border guards by throwing rocks that struck one of the soldiers on the arm. The "marines" penetrated 3 meters inside the line dividing the territories. Subsequently, the North American soldiers devoted themselves to drinking alcoholic beverages and made obscene gestures and actions, and proffered all types of insults and provocations against the Cuban soldiers.

Hours later, the North American soldiers crossed the dividing line again, arriving at the Cuban guardhouse located in front of the land entrance to the base. Using Garand rifles and tools, they destroyed two doors of the aforementioned guardhouse, urinated on the staff of the Cuban flag and upset a can of paint. When they withdrew, the "marines" stole the guardhouse watering hose.

#### The Marines Shoot

9 June 1964

At 2300 hours, a North American soldier of the base opened fire with his rifle against one of the Cuban posts located on the outer perimeter of the base, firing seven rounds, one of which hit Cuban border guard Jose Ramirez Reyes, seriously wounding him in the left leg. This incident took place 2 kilometers south of the main entrance to the base. As usual, Washington, in a note laden with cynicism, guaranteed the "disciplined" conduct of the "marines," attempting to spread the story that the wounds of soldier Ramirez Reyes had been received in alleged military operations against anti-Castro elements.



## Seriously Wounded

25 June 1964

The same type of cowardly aggression was repeated 15 days after the incident in which Ramirez Reyes was wounded. Soldiers Andres Noel Laurduet and Antonio Campos were on guard at Post 5 on the Cuban side. The border guards noted that two marines were coming down from the North American sentry box located 3 meters behind the fence of the base. One of them climbed a small elevation for the purpose of observing our sentinels. He then climbed down and joined his companion. Suddenly, one of the Yankees pointed his rifle, firing two shots at the Cuban post. One of the bullets hit soldier Laurduet in the chest, causing a serious wound. While Campos helped his comrade and asked for help from headquarters, the two "marines" withdrew, laughing loudly. Once in their sentry box, they engaged themselves in calmly cleaning their weapons.

## Murder

19 July 1964

Once more the provocative, criminal actions of the undisciplined soldiers of the base were felt. Very early in the afternoon of that day, the usual provocations began. The "marines" at the Yankee posts devoted themselves to proferring obscene phrases. In view of the indifference of the Cuban border guards, the Yankee soldiers went on to physical aggression, throwing rocks at our posts. Around 1900 hours, two of the marines suddenly threw themselves on the ground, opening fire against the Cuban posts. The second in command of the border detachment, who was making his rounds, ordered his men to take cover in a trench to avoid the bullets. Before he could reach the trench, a Yankee bullet hit soldier Lopez Pena, 19 years of age, member of the Border Battalion, killing him.

## The Maneuver Destroyed

21 May 1966

Almost 2 years had passed since the last murder. Two years in which provocations, insults and aggressions continued taking place almost daily within the plan of harrassment against Cuba at the dividing line of the usurped territory.

At 1900 hours on the 21st, a shot coming from the territory of the base struck young Cuban guard Luis Ramirez Reyes, shattering the top of a lung and the branch of the aorta, killing him instantly.

Official circles in Washington once more tried to create a truculent story of penetration into the base by the murdered youth and other comrades, but this story collapsed before the testimony of doctors and the information by journalists from 16 countries, who were able to check first hand the mendacity of the stories issued by the Pentagon.

In view of the accusatory evidence, the Yankee Department of Defense reacted with a boastful threatening action that made a military aggression presumable. The Revolutionary Government of Cuba answered that action by placing its military and popular forces on a state of alert and ratifying, through the vigorous pronouncements of Prime Minister Fidel Castro, the steadfast determination of the Cuban people to defend their sovereignty to the final consequences.

## POSITION OF CUBA WITH RESPECT TO THE GUANTANAMO NAVAL BASE

[Text] However, there are even more alarming circumstances for our people. It is known that by virtue of the Platt Amendment, imposed by force on our people, the U.S. Government gave itself the right to establish naval bases on our territory. It was a right imposed by force and maintained by force.

A naval base on the territory of any country is a reason for justified concern. First, the concern that a country which maintains an aggressive and warmongering policy has a base there in the heart of our island, making our island risk the dangers of any international conflict, any nuclear conflict, without our having absolutely anything to do with the problem, because we have absolutely nothing to do with the problems of the U.S. Government and the crises it provokes.

(Commander in Chief Fidel Castro, UN speech 26 September 1960)

Yesterday there appeared another UPI report containing some statements by U.S. Senator Bridge, a member--I understand--of the U.S. Senate Military Committee, who said that "The United States must prepare its base of Guantanamo in Cuba at all costs"; he said that "we must go as far as is necessary to defend the gigantic U.S. installation.... We have naval forces there, we have marine infantry, and if we were attacked, I would certainly defend it," said Bridge, "because I believe that it is the most important base in the Caribbean region."

This member of the Senate Armed Forces Committee, Bridge, did not completely discard the use of atomic weapons in case of an attack on the base.

What does this mean? This means that not only is hysteria being created, that not only is the climate being prepared systematically, but that we are even threatened with the use of atomic weapons. And truly, among the many other things that come to mind, one of them is to ask this Mr Bridge if he is not ashamed of threatening a small country such as Cuba with atomic weapons.

There are many countries around that have North American bases, but at least they are not there to be used against the governments that made the concessions to them--at least none that we know of.

Our is the most tragic case. Our case is that of a base on our insular territory, against Cuba and against the Revolutionary Government of Cuba. This means that it is in the hands of those who declare themselves to be enemies of our fatherland, enemies of our revolution, and enemies of our people. Of all the history of bases located throughout the world today, the most tragic is that of Cuba. A base imposed by force on what is undeniably our territory, a base that is a good distance from U.S. coasts; against Cuba, against the people, imposed by force and as a threat and a preoccupation for our people.

(Major Fidel Castro, UN speech 26 September 1960)

Thus, for example--you will remember it--we had the situation in the Base of Caimanera. An absurd phenomenon was taking place: those who left here with money--because all those gentlemen had 200,000, 300,000, a million--later wanted to exchange it, and since they paid in dollars at the Caimanera base, they took the pesos there to exchange them with the workers of the base. A shameful phase of corruption of that working mass was begun--this was a good working mass, Cubans with patriotic fervor, with a spirit of class, but there was the case of a worker earning \$5 per day, for example, and they offered him 25 and even 30 pesos for that \$5! They gave him 30 pesos in exchange for \$5 that he was paid, for example, per day. The worker who earned \$40 per week was given 200 pesos. He earned \$40 and he was given 200 pesos.

Those workers worked at the base but lived in the city of Guantanamo, and if we figure a total of \$6 million in wages per year...that is, they did not work in the country, they were not building schools or roads, they were not building hospitals, they were not building cold storage plants, nor aqueducts, but rather they were building military fortifications, there inside, and on the other hand, they lived in the country, and if they paid them \$5 there, it became 30 pesos per day.

This means that they built fortifications on foreign territory and they consumed 30 pesos worth per day in meat, clothing, shoes, national products, which in 1 year would have meant that the base of Caimanera was going to cost the Republic of Cuba between 30 and 35 million pesos.... But naturally, since they worked there on the fortifications, the traitors and their agents came to offer them pesos. Naturally, some of the workers resisted these deals and there are many cases of those who never dealt in the black market. But understand the temptation it is for any humble man to be able to raise his income from 200 to 1,000 pesos per month, exchanged at the rate of 5 pesos per dollar or 6 pesos per dollar. For those who earned more it meant 1,200 pesos, and so they saw themselves with the prospect of an income of 1,000 to 1,200 pesos per month. And the republic had to pay in provisions, clothing, goods and services, for what those workers earned working on that foreign base.

That can serve to illustrate the harmful effect that was created for our country by that distorted situation resulting from the holding of millions and hundreds of millions of pesos by the exploiting elements, embezzlers and enemies of our revolution, who had gone abroad.

It was necessary to take measures, establishing as a requirement for entering national territory from the base, territory occupied by the Yankees, the possession of an authorization from the Ministry of Government, authorization which was not given if it was not confirmed that an exchange had been made-- I do not recall whether it was 80 or 90 percent--of the money received in dollars. [The worker turned his dollars in to the Cuban Government in exchange for a like number of pesos.]

At that time, you will recall, a worker at the base was tortured, accused by the Yankee authorities of having brought out some lists of the wages that were paid there.

Therefore, there was established a measure whereby it was a mandatory requirement for entering and leaving the base that certification of legal exchange of 80 or 90 percent of amounts received in dollars had been made. A part was left unchanged for expenses in the base.

That will give an idea of how harmful one single money trafficking center was to the economy of the country. In addition to this, there was the existence of hundreds of millions of pesos abroad in the hands of counterrevolutionaries, who in turn had established a business in dollars there.

When there was a tourist trade between the United States and Cuba, they sold pesos to the tourists. They received dollars so that the tourists would spend their pesos here and they would not leave even one dollar here. Later the U.S. Government banned trips to Cuba. Since that, they have been trying to promote an exchange, although every day it becomes more difficult.

(Major Fidel Castro 10 August 1961)

Cuba can speak in this conference because of its own painful experience. Our country, when it was militarily occupied by forces of the United States of North America, had the obligation imposed on it of tolerating the military base of Guantanamo, and after the victory of the revolution of 1 January 1959, that base is maintained in our national territory against the will of the people and the Revolutionary Government of Cuba.

That base does not even have the strategic objective of the military defense of the United States. It has served only for harming the decorum of our nation, for harboring counterrevolutionary forces, for introducing arms in the country with which to fight the liberating revolution, for concentrating troops every time that liberation movements in Caribbean countries have threatened imperialist domination. (Speech by President Dr Osvaldo Dorticos at the Conference of Nonaligned Countries 1-6 September 1961)

For imperative needs of its defense, Cuba has developed a powerful military machine capable of defeating and crushing any attempt to enslave its sovereignty or violate its national territory. Playa Giron--remember Mr Rusk, Playa Giron--was the initial example of the defensive capability of the Cuban people, and those who once again try to put it to the test, will pay with their own destruction.

No extracontinental power has obtained or requested any military base whatsoever on Cuban territory. The only foreign military base existing on Cuban territory against the will of the Cuban people and under the protests of the revolutionary government, which reiterates at this time the determination of demanding, at the opportune time, its removal by the means provided by international law, is the North American military base established through the use of force and without national consent, in Caimanera of Guantanamo. (Dr Osvaldo Dorticos, Organization of American States Conferences at Punta del Este, Uruguay, 30 January 1962)

Trucks and tons of weapons have been introduced into our territory from the base of Guantanamo. We have seized them. We know that they are going to continue to introduce those weapons. This means that the U.S. Government is going to ignore its own agreement of yesterday, because the traffic of arms is going to continue in Cuba.

The United States is going to continue to send weapons to Cuba against the revolutionary government and we have the firm hope of continuing to seize. Therefore, far from harming us, this agreement is going to help our economy; it will contribute to the strengthening of our military capabilities when the North American Government does not abide by it, without any cost whatsoever. (Dr Osvaldo Dorticos, press conference at Punta del Este, Uruguay, January 1962)

You, yourselves, have seen how the Yankee base is used, which they hold by force, because they seized this base during their intervention, and they hold that base against the will of our people. It is a piece of our territory, of Cuban territory, that the Yankee imperialists hold against our will. It is a base they have used as a center for corruption; a base that has been used for conspiracy; a base they have used to give shelter to criminals; to train bands of counterrevolutionaries; a base they have used to murder Cubans.

A worker was murdered some months ago and now they have declared that investigations have had no results. A humble fisherman was murdered in a cruel and inhuman manner. They have, and they use, a piece of our territory, of our land, which we have not given up.

It is a base which we are not going to take away by force, but a piece of land which we have never given up and which we will not cease claiming until it is returned to our country. It is a base which is, moreover, a dagger sunk in the heart of Cuban land; a base from which provocations are made every day; they shoot; drunken soldiers stand there and shoot at our lines. There is a film showing a completely drunk North American throwing stones; they throw little bombs, they shoot.... What can be expected from that bunch of "residents," those who they have there, mercenary soldiers the base has; chronic drunks, a good number of them; except the provocations they commit against our soldiers and our territory?

But to all provocations, our soldiers have orders not to shoot, orders to withstand firmly and to show their superiority effectively, a greater discipline than that of the soldiers of imperialism, because those serious boys are there, steadfast and disciplined, and they will not allow themselves to be driven to any provocation.

(Major Fidel Castro, 26 July 1962)

...Because in this artificial manner pretexts for aggression are prepared beforehand, just as an attempt is being made to convert into a pretext for aggression the alleged possibility that by force or by force of arms, Cuba intends to take the territory occupied by the North American naval base located at Guantanamo. We have already stated our right to recover that territory more than once; territory that was taken from us by means of coercion and force during the course of a North American intervention. Even international conferences such as the Belgrade meeting, acknowledge expressly our right to recover that territory.

But once more we want to take advantage of this opportunity to declare that we shall exercise that right in its own time, but not through physical force or with weapons. We shall exercise that right when we believe it proper through the procedural paths of international law and the pertinent international agencies. We shall not make a gift to the United States of the pretext for an aggression. I hope this will be a controversy that one day will have a solution through peaceful negotiations, but as long as this does not happen, and while we wait to exercise that right through the paths provided by international laws, we denounce here the possibility that a pretext may be instrumented for an aggression through a self-provocation at the naval base of Guantanamo.

(Dr Osvaldo Dorticos Torrado to XVII session of the UN General Assembly, 8 October 1962)

And then, calmly, they speak of the base of Guantanamo, which is a base that is in our territory, and they say brazenly that they are using that base, that they have strengthened it, which means, to be used against Cuba. It is a magnificent warning they make to all the countries where they now have military bases.

(Major Fidel Castro, 23 October 1962, reporting to the country on the situation created by the United States when it established the naval blockade on Cuba.)

It is absurd that the withdrawal of friendly arms from our country be asked and they leave an enemy in our country. That has absolutely no basis whatever; that is absolutely absurd. No one, anywhere in the world, will argue the right that our people have to demand the return of a base, of the territory where that base is located. It is a base where during all these days, they accumulated troops--in these days of crisis--to attack our country.

And how can they ask us to withdraw friendly weapons while enemy weapons remain in the heart of our country?

The United States says it holds the base by virtue of a treaty, a treaty between the United States and a Cuban Government, of course a Cuban Government that emerged during the intervention. It was not through any treaty; it was through a unilateral decision of Congress imposed positively by the United States, by a law of its Congress, warning Cuba that they would not leave the country if it did not accept that amendment, amendment in which the question of the naval base was precisely contained.

If they call this agreement legitimate, much more legitimate are the agreements between the Soviet Government and the very free government of Cuba whereby those strategic missiles were placed in our country for our defense.

And if the United States has placed the world on the brink of war to demand the withdrawal of those missiles, then what right and what morality do they have in refusing to leave the territory they occupy in our country?

(Major Fidel Castro in talks with U Thant, secretary general of the United Nations, held in Havana 30 October 1962)

There are older problems such as the problem of the base. The base was there when the revolution triumphed. It is an old problem that has been present for half a century. We have declared that we shall never resort to force to resolve the problem of the base, and that has always been the position of the Revolutionary Government. Because, since we know those brazen imperialists, we have followed a policy of not providing them with pretexts for their plans. And the problem of the base is an old problem and we can take all the time necessary to discuss it and resolve it because it is an old problem, an old evil that was found by the revolution when it arrived in power. We believe that it is illegal, we believe that no country can maintain a base in the territory of another by force, but it is a problem of a different nature than the violations of air space. This is a problem of a different nature. (Major Fidel Castro speech on 1 May 1964)

And for us there was posed a serious moral problem. A serious moral problem! Because we have responsibilities, sometimes very great, and we find ourselves in the situation of having to make very serious decisions.

And it is very hard to go there to bury a comrade who was murdered in cowardly fashion and have to tell the men to be calm, and have to tell the men not to make use of the weapons they have in their hand to defend themselves.

And for us it is hard to have to say to those men: "Stay there and let yourselves be killed without firing a shot," because that philosophy of the lamb to the slaughter is not now, nor will it ever be, our philosophy.

And if it is a matter of going to one's death, if it is a matter of dying, it is much more noble and it is much more worthy to say: "Let us all die," and not station men there to be killed one by one. Because people live and people struggle and all the citizens of the country are brothers. And I do not doubt that any man here is ready to sacrifice himself for his people, but it is hard to ask the men: "Stand there even if they murder you," to keep peace, and that to keep peace they are killed there one by one. If necessary let them kill us all together for peace.

The comrades took measures, they dug trenches, they withdrew the comrades of the battalion and they placed them in well entrenched more protected positions. I can assure you that it was difficult to get the men to get into the trenches because it is a matter of honor, dignity and masculinity. Our



men did not want to get into the trenches. And, of course, I do not have the slightest doubt that any one of those men has 10 times the courage than any of the drunks, who are firing from the base with impunity. However, we, in the interest of peace, were prudent once more. But that does not mean that there are guarantees that the incidents will not be repeated. There are zones that are closer, where if they want, they can continue to shoot and continue to kill.

This poses a very serious problem for us, but very serious! Because it is truly extremely painful to go to bury those men one by one, to go to give my condolences to the mothers one by one, and that the men have to undergo those tremendous tests of having to stand being murdered in such a cowardly and miserable manner. (Major Fidel Castro, 26 July 1964)

And let us look simply at all the provocations that have taken place from the first of the month to today in July, without counting the ones that may take place from noon today and thereafter. Shots fired at guard posts on nine occasions in July,; shots at a national territory, not at our guard posts, on six occasions. They threw stones at our guards in July, that is in 20 days of the month of July, on 74 occasions. They threw stones at the relief truck that brings and replaces the guards on two occasions; verbal insults at the guards, 24 times in 20 days; verbal insults by counterrevolutionary refugees on one occasion--some little worm that appeared at the fence. They cocked their weapons against our guards on 12 occasions; aimed their weapons at our guards for a while on 18 occasions; lit up the guard posts with lights on 5 occasions--we consider it provocation because we never turned lights on them. They offered alcoholic beverages to our guards on one occasion. They crossed the dividing line at the main gate on one occasion; obscene provocations, that of the pants and the rest, on one occasion; mockery of various types of our guards on an infinity of occasions. Total: 156 provocations in what has passed of July. Gentlemen officers of the naval base, show one single proof of any provocation by a Cuban soldier!

Because sometimes incidents happen that make it difficult to control anger, as in yesterday's case, and there are previous cases where the comrades make statements--and it is enough that a soldier of the Border Battalion make a statement that is against the regulations and the orders received, for him to be arrested immediately and he be transferred to another unit if it is a minor infraction. And the day that the patience of one of our soldiers is exhausted, and one fires at the base or throws a stone, before they can protest, we shall be the first to announce it and give him the punishment he deserves. That is the great strength and the integrity of this military unit.

And the differences--as a note that has just been given to me indicates--from previous incidents, where comrades were wounded and after an aggression of that type they were quiet for some days; neither last night nor today until noon, when I read the latest reports; nor today until 1800 hours this afternoon, when I just finished reading a report, have they stopped their provocations of throwing stones and pointing with rifles.

And this is the situation: They simply want us to respond. Well, we are not going to respond! If they cross the border and come to attack us, well, we are not going to say what we are going to do to them, they have to imagine it for themselves, but that is something else.

And with reason it was said that those shots are as much against the present president as against ourselves. We have said nothing about the president of the United States but we can do no less than make him responsible for what is happening. Because the same one who organizes and directs the provocations on a local scale, the rear admiral of the base, is the one who forwards reports over there, he says what he wants. In previous cases, he said we did it. This time he says that they fired a shot and that later when he inspected all the bullets, there was one round missing in the entire base, and that they fired one, only one. We have advanced, but they are guided by the explanation given by the rear admiral of the base. And simply what they want is for us to respond, that a local war begin before the elections. This would give the Republicans with Goldwater and the John Birch Society, both of which they manage, the trump card: Attack Cuba because it has killed a marine infantryman! Because we do not want to know what would happen if a marine infantryman were to die of a heart attack at a guard post from the fright he is going to have the day that he sees a Cuban soldier charging on him.

(Speech by Maj Raul Castro making the funeral oration at the funeral of border guard Ramon Lopez Pena on 20 July 1964 at the Guantanamo cemetery)

Indeed, on the path of provocations, very particularly in that of provocations, the wounding and murdering of our soldiers at the border, at these moments the boots of the imperialist enemies are precisely on the line that defines the limits of our patience. In the interest of avoiding difficulties, in the interest of the fact that we understand how any serious incident in this zone could bring incalculable consequences of a national and international order, we have known how to maintain a calm patience. And with this murder, together with the previous cases, they are already standing on the line that limits that patience.

---Nevertheless, the great responsibilities that weigh on our shoulders and the situations in which sometimes it is necessary to make very serious decisions, indicate to us that we must act firmly, calmly and wisely.

...We already have some experience of incidents such as the one which brings us together here, and that is that when we denounce provocations, not vile murders like that of Luis Ramirez, they immediately say that it is a lie and that these are internal purges we are carrying out and so forth. When we denounced the thousands of different provocations that they carried out against us, they answered saying that we were the ones who carried them out, regardless of the fact that we have thousands of photographs and thousands of feet of film showing them carrying out these provocations and they can never show a single photograph of even a soldier throwing stones because we have never carried out a provocation of this type. The day that they have the opportunity to take one or several photographs, is going to be the only one, and perhaps it will never be necessary to speak of those problems again!

(Maj Raul Castro making the funeral oration at the funeral of border guard Luis Ramirez Lopez on 22 May 1966 at the cemetery of Santiago de Cuba)

## CHRONOLOGY

### [Text] Principal Incidents

- 21/1/61 Manuel Prieto Gonzalez, Cuban employee of the base, was subjected to interrogation and torture for 24 hours.
- 30/9/61 Ruben Lopez Sabariego, another Cuban worker at the base, was arrested within the base perimeter and later showed up murdered.
- 5/62 Rodolfo Rosell Salas, fisherman of Guantanamo Bay was detained by soldiers of the base, tortured and murdered.
- 19/5/62 Cuban border guards captured two counterrevolutionaries sent from the base for terrorist purposes.
- 7/7/62 On two occasions, North American soldiers stationed at the base set fire to brush located in Cuban territory. The marines took photographs of Cuban soldiers who put out the fire.
- 8/7/62 North American soldiers fired three shots toward national territory from the base.
- North American guards fired 13 M-14 rounds from a truck and from the ground, which struck near Cuban guards.
- 12/7/62 Yankee troops from the Guantanamo Naval Base fired a total of 114 rounds (56 with M-14 rifles and 12 machine gun bursts) in the direction of national territory, placing the lives of Cuban soldiers in danger.
- 13/7/62 Yankee troops of the base fired a total of 29 rounds at Cuban territory with grave danger to Cuban guards.
- 14/7/62 Fifteen soldiers from the base fired toward Cuban territory, the bullets falling near the feet of the Cuban soldiers.

- 15/7/62 Two U.S. jet aircraft flying at 500 feet violated Cuban airspace south of Caimanera 12 times.
- 16/7/62 North American soldiers from the base fired eight shots, with provocative intentions, toward national territory, endangering the lives of Cuban soldiers.
- 17/7/62 North American soldiers from the base fired repeatedly in the direction of Cuban guards.
- 18/7/62 Shots from the perimeter of the base struck near Cuban border guards with obvious danger to their lives.
- 19/7/62 Yankee troops stationed in the base fired repeatedly this day in the direction of Cuban guards.
- 22/7/62 North American troops from the base fired a total of seven shots at national territory with provocative intent and with obvious danger to the Cuban guards.
- 24/7/62 North American troops fired 13 shots in the direction of the Cuban border guards guard posts with danger to their lives.
- 25/7/62 Yankee soldiers from the naval base once more fired seven shots in the direction of the Cuban guards with danger to them.
- 27/7/62  
0645 A U.S. P-2H Neptune aircraft, identification number 131536 from the naval base, flew provocatively over a Cuban vessel in Cuban jurisdictional waters, circling it five times at low level with danger to its safety.
- 27/7/62 North American troops fired four shots from the naval base in an act of provocation against Cuban guards, whose lives were once more placed in obvious danger.
- 31/7/62  
1058 A U.S. jet aircraft flying in an easterly direction violated national airspace 6 kilometers in Las Guasimas, municipality of Guantanamo.
- 31/7/62  
1450 A North American jet aircraft, flying in a westerly direction, violated Cuban airspace at Las Guasimas, municipality of Guantanamo.
- 31/7/62  
1815 A U.S. bimotor aircraft violated national airspace at Tortuguillas, municipality of Guantanamo.

- 31/7/62 2001 Four U.S. jets violated national airspace over Playa Uvero, municipality of Guantanamo.
- 31/7/62 2030 Five U.S. jet aircraft from the base violated national airspace off Tortuguillas, municipality of Guantanamo.
- 31/7/62 2225 A U.S. aircraft violated Cuban airspace over Tortuguilla, municipality of Guantanamo.
- 31/7/62 2245 A North American aircraft penetrated into national airspace, flying over Tortuguilla and entering Cuban territory in a southerly direction.
- 31/7/62 2310 A U.S. aircraft penetrated 2 kilometers into Cuban airspace, flying over Tortuguilla.
- 31/7/62 North American soldiers from the naval base fired seven shots in the direction of national territory with obvious danger for the Cuban soldiers.
- 1/8/62 A total of nine shots were fired by the base guards in the direction of Cuban territory with obvious danger for the lives of the Cuban guards.
- 1/8/62 0830 North American helicopter violated Cuban airspace off Tortuguilla, municipality of Guantanamo.
- 1/8/62 0935 A U.S. jet aircraft violated Cuban airspace, entering in a southwesterly direction for 1 kilometer, over Tortuguilla, Guantanamo.
- 1/8/62 0947 A U.S. jet aircraft violated national airspace over Tortuguilla flying in a westerly direction.
- 1/8/62 1030 A U.S. bimotor aircraft violated Cuban airspace, flying in an easterly direction over Tortuguilla, Guantanamo.
- 1/8/62 2300 Two U.S. bimotor aircraft violated national airspace off Tortuguilla, Guantanamo, flying in a westerly direction.
- 2/8/62 A North American bimotor aircraft violated Cuban airspace off Tortuguilla, Guantanamo.
- 2/8/62 0545 A U.S. jet aircraft violated national airspace off Hatibonico, municipality of Guantanamo.
- 2/8/62 0548 A North American P-2H Neptune aircraft, flying in a westerly direction, violated national airspace, flying off Hatibonico, Guantanamo.

- 2/8/62 0950 Two U.S. bimotor aircraft violated national airspace, flying in a westerly direction off Hatibonico, Guantanamo.
- 2/8/62 0845 A U.S. bimotor aircraft violated national airspace, flying east off Tortuguilla, Guantanamo.
- 2/8/62 0909 A North American jet aircraft penetrated national airspace, flying over Hatibonico in a westerly direction.
- 2/8/62 0937 Two U.S. bimotor aircraft penetrated Cuban airspace, flying over the area surrounding Hatibonico, flying eastward.
- 2/8/62 1025 U.S. jet aircraft violated Cuban airspace over Hatibonico, Guantanamo.
- 3/8/62 1835 A North American bimotor aircraft violated Cuban airspace, flying east over Tortuguilla.
- 3/8/62 1845 A U.S. aircraft penetrated Cuban airspace off Tortuguilla, subsequently taking an easterly direction.
- 4/8/62 North American troops stationed at the naval base threw flammable materials toward national territory.
- 4/8/62 Soldiers of the Guantanamo Naval Base fired 10 shots at national territory, posing a danger to Cuban soldiers.
- 5/8/62 1210 A North American P-2H Neptune aircraft violated Cuban airspace off Tortuguilla, taking a westerly direction.
- 5/8/62 1310 Five U.S. type P2V aircraft violated national airspace off Tortuguilla, continuing in a westerly direction.
- 5/8/62 1420 A U.S. P2H type aircraft violated Cuban airspace off Tortuguilla, flying east.
- 5/8/62 1810 Seven North American bimotor aircraft violated national airspace flying west over Tortuguilla.
- 6/8/62 0740 Two U.S. bimotor aircraft violated Cuban airspace off Hatibonico, Guantanamo, continuing in a westerly direction.
- 6/8/62 0839 A U.S. bimotor aircraft violated Cuban airspace off Hatibonico, flying toward the west.
- 6/8/62 North American troops stationed at the Guantanamo Naval Base fired 14 shots in the direction of national territory.

6/8/62 Yankee soldiers of the naval base fired six shots in the direction of the Cuban guards endangering the lives of our soldiers.

21/8/62 Shots from a pellet-type rifle fired by North American soldiers from the guard posts of the naval base, wounded a soldier of the Cuban Border Battalion in the eye.

1963

January: 32 provocations

Rifle shots	10 times
Firing of shotguns with pellets	1 time
Handling and pointing of rifles	2 times
Violation of the dividing line	2 "
Offensive words	9 "
Throwing of objects and stones	8 "

26/1/63 Members of a sabotage group were discovered and apprehended. According to statements by the conspirators (counterrevolutionary elements brought in through the naval base) the plan was made at the base, and the instruments of destruction, weapons and explosives came from the same place.

February: 15 provocations

Rifle shots	3 times
Handling and pointing with rifles	3 "
Violation of the dividing line	1 time
Offensive words	6 times
Throwing of objects and stones	2 "

23/2/63 The North American destroyer DD-884, the "Harold J Ellison," stationed at the base, rammed the Cuban schooner "Joven Amelia" off the entry to the bay of Guantanamo, causing it serious damage, in an act of open piracy and provocation.

March: 109 provocations

Firing rockets from aircraft at Cuban territory	2 times
Rifle shots	2 "
Handling and pointing rifles	18 "
Violation of the dividing line	17 "
Offensive words	39 "
Throwing of objects and stones	28 "
Performance of obscene actions	1 time
Setting fires in our territory	2 times

April: 81 provocations

Rifle shots	2 times
Handling and pointing rifles	7 "
Violation of the dividing line	8 "
Offensive words	29 "
Throwing of objects and stones	35 "

May: 91 provocations

Rifle shots	9 times
Firing of shotguns with pellets	1 time
Handling and pointing rifles	10 times
Violation of the dividing line	13 "
Offensive words	28 "
Throwing of objects and stones	30 "

June: 99 provocations

Rifle shots	3 times
Firing of pellet rounds with shotguns	5 "
Handling and pointing rifles	4 "
Violation of the dividing line	17 "
Offensive words	34 "
Throwing of objects and stones	31 "
Causing fires on our territory	4 "
Shining searchlights	1 time

July: 54 provocations

Rifle shots	1 time
Firing of pellet rounds with shotguns	4 times
Violation of the dividing line	16 "
Offensive words	15 "
Throwing of objects and stones	17 "
Performance of obscene actions	1 time

August: 87 provocations

Rifle shots	7 times
Firing of pellet rounds with shotguns	1 time
Handling and pointing of rifles	1 "
Violation of the dividing line	30 times
Offensive words	22 "
Throwing of objects and stones	24 "
Performance of obscene actions	1 time
Causing fires in our territory	1 "

September: 259 provocations

Rifle shots	20 times
Handling and pointing of rifles	24 "
Violation of the dividing line	94 "
Offensive words	58 "
Throwing of objects and stones	63 "



October: 155 provocations

Rifle shots	4 times
Firing of pellet rounds with shotguns	1 time
Handling and pointing of rifles	10 times
Violation of the dividing line	51 "
Offensive words	35 "
Throwing of objects and stones	51 "
Setting fires in our territory	3 "

November: 304 provocations

Rifle shots	7 times
Firing of pellet rounds with shotguns	21 "
Handling and pointing of rifles	15 "
Violation of the dividing line	95 "
Offensive words	66 "
Throwing of objects and stones	97 "
Setting fires in our territory	2 "
Inviting our guards to cross the dividing line	1 time

December: 104 provocations

Rifle shots	3 times
Handling and pointing of rifles	4 "
Violation of the dividing line	21 "
Insult to the national flag	1 time
Offensive words	22 times
Throwing of objects and stones	53 "

1964

January: 135 provocations

Rifle shots	4 times
Handling and pointing of rifles	8 "
Violations of the dividing line	37 "
Throwing of objects and stones	60 "
Offensive words	23 "
Shining of searchlights	1 time
Other provocations	2 times

February: 142 provocations

Rifle shots	11 times
Firing of pellet rounds with shotguns	7 "
Handling and pointing of rifles	3 "
Violation of the dividing line	28 "
Throwing of objects and stones	77 "
Offensive words	14 "
Shining of searchlights and flashlights	2 "

March: 64 provocations

Rifle shots	5 times
Handling and pointing of rifles	3 "
Violation of the dividing line	9 "
Throwing of objects and stones	38 "
Offensive words	8 "
Other provocations	1 time

April: 111 provocations

Rifle shots	3 times
Handling and pointing of rifles	2 "
Violation of the dividing line	12 "
Insults to the national flag	2 "
Throwing of objects and stones	60 "
Offensive words	29 "
Shining of searchlights	1 time
Other provocations	2 times

May: 293 provocations

Rifle shots	9 times
Firing of pellet rounds with shotguns	1 time
Handling and pointing of rifles	26 times
Violation of the dividing line	2 times
Throwing of objects and stones	148 "
Performance of obscene actions	1 time
Setting fires in our territory	1 "
Offensive words	88 times
Squirting water with hoses	3 "
Shining of searchlights and flashlights	14 "

June: 317 provocations

During this month the seriousness of the provocations by the North Americans increased and numbered 317.

Rifle shots	26 times
(two Cuban border guards were wounded)	
Handling and pointing of rifles	31 "
Violation of dividing line	10 "
Throwing of objects and stones	158 "
Offensive words	77 "
Shining of searchlights and flashlights	10 "
Other provocations	5 "

9/6/64 A Yankee soldier on guard opened fire with his service rifle in the direction of the Border Battalion guards, shooting seven times, one of which seriously wounded Cuban soldier Jose Ramirez Reyes in the left leg. This incident took place 2 kilometers to the south of the main gate of the base on its eastern side.

25/6/64 Shots fired by the Yankee guards of the naval base seriously wounded Cuban Border Batallion soldier Andres Noel Laurduet while he was standing at post No 5 in the Cuban perimeter.

July: 146 provocations

Rifle shots	8 times
(they caused the death of a Cuban soldier)	
Firing of pellet rounds with shotguns	1 time
Pointing of machineguns	1 "
Handling and pointing rifles	48 times
Throwing of objects and stones	61 "
Performance of obscene actions	1 time
Offensive words	20 times
Shining of searchlights and flashlights	6 "

19/7/64 Shots fired by Yankee soldier at the naval base of Guantanamo killed Cuban soldier Ramon Lopez Pena of the Border Battalion when he was standing at one of the posts of the national perimeter.

August: 49 provocations

Rifle shots	6 times
Handling and pointing of rifles	16 "
Throwing of objects and stones	6 "
Performance of pornographic actions	1 time
Offensive words	18 times
Shining of searchlights	1 time
Other provocations	1 "

September: 23 provocations

Rifle shots	4 times
Handling and pointing of rifles	5 "
Violation of the dividing line	2 "
Throwing of objects and stones	3 "
Offensive words	5 "
Shining of searchlights and flashlights	4 "

October: 18 provocations

Handling and pointing of rifles	4 times
Violation of the dividing line	1 time

Setting fires in our territory	1 time
Offensive words	10 times
Shining searchlights	2 "

November: 23 provocations

Rifle shots	2 times
Handling and pointing of rifles	4 "
Offensive words	6 "
Shining of searchlights and flashlights	8 "
Violations of the dividing line	1 time
Setting fires in our territory	1 time
Landing of a helicopter in our territory	1 "

The following provocations are pointed out:

26/11/64 1813 2030 Three marine infantrymen, who were at the North American post at the main gate of the naval base, fired two shots and crossed the dividing line, going into our territory where they set fire to one of our guard shacks. While they were carrying out the provocation, they turned on searchlights, thus preventing photographs from being taken of it.

29/11/64 0035 A North American helicopter from the interior of the naval base violated our airspace and landed in Cuban national territory 250 meters from the dividing fence at the northeast boundary. The crew descended from the craft and remained in Cuban territory for 3 minutes. Shortly before this, the same helicopter flew over one of our trucks that brings relief personnel for the Cuban guards.

December: 72 provocations

Rifle shots	10 times
Handling and pointing of rifles	5 "
Throwing of objects	1 time
Offensive words	18 times
Shining of searchlights and flashlights	36 "
Other provocations	2 "

1965

January: 65 provocations

Rifle shots	12 times
Handling and pointing of rifles	9 "
Violations of the dividing line	1 time
Offensive words	13 times
Shining of searchlights and flashlights	23 "
Inviting the patrol making the rounds to ask for asylum	1 time
Other provocations	6 times

February: 119 provocations

Rifle shots	21 times
Handling and pointing of rifles	24 "
Violation of the dividing line	7 "
Throwing of objects and stones	6 "
Performance of obscene actions	1 time
Offensive words	21 times
Shining of searchlights and flashlights	35 "
Attempts at subornation and attempts to climb the dividing fence	4 "

The following are pointed out:

- 14/2/65 0955 Two marine infantrymen from the post located 2.2 kilometers from the coast on the western limits, jumped the dividing fence armed with rifles and went to our sentry box where one of them entered and the other one stood on top of it. They then cut the telephone wire and 5 minutes later returned to the occupied territory.
- 23/2/65 Soldier Berto Belen Ramirez was wounded on the hand by a rifle shot fired by a North American soldier from the post located 5 kilometers west of the main gate of the base.

April: 68 provocations

Rifle shots	26 times
Handling and pointing of rifles	8 "
Violations of the dividing line	9 "
Throwing of objects and stones	6 "
Performance of obscene actions	1 time
Offensive words	4 times
Shining of searchlights and flashlights	14 "

The principle provocations were:

- 3/4/65 2020 North American infantrymen of the post located at the main gate crossed the dividing line and penetrated 25 meters into our territory where they fired six rifle shots, one of them hitting the light bulb in our sentry box.
- 9/4/65 1800 From the North American post located at the main gate of the naval base a marine infantryman fired a rifle shot at the national flag as it was being lowered.
- 18/4/65 1810 North American military personnel fired two rifle shots at the national flag of Cuba from the post located 500 meters from the main gate of the naval base.

May: 65 provocations

Rifle shots	14 times
Handling and pointing of rifles	5 "
Violations of the dividing line	2 "
Throwing of objects and stones	11 "
Offensive words	15 "
Shining of searchlights and flashlights	16 "
Other provocations	2 "

June: 49 provocations

Rifle shots	16 times
Handling and pointing of rifles	10 "
Throwing of objects and stones	4 "
Offensive words	11 "
Shining of searchlights and flashlights	8 "

July: 43 provocations

Rifle shots	9 times
Handling and pointing of rifles	7 "
Offenses with obscene words	11 "
Shining of searchlights and flashlights	16 "

August: 56 provocations

Firing of rifles	18 times
Handling and pointing of rifles	12 "
Violations of dividing line	1 time
Throwing of objects and stones	5 times
Offensive words	8 "
Shining of searchlights and flashlights	8 "
Climbing of the fence; attempts at subornation	1 time
Other provocations	3 times

September: 45 provocations

Rifle shots	22 times
Handling and pointing of rifles	5 "
Throwing of objects and stones	3 "
Offensive words	5 "
Shining of searchlights and flashlights	7 "
Attempts at subornation; climbing the fence	1 time
Other provocations	2 times

October: 36 provocations

Rifle shots	15 times
Handling and pointing of rifles	3 "
Violations of the dividing line	1 time
Throwing of objects and stones	1 time
Offensive words	10 times
Shining of searchlights and flashlights	1 time

November: 3 provocations

Rifle shots	1 time
Handling and pointing of rifles	1 "
Violations of the dividing line	1 "

December: 10 provocations

Rifle shots	3 times
Offensive words	6 "
Violation of the dividing line	1 time

1966

Rifle Shots: January, 50; February, 14; March, 90; April, 53, May, 41.

- 21/5/66 Shots fired by Yankee soldiers from the naval base struck and killed Soldier Luis Ramirez Lopez of the Border Battalion.
- 17/6/66 A Yankee naval aircraft from the naval base of Guantanamo entered our airspace 40 kilometers east of the city of Santiago de Cuba, approaching to within 5 kilometers of this city before withdrawing toward the naval base.
- 18/7/66 Two North American jet aircraft, possibly of the F-8 Crusader type, from the naval base, violated our airspace, penetrating through the southern coast of Oriente to 30 kilometers west of the city of Guantanamo where the "Los Reynaldos" central is located.
- 8/7/66 Four aircraft with U.S. markings of the F-8A Crusader type  
1825 violated our airspace through Playa Conchera west of the naval base.
- 28/9/66 A North American marine infantryman from the Yankee post located 3 kilometers west of the main gate of the naval base, fired his rifle in the direction of the Cuban flag mast in our territory.

- 20/10/66 A North American soldier from the post 2 kilometers south of the main gate of the naval base pointed his rifle in the direction of our border soldiers, at the same time shouting words in English which were unintelligible.
- 24/10/66 A North American soldier from the post 2 kilometers south of the main gate shouted and insulted our soldiers with obscene words.
- 29/10/66 The foregoing provocation was repeated from the same place.  
0110
- 30/10/66 The Yankee soldiers 2kilometers south of the main gate pointed  
0750 their rifles in the direction of the Cuban guards and dared them to cross.
- 11/66 During this month on three occasions they shouted imprecations at the Cuban guards and on four occasions lighted national territory with flashlights and searchlights from the North American post 2 kilometers south of the main gate to the naval base.
- 3/12/66 A North American soldier jumped over the dividing fence into Cuban territory, crawling up to 80 meters from our post located in the northern part of the channel of Guantanamo Bay, throwing an unidentified object at it, hiding behind a concrete wall near the fence of the naval base.
- 22/2/67 U.S. marine infantry personnel stationed at the naval base fired  
0805 three rifle shots in the direction of our territory.
- 27/2/67 The tug Mosospelea ATF-158 violated our jurisdictional waters  
1335 south of Playa Conchera.
- 27/2/67 An A-4 "Skyhawk" aircraft violated our airspace from the west  
1645 of the occupied territory, penetrating up to a distance of 1,000 meters, withdrawing in a southerly direction in the direction of Playa Conchera.
- 11/3/67 The Yankee guard stationed 4 kilometers from the coast along the  
2125 western border fired six shots at our territory with a subsequent mobilization of vehicles and troops to that place.
- 21/3/67 A North American jet aircraft violated our airspace from the  
2100 eastern limits of the naval base.
- 23/3/67 Two type A-4 "Skyhawk" bomber aircraft which were participating in  
0600 an exercise for the defense of the naval base violated our airspace up to 1,000 meters in depth along the southeastern limits.



- 10/4/67 A North American marine infantryman, who was on duty at the post at  
0710 the main gate, crossed the dividing line, entering our territory  
up to the building formerly occupied by the National Bank.
- 14/4/67 An aerial object penetrated our air space at Punta de Maisi,  
1035 reaching within 10 kilometers of San Antonio del Sur, municipality  
1045 of Guantanamo.
- 15/4/67 A North American aircraft penetrated our territory at Surgidero  
2110- de Hatibonico coming to within 1 kilometer to the west of the  
2115 naval base then turning to fly over our territory again until  
it reached the same point and then withdrew. During its flight  
its searchlights were turned on lighting up Cuban territory.
- 17/5/67 During this period two North American reconnaissance aircraft  
0910- of the RF-4B type violated our air space, flying eight times over  
1100 the region between Puerto Escondido and the eastern limits of the  
base.
- 18/5/67 Two U.S. Navy F-8 Crusader interceptor fighters violated our  
1857- airspace, entering 1 kilometer into our national territory from  
1900 the western limits of the naval base.
- 26/5/67 A North American type H-34 "Seahorse" helicopter from the territory  
0930 occupied by the base entered into our airspace at the eastern  
limits of the base and landed in our territory some 200 meters from  
the dividing line, where it remained for a period of 6 minutes.
- 9/6/67 An RF-4B Phantom II reconnaissance aircraft from the interior of  
0830 the occupied territory violated Cuban airspace to a depth of  
2 kilometers north of the naval base.
- 7/7/67 The North American guard at the main entrance of the base insulted  
1555 our guards with obscene words on several occasions.
- 15/7/67 The North American guard located 1 kilometer from the coast on the  
1715 western limits pointed his rifle in the direction of our territory,  
making obscene gestures for 5 minutes.
- 21/7/67 A fighter-interception aircraft of the F-8 "Crusader" type violated  
0740- our airspace, flying over the zone between Puerto Escondido and the  
1000 eastern limits of the naval base six times.
- 24/7/67 A North American soldier from the post 1 kilometer from the coast  
1650 on the western limits, pointed his rifle for 3 minutes in the  
direction of the Cuban border guards.
- 28/7/67 Two Cuban torpedo boats which were some 25 kilometers west of the  
1340 naval station were followed by four ships which were in that area  
and at 1350 hours, when they were 10 kilometers from the

aforementioned limits of the base, were followed and flown over by a North American helicopter of the H-34 "Seahorse" type. Subsequently, an unknown naval object cut them off at 1405 hours.

- 30/7/67 Two North American combat tanks of the M-103 type, which were  
2135 located in the eastern part of the base, lit up our territory  
with their searchlights for 20 minutes.
- 15/8/67 Two attack bombers of the A-4 Skyhawk type, belonging to the  
0755- aircraft carrier CUA-38, "Shangrila," departed from the naval  
0910 base, penetrating into our airspace, and flying 12 times over  
the region between the eastern part of the naval base and  
Puerto Escondido.
- 21/9/67 Two reconnaissance aircraft of the RF-4B Phantom-II type violated  
0735- our airspace some 6 kilometers in depth from the east of the  
0825 naval station.
- 15/10/67 Two reconnaissance aircraft of the RF-4B Phantom II type violated  
0725- our airspace seven times, flying over the region between Puerto  
0800 Escondido and Loma Picote.
- 24/10/67 During this period, various groups of Yankee marine infantry  
2240 violated the dividing line and a total of nine of them went  
to into the interior of the former building of the National Bank.
- 25/10/67 Another three marine infantrymen also took three boxes  
0230 40 by 30 centimeters into the interior of the building, leaving  
them there.
- 17/11/67 Two reconnaissance aircraft of the RF-4B Phantom type violated  
0740- our airspace, flying over our national territory and Cuban  
0745 jurisdictional waters to the west of the Yankee naval base.
- 1/12/67 Two reconnaissance aircraft of the RF-4B Phantom II type belonging  
0735 to the U.S. Marines violated our airspace and jurisdictional waters,  
0935 flying 25 times over the area southeast of the naval base.
- 8/12/67 Two North American aircraft of the RF-4B Phantom II type violated  
0740- our airspace, flying over Cuban territory between Puerto Escondido  
0800 and the eastern part of the naval base.
- 16/12/67 From the post located 11 kilometers west of the main gate to the  
0820 naval base, a North American soldier pointed his rifle in the direc-  
tion of the Cuban guards in our territory.
- 20/12/67 A North American soldier with a camera in his hands, crossed the  
0820 dividing line and took photographs of the former building of the  
National Bank located in Cuban territory.

- 31/12/67 The two Yankee officers on duty at the main gate of the naval base  
1650 crossed the dividing line, entering our territory up to the former  
building of the National Bank.
- 10/1/68 Two reconnaissance aircraft of the RF-4B Phantom II type violated Cuban  
0815 airspace, flying six times over the sector between 1.5 and 4.5 kilo-  
0940 meters south of the main gate. They subsequently landed at the  
naval base at Guantanamo from which they came.
- 13/1/68 The Yankee guard located at the entrance to the naval base shouted  
2155 curses in Spanish at Cuban guards.
- 2/2/68 Two reconnaissance aircraft of the RF-4B Phantom II type violated  
0825- Cuban airspace, flying over our territory on five occasions in the  
0930 zone between Puerto Escondido and the eastern limits of the base,  
and on six occasions up to 1 kilometer in depth between the main  
gate and the south of Caimanera. They returned to the naval base.
- 3/2/68 Two North American soldiers crossed the dividing line up to the  
2010 former building of the National Bank against which they threw  
2025 stones for 4 minutes. This building is located some 15 meters  
from the aforementioned line in front of the main entrance to  
the naval base.
- 4/2/68 Two Yankee soldiers arrived at the dividing line and began to throw  
2130 stones against the former building of the National Bank for 4 minutes.
- 9/2/68 During this period three tactical reconnaissance aircraft, possibly  
2140 of the RA-5C "Vigilante" type, belonging to the aerial complement  
of the attack aircraft carrier CUA-62, "Independence," violated  
our airspace, flying over the airport of Santiago de Cuba. In  
addition, two aircraft flew over national territory near the naval  
base, one at 1910 hours on the north and east of the base, and the  
other at 2200 hours at the north and northeast to a depth of  
9 kilometers.
- 28/2/68 A North American aircraft of the F-8 Crusader type violated our  
airspace to the southeast of the territory occupied by the naval  
base.
- 5/3/68 Two aircraft of the RF-4B Phantom II type violated our airspace,  
0815- flying five times to a depth of 3 kilometers in the zone southeast  
0920 of national territory.
- 15/3/68 For 6 minutes one of the marines at the post on the perimeter of the  
1350 naval base pointed his rifle at the Cuban border guards.

- 25/3/68 Two North American marines jumped over the dividing fence, entering 40 meters into our territory for 15 minutes through a point located 5 kilometers to the north of the coast on the western limits of the naval base. They withdrew at a run when they noted that the Cuban border guard was reporting the incident on the telephone.
- 9/4/68 A North American soldier crossed the dividing line in front of the main gate to the naval base, penetrating Cuban territory up to the former building of the National Bank.
- 10/4/68 A North American aircraft of the RF-4B Phantom II type violated  
0800- Cuban airspace, flying over a zone 1 kilometer in depth all along  
0850 the eastern limits of the naval base.
- 26/4/68 Two North American marines who were on guard some 1,500 meters to the north of the coast on the western limits, pointed their rifles for 3 minutes in the direction of our territory.
- 17/5/68 From the main gate of the naval base, a Yankee marine crossed the  
1805 dividing line, penetrating into Cuban territory to a depth of 250 meters. He carried a pistol in his hand and a camera with which he took pictures of the former site of the National Bank.
- 22/5/68 Two Yankee reconnaissance aircraft of the RF-4B Phantom II type  
0830- violated Cuban airspace to the east of the naval base toward  
0850 Puerto Escondido.
- 10/7/68 Two reconnaissance aircraft of the RF-4B Phantom II type violated  
0905- Cuban airspace on the eastern limits.  
0910
- 21/7/68 A Yankee soldier standing guard at the main gate, entered 20 kilo-  
1835 meters into our territory, crossing the dividing line with a pistol in his hand.
- 25/6/68 Two reconnaissance aircraft of the RF-4B Phantom II type violated  
0840- our airspace to the east of the naval base.  
0935
- 26/8/68 Two guards in the eastern part of the perimeter of the base, turned their lights on our territory on several occasions and at 1025 hours two marines went out through the main gate and crossed the dividing line, penetrating Cuban territory.
- 29/8/68 Two reconnaissance aircraft of the RF-4B Phantom II type violated  
0840- our airspace to the east and northwest of the territory occupied  
1000 by the naval base.

- 18/9/68 Two North American aircraft of the RF-4B Phantom II type violated  
0910- our airspace to the east and west of the naval base.  
1000
- 30/9/68 Two marines armed with pistols crossed the dividing line in front  
1735 of the main gate to the naval base, penetrating Cuban territory.
- 5/10/68 An unarmed North American soldier and a civilian crossed the  
1634 dividing line, entering our territory. The civilian took pictures  
of the former building of the National Bank.
- 23/10/68 Our airspace was violated by two North American aircraft of the  
0840- RF-4B Phantom II type which entered up to 800 meters into Cuban  
0945 territory east of the naval base.
- 30/10/68 Two marines crossed the dividing line and entered our territory  
0930 in front of the main gate to the base.
- 31/10/68 A marine armed with a pistol crossed the dividing line and entered  
0905 our territory.
- 31/10/68 Two marines aimed their rifles in the direction of our territory  
0905- from the North American post located 3 and 1/2 kilometers from  
0930 the coast along the eastern part of the naval base perimeter.
- 11/11/68 The guard at the North American post located 1 kilometer from the coast  
1820 along the western limits of the naval base, pointed his rifle in the  
direction of our territory.
- 13/11/68 Four marines arrived at the western limits of the naval base  
0910 1 kilometer from the coast and threw a total of three stones toward  
our territory.
- 1969 Pointing of rifles 2 times  
Violations of the dividing line 9 "

#### FIVE POINTS FOR PEACE WITH DIGNITY

[Text] First: Cessation of the economic blockade and of all commercial and economic measures of pressure exercised by the United States everywhere in the world against our country.

Second: Cessation of all subversive activities, the dropping and landing of weapons and explosives by air and sea; the organization of mercenary invasions, infiltration of spies and saboteurs, all actions that are being carried out from the territory of the United States and some accomplice countries.

Third: Cessation of pirate attacks that are carried out from bases existing in the United States and Puerto Rico.

Fourth: Cessation of all violations of our air and sea space by North American aircraft and warships.

Fifth: Withdrawal from the Guantanamo Naval Base and return to the Cuban territory occupied by the United States.

28 October 1962

PHOTO APPENDIX



[Photo appeared with section "Beaten to Death," pages 27-28]

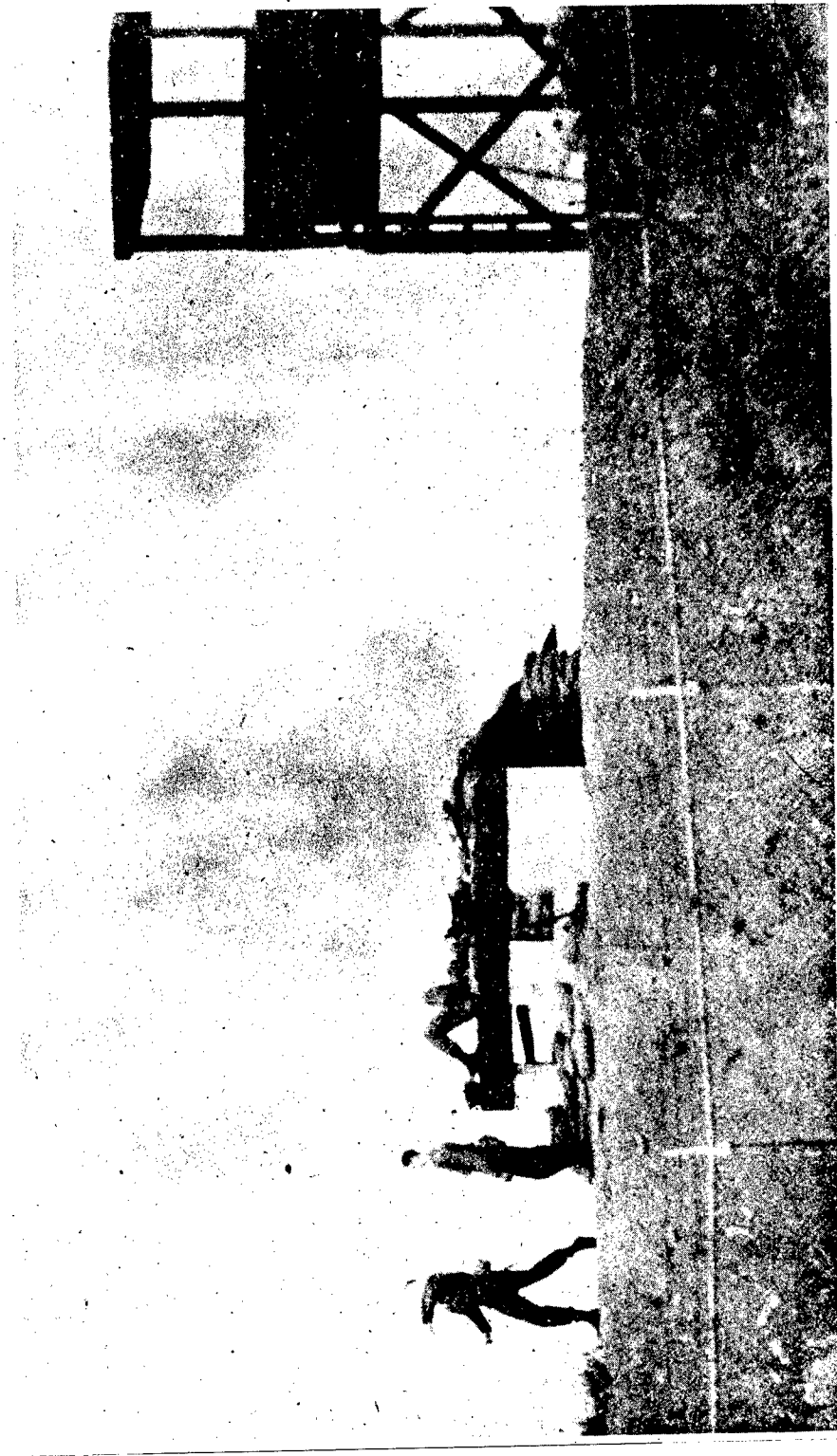


[Photo appeared with section "Beaten to Death," pages 27-28]





[Photo appeared with section "Tortures," page 28]



[Photo appeared with section "Provocations," page 28]



[Photo appeared with section "The Marines Shoot," page 28]



Soldado JOSE RAMIREZ REYES  
herido el 9 de junio

Soldier Jose Ramirez Reyes wounded on 9 June  
[Photo appeared with section "Seriously Wounded," page 29]



✓Above photo appeared with section  
"Murder," page 29



✓Photo. appeared with section  
"Seriously Wounded," page 29



[Photos appeared with section "The Maneuver Destroyed," pages 29-30]



Provocations and insults against Cuban guards are daily duties of the North American "marines."



To offend the dignity of the Cuban workers who work at the base, the North American guards search them carefully at their entry and departure from the installations.





Brazen and cynical, these "marines" provoke the Cuban border guards, while two North Americans are ready to photograph any reaction by our guards, who always have withstood these actions calmly.



With a long-range telephoto lens, this Yankee military photographer is photographing aspects of Cuban installations on the other side of the line that separates the two territories at Guantanamo, performing a labor of espionage.



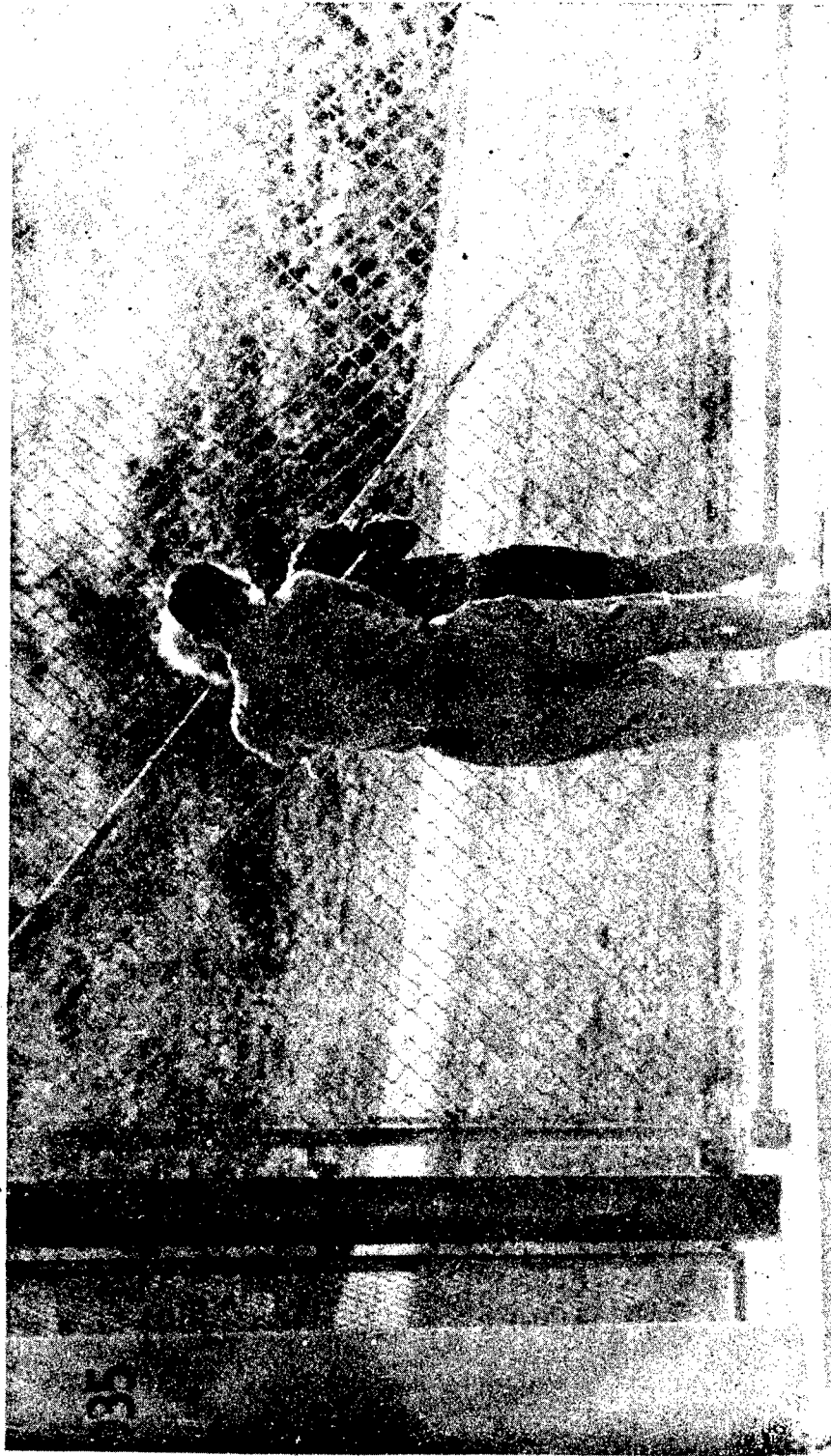
This is a Cuban guard's canteen which was pierced through by a rifle bullet fired from a sentrybox on the North American sector of the naval base.



This is a frequent spectacle at the boundary of the naval base: the "marines" stand on the dividing line, adopting the most grotesque postures and hurling curses to provoke the Cuban guards.



Carrying his nauseating provocations to the extreme, this "marine" lowers his trousers to show his buttocks in mockery to the Cuban guards.



Everything is included by these shameless people in their maneuvers to try to break down the morale of the disciplined Cuban border guards. As we can see in the photograph, they are accustomed to showing acts of love, even the performance of sexual acts with professional prostitutes in view of the Cuban guards.



Knowing full well that the Cuban soldiers are incapable of the criminal tactics which they use constantly, this "marine" sits defiantly on the sandbags that protect a machinegun nest on the border. What an extravagance of staged courage!

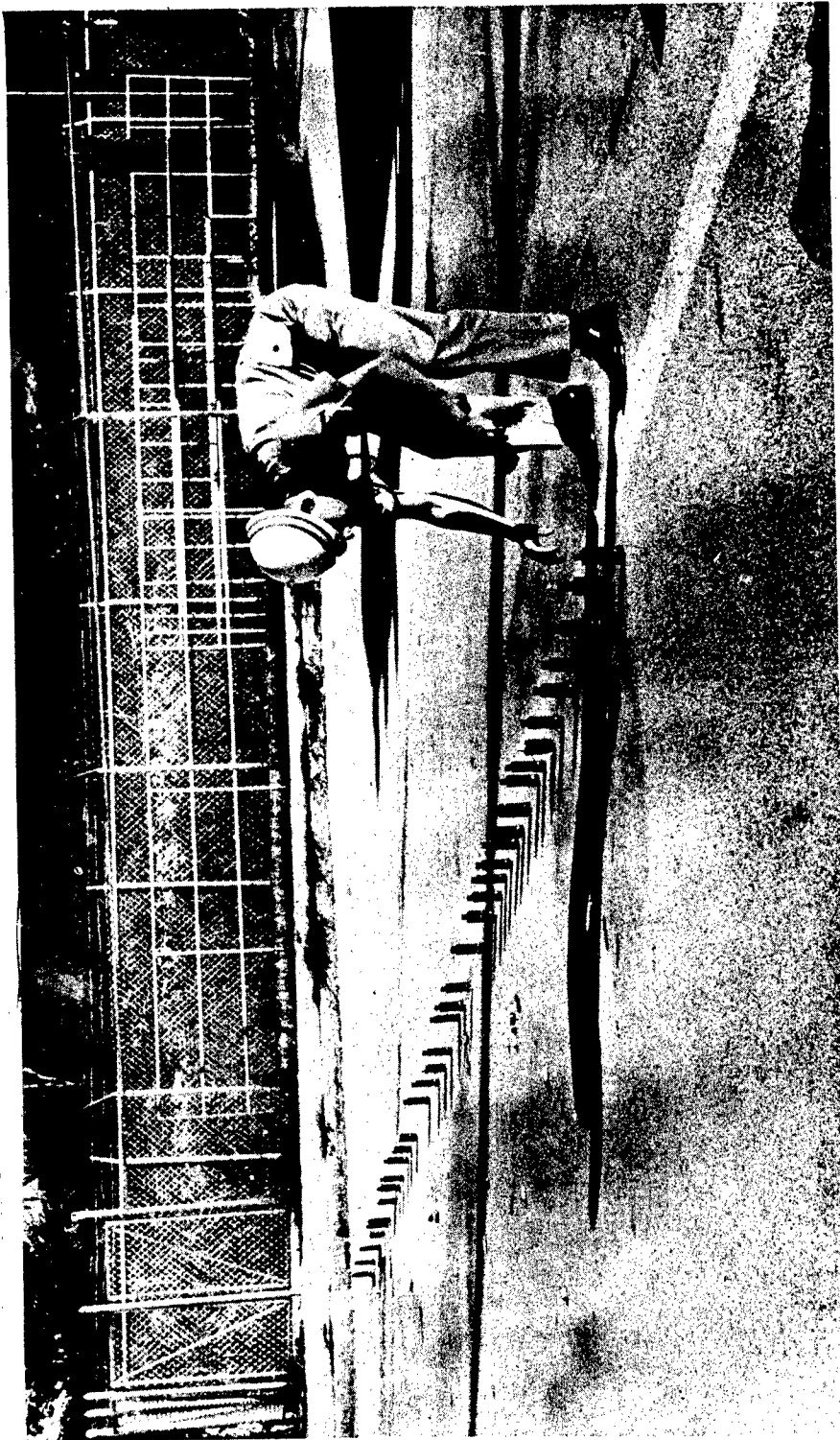


Another example of the innumerable acts of immorality with which they wish to bother the Cuban guards: several prostitutes assume ridiculous poses to be photographed near the base fence.

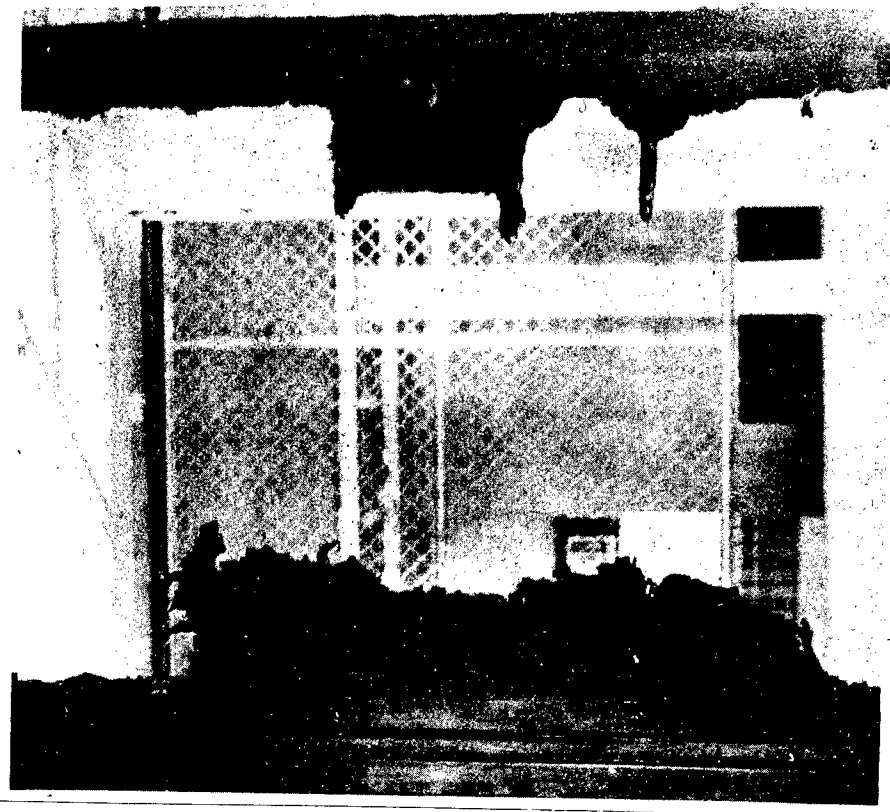




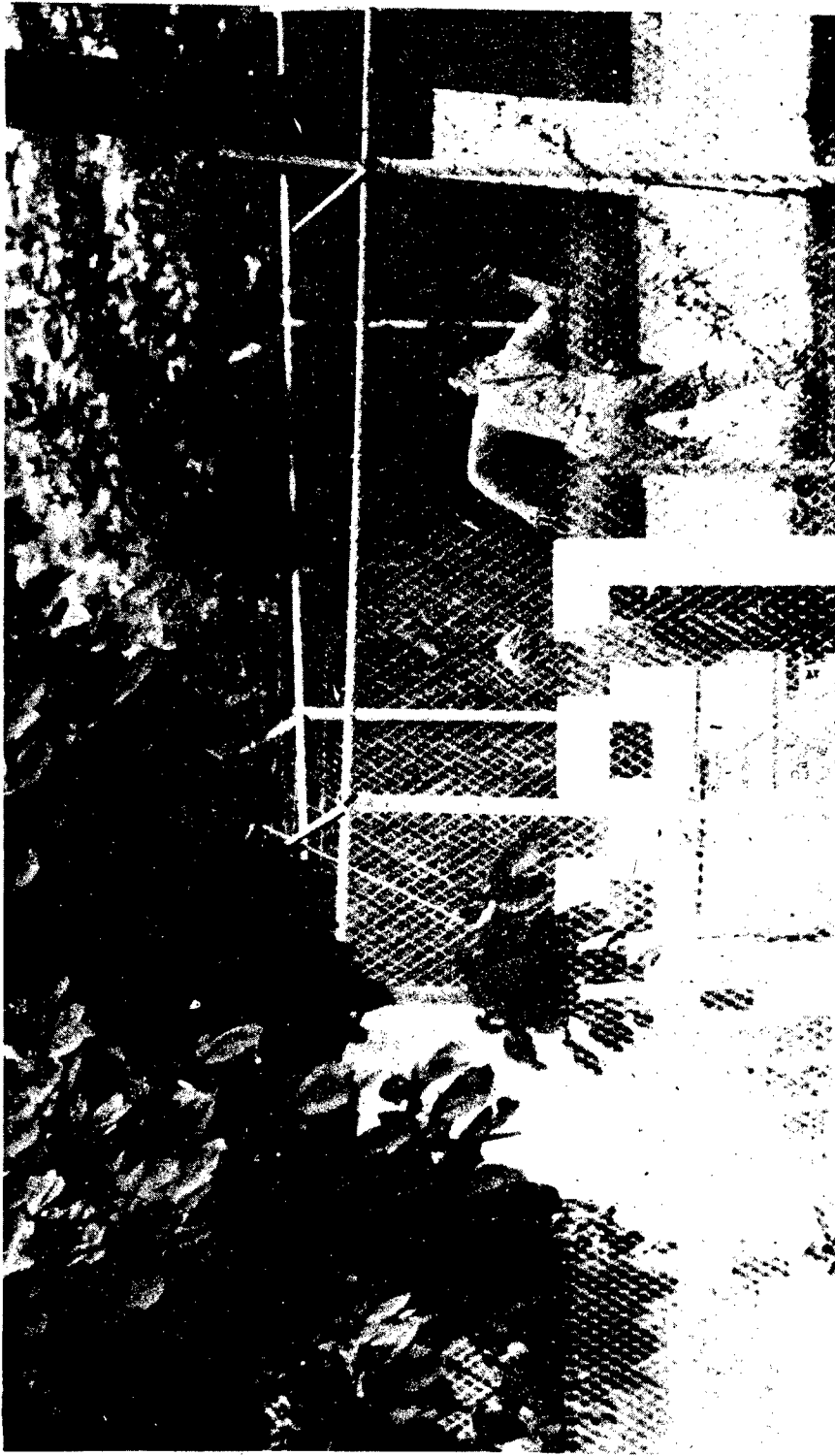
This is a scene that is repeated daily from the other side of the fence in Yankee territory: an enemy soldier provokes Cuban troops with affronts and insults.



Adding to the sum of provocative actions they try against Cuban military personnel, this North American soldier places perfume bottles outside the white line that marks the division between the territory of Free Cuba and the piece of land stolen from the Cuban people by the U.S. Government.



On 26 November 1964 the "marines" violated the dividing line, penetrating Cuban territory and setting fire to a sentry box, as is shown by the photograph in which can be seen the door which was completely destroyed by flames.



And the list continues: not content with insulting and provoking our soldiers, the contemptible "marines" throw rocks and other objects at them.



Two attitudes, two mentalities. Against the provocative and hostile attitude of the North American soldiers in the Guantanamo Naval Base, is contrasted the disciplined and calm behavior of the Cuban border guards, who have withstood mortal aggressions and irritating insults from that enemy territory with great equanimity and with strict obedience of orders received.

