



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/2004/NGO/8
12 July 2004

ENGLISH, FRENCH AND
SPANISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-sixth session
Item 2 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO
COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES:
REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS
RESOLUTION 8 (XXIII)**

**Joint written statement submitted by Europe-Third World Centre, a non-governmental
organizations in general consultative status and American Association of Jurists, a non-
governmental organization with special consultative status.**

The Secretary-General has received the following written statement which is circulated
in accordance with Economic and Social Council resolution 1996/31.

[1st July 2004]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

**The United States tightens its anti-Cuban blockade:
new curtailment of freedoms**

1. The United States government has recently taken another step in its aggressive policy against Cuba. Repeating that he does not exclude the use of armed force to “*hasten the day of liberation*” and that the U.S. army would back “*a provisional government of transition*” in the wake of the “*castro-communist*” regime, George W. Bush signed on May 6 a report of the “*Committee for aid to a free Cuba*”, which lists a series of measures tightening the embargo. The unjustified and unjustifiable embargo was imposed unilaterally 43 years ago and was meant to cause the Cuban people a maximum of hardship – “*to cause hunger and despair*” in the words of the U.S. Department of State in 1959. It placed an enormous burden of sacrifice on the Cuban people and caused the Cuban economy to lose more than 70 billion dollars (1). Practically all of the States members of the United Nations General Assembly have condemned it. One hundred seventy-nine member States voted in favor of its being lifted in 2003, with only three States voting against: the United States, Israel, and the Marshall Islands.

2. Though backed up by the Torricelli(2) and Helms-Burton(3) Acts, which already damaged the transfers of private funds, foreign investment and tourism to Cuba, the arbitrary system imposed by the United States did not succeed in blocking a real and systematic recovery of the economy that began in 1994. The GDP in Cuba has shown a satisfactory average level of growth over the past ten years (4). According to UNICEF, 99% of urban and 95% of rural households have been provided with the essential health and hygiene installations, although the per capita GDP is only \$ 2712.

3. In spite of its countless negative repercussions, the embargo has not broken the country's spirit. While it is clear that the United States blockade is an assault on the Cuban people's right to self-determination and an attempt to break their will to establish the autonomous and sovereign society they desire, it is important to understand that the U.S. government, by attacking Cuba, is waging an attack on freedoms themselves.

4. A new feature of the measures approved by G. W. Bush is that they affect the rights of Cubans who have acquired U.S. citizenship and who reside in the United States. First and foremost, their freedom of movement is restricted: travel to Cuba is henceforth subject to an authorization on a case-by-case basis (rather than to a general authorization as previously), and a visit is authorized only once every three years (instead of each year as heretofore). But the measures also strike a blow at these people's freely chosen commitment to send financial assistance to their dear ones: the ceiling on transfers of currency to Cuba has been lowered considerably, and the recipients are now restricted to the category of direct relatives: children, spouses, parents, siblings, grandparents and grandchildren only. This ignores the ties based on affection and solidarity which may naturally bind them to more distant relatives: friends, neighbours, former colleagues...

5. Furthermore, the United States authorities are now allowed to carry out “*secret operations*” in order to identify anyone violating the new regulations and to offer a reward to those who assist in their being brought to justice. Obtaining a visa for travel to Cuba, both for individuals or institutions, will be made more difficult by administrative red-tape intended to be a deterrent. The number of U.S. citizens who had to face criminal charges for travelling to Cuba without

official permission to leave the United States increased considerably since G.W. Bush became President; their number is likely to go up. Thus, just when the Cuban administration is relaxing the rules for entry to the island, including for expatriate Cubans, the United States is setting up barriers to their leaving its territory—in violation of the migration agreements signed in the past.

6. G. W. Bush has declared, moreover, that he intends to see to it that the sanctions provided for by the Helms-Burton Act (March 1996) shall henceforth be rigorously implemented. Title III of this Act gives U.S. Courts the right to judge and to sentence citizens of a third country (and their family) who have had dealings with Cuba. And Title IV, among other things, provides that such foreign citizens (and their family) shall be denied entry into the United States. The regulatory nature of the embargo—and especially the extra-territorial character of its rules which subject the international community to sanctions unilaterally imposed by the United States—constitutes a violation of the United Nations Charter and of the foundations of prevailing International Law. This extension of the territorial jurisdiction of the United States is nothing less than lawlessness. No need to look for arguments to prove that it contravenes existing International Law, violating as it does the principles of national sovereignty, of non-interference in the internal affairs of another State, etc.

7. In addition, the barriers to freedom of movement adopted by the U.S. executive broaden the embargo to cover areas which had been previously exempted by law (6): the free circulation of scientists and of scientific knowledge. The following will henceforth be systematically disallowed: professional visits to Cuba by U.S. scientists; visas to the United States for Cuban scientists (and civil servants, including medical doctors); the publication in the United States of scientific articles by Cuban authors; granting of soft-ware licenses; Cuban libraries' orders of books, publications, diskettes or CD-Rom on specialized scientific subjects... This curtailment of the freedom to exercise a scientific profession and to exchange scientific information destroys one of the most fruitful ways of developing intellectual cooperation on the basis of humanism and solidarity among nations. And is it not paradoxical, finally, to try to force Cubans to give up their civil and political rights, and their jobs as public servants, in order to receive transfers from abroad?

8. Simultaneously, the U.S. government has announced the allocation of \$ 59 million of the taxpayers money for logistic and financial support to non-governmental organizations and individuals who shall "*spread information*" against Cuba in the world. A special fund will be used to pay for visits to Cuba by "*volunteers*" who will train and lead "*dissidence*" on the island. "*Marti*" Radio and TV will soon receive some \$ 18 million and a U.S. Army plane will be placed at their disposal in order to facilitate their broadcasts from Miami—in breach of the rules of the International Telecommunications Union and in violation of the sovereignty of a State, member of the United Nations.

9. The United States blockade of Cuba is illegal and illegitimate. Its purpose is to destroy a nation and, as such, it is an act of undeclared war on Cuba. Since it affects the physical and moral integrity of an entire nation, above all its children and its elderly, it can be likened, at law, to a crime against humanity.

10. The toughening of the U.S. anti-Cuban blockade is an attack on freedoms—that of the Cuban people as well as of all the peoples of the world.

11. The United Nations Commission on Human Rights has repeatedly condemned unilaterally-adopted coercive measures. In its resolution adopted last April 16th, the Commission urges all States to “*refrain from adopting or implementing unilateral measures which are at variance with International Law, with International Humanitarian Law, and with the Charter of the United Nations (...) to refuse to recognize such measures as well as to implement them*”. The Resolution also requests States to “*adopt effective administrative and legislative measures, as required, in order to prevent the implementation of, or the extraterritorial effects of unilateral coercive provisions*” (7).

(1) Cuba's Report to the UN Secretary-General on Resolution 56/9 of the UNGA (Nov.2002).

(2) Cuban Democracy Act, 1992.

(3) Cuban Liberty and Democratic Solidarity Act, 1996.

(4) For data on the evolution of the Cuban economy from the last years, see: Herrera, R, (2003), “*Cuba: une résistance en Amérique latine*”, *Recherches internationales*, n° 69, pp. 89-110, September, Paris.

(5) Information Bulletin *MediCuba*, No 12, Feb.2004.

(6) American Association of World Health (1997): *The Impact of the US Embargo on Health and Nutrition in Cuba*, Washington.

(7) E/CN.4/RES/2004/22.
