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لجنة حقوق الإنسان

الدورة الستون

البند ٩ من جدول الأعمال

مسألة انتهاك حقوق الإنسان والحريات الأساسية في أي جزء من العالم

رسالة مؤرخة ٣١ آذار/مارس ٢٠٠٤ موجهة من البعثة الدائمة لكوبا لدى مكتب

الأمم المتحدة في جنيف، إلى المفوض السامي لحقوق الإنسان بالوكالة

أتوجه إليكم بوصفكم المفوض السامي بالوكالة طالباً إليكم تعميم الوثيقة المرفقة التي أعدها وزارة الخارجية في جمهورية كوبا والتي تتضمن، كما جاء في عنوانها، آراء حكومة كوبا في المعاملة الظالمة والتمييزية والانتقائية لما يسمى حالة حقوق الإنسان في كوبا في إطار عمل لجنة حقوق الإنسان.

أرجو تعميم هذه الوثيقة* كوثيقة رسمية من وثائق الدورة الستين للجنة في إطار البند ٩ من بنود جدول الأعمال. وأرجو كذلك أن تحيلوا هذه الوثيقة إلى جميع الذين أنيطت بهم ولايات مواضيعية وإلى الأفرقة العاملة التابعة للجنة.

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السفير

الممثل الدائم

* مستنسخة في المرفق وباللغات الإسبانية والإنكليزية والفرنسية فقط.



*Ministry of Foreign Affairs
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Annex

*Cuba and its defence of all human
rights for all*

- ❖ *Outline of 200 years of aggression and hostility on the part of US imperialism towards the Cuban nation.*
- ❖ *Intensification of anti-Cuban hostility under the George W. Bush administration. The threat of renewed military aggression.*
- ❖ *US manipulation of the work of the Human Rights Commission in order to fabricate a pretext for maintaining its anti-Cuban policy.*

March 2004

"Year of the 45th Anniversary of the Triumph of the Revolution"

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INTRODUCTION

This document provides insights into the viewpoint of the Government of the Republic of Cuba regarding the anti-Cuba campaign mounted year after year by the US administration, applying enormous pressures, at the Commission on Human Rights.

It is a supplement to the document issued as the official paper to be submitted at the 59th session of the CHR (reference E/CN.4/2003/G/37), apprising the Commission of the Cuban government's views on Resolution 2002/18, also tabled by the United States during the 58th session of the Commission.

Cuba does not and will never recognize the spurious mandate of the so-called Personal Representative of the UN High Commissioner for Human Rights, an aberration invented and institutionalized by the United States with the aim of stepping up its campaign of lies and propagandist manipulation against the Cuban people.

For years, the superpower has resorted to the crudest forms of coercion against members of the Commission in its attempts to force through its resolutions against Cuba, including bilateral blackmail in its political, trading and financial relations and even in those on migration.

In its wilful manipulation of the Commission, Washington has enjoyed the collusion of other industrialized nations, notably its closest allies in "the coalition of the willing" who, in their anxiety to get their pickings from the new share-out of world resources being engineered by the US imperialists, have bowed to Washington's wishes and support the plans spawned by its hostile policy towards the Cuban people.

And what can one say about that handful of lackey states in the Empire's backyard which ignore the will of their peoples and the most basic principles of justice, truth and morality by complying with the US's shameful behest by publicly to assuming the ostensible authorship of a text drafted and repeatedly amended in Washington and Miami? No adjectives adequately express their ignominy, shamelessness and servility.

The governments of those countries —publicly repudiated by their peoples— expect as reward for "anti-Cuba services rendered" the safety-net of support by the US administration, the propping up of their fraudulent regimes which cause such suffering to their peoples, bringing poverty, starvation and humiliation to their citizens.

Neither Cuba nor any other responsible member of the international community could condone such heinous intentions of manipulating the mechanisms of international cooperation on human rights. Accordingly, Cuba has no intention of facilitating, much

less helping, the implementation of the project aimed at imperialist hegemonic domination being pursued by the current US administration, not least because this would necessitate suspending the Cuban people's right to self-determination.

The present world situation confronts the Cuban nation with one of the most real and dangerous threats to its independence and sovereign existence, given the intensification of the US government's policy of hostility, aggression and blockade.

The very right to life of millions of Cuban men and women is threatened to a degree not seen since the policies of genocide and resettlement imposed by the Spanish colonial authorities at the end of the 19th century, or the mercenary Bay of Pigs (Playa Girón) invasion of 1961, or the US naval blockade and threat of nuclear extermination during the October 1962 Missile Crisis.

The spreading imposition of a blatantly fascist imperialist foreign policy by the world's only superpower has been accompanied by a unusual increase in access to the US's decision-making processes by the Cuban American terrorist mob and the American extreme right wing —historically committed to the annexation of Cuba by the US. Recent decisions, actions and pronouncements of key figures in the Bush administration show a clear pattern of escalating threats and provocations directed at the Cuban people . The possibility of military action against Cuba is now a very real one. Detailed information on this situation is provided later in this report.

The extensive detail we provide in the present document gives the lie to the virulent campaign of false propaganda unleashed on Cuba following the fully-justified decision of the Cuban authorities to impose severe penalties on a gang of mercenaries recruited and paid by Washington, in pursuing its aims of sabotaging the constitutional order established by sovereign decision of the Cuban people and implementing the annexionist provisions of the Helms-Burton Act.

We describe in depth the observance and practical expressions of human rights in Cuba —economic, social and cultural as well as civil and political, thereby exposing the falsehoods about Cuba promulgated by the transnationals that monopolize world information flows.

We give details of the frequent and continuing terrorist attacks on Cuba by groups operating with impunity out of US territory and often trained, supported and funded by Washington. We go on to condemn the arbitrary arrest and cruel and unjust treatment in the United States of five young Cuban anti-terrorist fighters and defenders of their people's human rights, and we demand justice for them.

The document also demonstrates that the US confrontation and manipulation at the Commission on Human Rights targeting the Cuban people has received and continues to receive a principled response from Havana: rejection and denunciation of discrimination, combined with total cooperation with all the general, non-discriminatory UN human rights machinery.

There is no government in the world with legitimate reasons to single out Cuba for condemnation at the Commission on Human Rights. Few other governments have achieved as much on human rights for their respective peoples as Cuba has over the last 45 years. That was what the Cuban Revolution was about. Self-respecting people the world over are aware of this.

Many peoples have benefited from the unceasing, disinterested commitment of Cubans to the advancement of human rights for all worldwide. The blood of hundreds of Cubans was spilt on African soil, as they fought beside their African brothers against colonialism and apartheid. Despite our country's modest resources, 14 732 Cubans who collaborate in the health sector and a similar number of Cuban teachers, for a total of 17 787 professionals, are deployed in the villages, mountains and other remote corners of Latin America, the Caribbean, Africa and Asia, sharing the blessings of medical care, education and culture with the peoples of various nations.

Cuba knows that the Government of the United States will go on resorting to falsehood and coercion to sustain its anti-Cuba campaign at the Commission on Human Rights. It needs this infamous tissue of lies as a pretext for intensifying its blockade and other hostilities against the social programme freely undertaken by the Cuban people, with the aim also of eliminating the example they have set by refusing to give up their sovereignty and independence.

The Cuban people reiterates its resolve to keep on fighting to the end for truth and calls for the support of peoples and governments everywhere who regard dignity and commitment to justice, integrity and ethics as principles to be defended at all costs.

PART I : HISTORICAL HOSTILITY OF US IMPERIALIST FORCES TOWARDS THE CUBAN NATION

CHAPTER I: THE STRUGGLE OF THE CUBAN PEOPLE FOR THE RIGHT TO SELF-DETERMINATION; OBSTACLES PLACED IN ITS WAY DUE TO THE HISTORIC DETERMINATION TO DOMINATE ON THE PART OF THE US RULING CIRCLES¹

The principal danger that has been faced by Cubans as regards enjoyment of their human rights arises from a history of deeply-rooted aspirations in the ruling circles of various foreign powers that have sought to dominate their territory. This has been particularly true, over the last 200 years, of the United States of America.

The Cuban people have been compelled, as few other nations in the world, to defend their right to self-determination, to freedom and to their very existence as a nation. This has entailed the commitment of vast human and material resources, including the lives of hundreds of thousands of its best youth.

First the Spanish colonial forces, and later up to the present day the imperialist ruling circles that hold sway in the United States of America, have resorted even to genocide in their attempts to suppress the determination of the Cuban people to decide its own future from a position of sovereignty.

The massacre of over 200,000 Cubans at the end of the 19th century through the imposition by the Spanish Captain General Valeriano Weyler of a population forced resettlement policy was followed in the 20th by tens of thousands of deaths at the hands of the Americans and their mercenaries, or by virtue of the criminal practices of the dictatorships imposed and nurtured by the neo-colonialists during first half of that century.

US hostility towards the Cuban people and its resolve to be independent —now reflected in the iniquitous anti-Cuba campaign at the Commission on Human Rights— predates the victory of the Cuban Revolution in January 1959 and the 1961 proclamation of its socialist character: it has been constant since the birth of the Cuban nation.

As early as 1767, a decade before the thirteen British colonies declared independence, Benjamin Franklin, one of the United States' founding fathers',

¹ Further information on this subject is provided in a report, reference E/CN.4/2003/G/37 dated 10th March 2003, submitted by Cuba to the 59th Session of the CHR.

advocated colonizing the Mississippi Valley "... for use against Cuba or Mexico itself (...)"²

John Adams,³ second president of the United States, referred in 1783 to the need to take over the island, formulating the essence of the domination-oriented geopolitical thinking in relation to Cuba which has prevailed in America's ruling circles.

US ambitions to annex Cuba were publicly expressed also by Thomas Jefferson who, after his term in office, remarked in 1823: "I confess that ...Cuba as the most interesting addition which could ever be made to our system of States. ..."The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being".⁴

Cuba remained under Spanish colonial rule during the independence proclamations and battles of the early decades of the 19th century in most of the Latin American republics. The factors resulting in this situation included open US opposition to Cuban independence, based on its declared intention of annexing the island.

On 28th April 1823, Union of the Secretary of State John Quincy Adams, outlined the key features of the US policy on Cuba that prevailed throughout the 19th century, in instructions sent to the US Minister in Spain. Among his comments, on what became known as the "ripe fruit" policy, was the observation that there are laws of political gravity as well as laws of physical gravity, and just as a fruit blown down from the tree cannot help but fall, so once Cuba was separated from Spain and its artificial link with Spain was broken, it would inevitably gravitate to the Union.⁵

The "ripe fruit" policy became an integral part of western political thinking, to the detriment of the Cuban people's right to self-determination, something perceived then

² D'Estéfano Pisani Miguel: *Historia del Derecho Internacional, desde la Antigüedad hasta 1917*, Editorial de Ciencias Sociales, Havana, 1985; p149.

³ In a letter from Adams to Robert R Livingston dated 23rd June 1873, he refers to the Caribbean islands as natural appendages of the American continent and to the great difficulty of resisting the conviction that annexing Cuba to the Federal Republic was essential to the survival of the Union.

⁴ Godínez Sosa, Emilio: *Cuba en Betances*. Editorial de Ciencias Sociales, Havana, 1973; p136. Moreover, while president, Jefferson wrote an official note dated 1805 to the English Minister in Washington saying that in the event of war between England and Spain, the United States would seize Cuba for strategic purposes to defend Louisiana and Florida. In Rippey, J Fred: *Rivalry of the United States and Great Britain over Latin America (1809-1830)*, the John Hopkins Press, Baltimore, 1929; p72.

⁵ Philip S Foner: *Historia de Cuba y sus relaciones con los Estados Unidos*, Vol.I, Editorial de las Ciencias Sociales, Havana, 1973, p 57.

by many and still now by some as subject to the whim of an obvious "geographic destiny".

Following the failure of various attempts to purchase, the United States instigated and supported several incursions aimed at annexation. The resulting string of disasters did nothing to discourage the planners of America's domination of the island.

10th October 1868 marked the inception of the Cuban nation's bid for liberation. The US administrations that held office during the ensuing Ten Years' War did everything in their power to obstruct the representatives of the new republic in the United States in their work of propagandising, collecting funds, purchase of military equipment and dispatching expeditionary forces. At the same time, they provided Spain with every facility in its war on our patriots.

24th February 1895 marked a new stage in the war of independence, proclaimed by Cuba's National Hero, José Martí and the Cuban Revolutionary Party—conceived as the one party of the Cuban Revolution. Cuba's imminent independence in the wake of the clear economic and military disaster suffered by Spain was thwarted by US military intervention and occupation of the island.

Following the occupation, the US government and Congress passed an addendum to the first Constitution of the Republic of Cuba to guarantee their right of intervention: the notorious **Platt Amendment**.

The regime imposed on Cuba gave the United States total control of the country's — political economic and military power— and created the conditions for a proliferation of corruption, violence, poverty and neglect, combined with utter disregard for the formalities of republican legality. This process culminated in the criminal dictatorship of Fulgencio Batista, which lasted from 1952 to 1958.

The contrived, bogus republic imposed on the Cuban people by the United States by virtue of the Platt Amendment not only ensured America's right of intervention but also (among other special privileges) of trading preferences, construction of naval bases and mining for coal.

It was at this time that the US set up its naval base at Guantánamo, in one of eastern Cuba's best bays, on territory that the American government occupies illegally to this day in flagrant violation of international law and the manifest wishes of the Cuban people. Adding insult to injury, the present US administration has created a veritable moral and legal 'black hole' at this military base, in the name of its so-called 'war on terrorism'.

For our people, Cuba's revolutionary triumph on 1st January 1959 meant the conquest of true independence and sovereignty for the first time in a long history of struggles. Victory did not come cheap: some 20,000 lost their lives in the final stages of the campaign, falling in heroic head-on combat with the forces of a military dictatorship trained, armed and supplied by the US government; others were victims of torture and politically-motivated murder perpetrated by the regime.

In the wake of the revolutionary victory, the United States granted sanctuary and total impunity to those responsible for the most appalling violations of the human rights of the Cuban people. It was the destination of the flight from justice of hundreds of known torturers and murderers, proven embezzlers of public funds and other creatures that had served a regime whose operation deprived people of their most basic human rights and got rich on the blood and sweat of the Cuban people.

The war on revolutionary Cuba waged by the United States has included political, military, economic, diplomatic, psychological, propagandist and espionage action; biological warfare; terrorism and sabotage; the organization and logistical support of armed gangs and clandestine mercenary brigades; incitement to desertion and to illegal emigration; as well as assassination attempts on the leaders of Cuba's revolutionary change, to mention only some of the more publicized actions.

The US government's aggression and terrorism against Cuba since the success of the Revolution up until the present day has caused the deaths of 3,478 Cubans, including many women and children, and the unlawful maiming of another 2,099, as recorded in a Claim for Human Suffering submitted to the Cuban courts by a group of the country's social organizations.

The Cuban people have not yielded and will never yield to the most powerful imperialist regime in history. For the Cuban people, which has seen the sacrifice of the lives of thousands of its bravest youth, nothing is more sacred and revered than its independence and right to build its own future without outside interference.

Washington's anti-Cuba campaign at the Commission on Human Rights has nothing to do with promoting or defending democracy or the human rights of the Cuban people. On the contrary, it results from the superpower's need for a pretext to continue pursuing its imperialist plans against Cuba, whose people's inalienable right to self-determination it still refuses to recognize.

CHAPTER II: OVER 40 YEARS OF TERRORISM AGAINST THE CUBAN PEOPLE IN VIOLATION OF THEIR MOST BASIC HUMAN RIGHTS. THE US GOVERNMENT GRANTS IMPUNITY TO THOSE RESPONSIBLE

For more than 40 years, the Cuban people has been the victim of countless terrorist actions and attacks encouraged from abroad, involving substantial material and human losses and causing untold suffering to Cuban citizens. The economic cost to the nation of the series of acts of sabotage, and even biological assaults, has also been extremely high.

The terrorist actions have aimed at reversing —by creating a climate of fear, instability and uncertainty— the political and social choices freely made by the Cuban people in full exercise of their right to self-determination. US territory has been used on a systematic, long-term basis to plan, fund, recruit for, train for and support terrorist operations against the Cuban people.

The forms of terrorism employed against Cuba have included: sabotage or destruction of economic and civil targets on the island; attacks on coastal installations, merchant shipping and fishing vessels; attacks on Cuban installations, property and personnel on foreign soil, including embassies, airline offices and aircraft; assassination attempts on its leaders; introduction of germs and pests into cattle-raising and other agricultural areas; introduction of strains of human diseases among others.

There at least 681 acts of terrorism and aggression against the Cuban people which have been proven and documented have resulted in the deaths of 3,478 Cubans and the maiming of another 2,099. It is worth noting that there is no sign of a let-up with the passing years: there were 68 attacks during the 1990s and 39 during the last five years.

The victims of terrorist operations have not been confined to the Cuban population. A total of 190 attacks have targeted people or property of other nations based on US soil. Dozens of attacks on the property of foreign firms that trade with Cuba have also been targeted, as have representative offices of nations that maintain links with Cuba.

Terrorist activity increased significantly and became a routine tool of the policy of hostility to Cuba after 1961, as part of the 'Program of Covert Action against the Castro Regime' approved on 17th March 1960 by the then president Dwight D Eisenhower and implemented by his successor, John F Kennedy. Among other things, the Plan authorized the setting up of a secret intelligence organization inside Cuba and allocated funds for the purpose to the CIA.

18th January 1962 marked the approval of the "Cuba Project ", a programme of 32 covert acts of aggression to be carried out by the departments and agencies participating in the so-called "Operation Mongoose".

Apart from the hundreds of operations undertaken directly by the US government's Special Services, a catalogue of terrorist attacks and similar actions, too numerous to be enumerated in this document, were executed (or thwarted in their preparatory stages) under the aegis of organizations based on US territory and composed of terrorists of Cuban origin, including many trained earlier by the CIA or units of the US Army.

In 1960, various terrorist attacks were carried out on public premises including cinemas, theatres, schools and businesses, with the aim of creating a climate of terror among the population. The vilest and bloodiest of that year's actions was the blowing up, on 4th March, of *La Coubre*, a French steamer, in Havana harbour, during the unloading of munitions for the Cuban Army purchased in Belgium. The toll was 101 dead, a number of French citizens among these, over 200 injured and many missing.

Other, no less murderous attacks, took place that year in Havana, including the following:

On 21st January - the dropping of four 100-pound bombs on the urban areas of Regla and Cojimar

On 11th February - the dropping of ignited phosphorus on the population of El Cano

In October and December - machine-gun attacks in the Río Cristal, Rancho Boyeros and Arroyo Arenas localities.

Notable among the attacks on economically-significant targets during 1960 was the bombing on 18th February of the *España* sugar refinery. The aircraft used was destroyed in the air by one of its own bombs. The American pilot, Robert Ellis Frost, was accompanied by Onelio Santana Roque, former member of the forces of repression deployed by the Batista regime. According to the plane's flight plan, it took off from Tamiami airport in Florida. Other documents found with the body of the American showed that he had participated in three earlier air raids on Cuba and was to collect \$1,500 for that day's mission.

It is significant that the majority of the best-known representatives of the anti-Cuba 'exile' community were directly involved in or carried out terrorist actions against Cuba

during the 1960s. The *Revolución* newspaper of 30th December 1960 reported a raid on a bomb-making factory and the arrest of 17 terrorists who, acting on instructions from the US Embassy in Havana, had been placing tobacco tins containing plastic explosives, in retail establishments. The Cuban terrorists involved included two individuals now calling themselves "peaceful political opponents": none other than the "journalist and publicist" Carlos Alberto Montaner (ringleader of the Madrid anti-Cuba mob) and "His Excellency the (US) Ambassador for Human Rights", Armando Valladares, bogus writer-paralytic, who was seen getting up from his wheelchair and running 400 feet of track on television. The former was not prosecuted at the time, being under age; he got asylum in a Latin American embassy and left the country.

The terrorists stepped up their campaign during 1961. Operations included burning plantations during the sugar-cane harvest, sabotaging factories and attacking farmsteads. 281 Cubans died, mostly innocent farmers, women and children, as well as members of the militia and young volunteer participants in the nationwide literacy campaign launched that year.⁶

An infamous milestone in this period was the blowing up on 13th April 1961 of the country's largest department store, *El Encanto*, in downtown Havana. An employee, Fe del Valle, was killed, the building was totally destroyed and a large number of Cuban homes were placed in danger.

The same month was that of the Bay of Pigs invasion by a force of some 1,500 mercenaries organized, trained, equipped, funded and transported by Washington. The frustrated plan envisaged the landing of American troops, who contemplated the defeat of the mercenaries from inside their ships.

Many of those mercenaries also participated in other terrorist operations in the dirty war on Cuba and still swell the ranks of currently-active anti-Cuba terrorist organizations. Many others became paid agents of the CIA, hired to undertake covert operations in Latin America and elsewhere involving terrorism, political assassination, trafficking in arms and narcotics, and dirty wars (such as that waged against the Sandinista Revolution in Nicaragua). Another significant element were instructed in the art of disguising themselves as "peaceful political exiles" opposed to the Cuban regime. A large number of these formed themselves into the Cuban American National Foundation (CANF). While publicly standing aside from terrorist violence, this organization has never abandoned its true mission and has organized, maintained and bankrolled terrorist operations that included those in the 1990s by Central American mercenaries against Cuban tourist facilities.

⁶ This campaign attracted nearly 100,000 volunteers, who penetrated the remotest corners of Cuba in their mission to teach nearly one million Cubans how to read and write.

Banditry

Another form of terrorism practiced against Cuba was *bandidismo*, a term coined by the people reflecting the murders and other crimes committed by the 299 terrorist bands that roamed throughout Cuba between 1959 and 1965, armed, supported and led from Washington. Its eyrie was in the Escambray mountains in central Cuba. The bands' operations left 500 dead, mostly innocent farmers and other agricultural workers, and a legacy of bitter memories.

Remembered by Cubans with especial sadness are the murders on 5th January 1961 of Conrado Benítez, a schoolteacher, and Eliodoro Rodríguez, a small farmer; in October, of Delfín Sen Cedré, another schoolteacher; on 26th November, of Manuel Ascunce Domenech, also a schoolteacher, and small farmer Pedro Lantigua. These crimes were designed to defeat the national literacy campaign.

Adolescents and children were also murdered during this period, in an attempt to terrorize the farming community into abandoning its support for the Revolution. Among these crimes were the murders of several children in the Bolondrón district: Yolanda and Fermín, 11 and 13 years old, Albinio Sánchez Rodríguez, 10, and Reinaldo Núñez Bueno, 22 months.

A large number of now declassified documents reveal the historical link between Washington and the gangs that operated inside Cuba. In October 1961, CIA Inspector General Lyman Kirkpatrick submitted a secret report that mentions "Operation Silence", a covert exercise instructed by the US government involving 12 deliveries of arms, munitions and explosives by the CIA to these bands operating in our country.

The same document also mentions a huge centre established by the CIA in Florida as a base for covert operations against Cuba, concerning which Kirkpatrick comments that it had been expanded from 40 to a force of 588 between January 1960 and 16th April 1961, making it one of the largest of such centres operated by the secret services.

Aircraft hijacking was another form of terrorist action promulgated by the CIA in its programme to overthrow the Cuban Revolution, marking the appearance of a new kind of terrorist. Between 1959 and 2001, a total of 51 Cuban aircraft were seized. Almost all were en route to the United States and the vast majority have never been returned. Among the deceased or injured victims of these actions were pilots, guards and passengers. Several planes were badly damaged or destroyed in the course of thwarted attempts.

By way of example, the following events took place on 27th March 1966: armed with a gun, a terrorist attempted to divert a Cubana de Aviación IL-18 airplane with 97 people aboard including 14 children, to a country where his kind could be sure of a hero's welcome —the United States. When the attempt failed, due to brave and decisive action by the pilot, who refused to change course and landed the plane at Havana International Airport, the hijacker murdered the pilot and the guard and seriously wounded the co-pilot.

Torturers and other lieutenants of the Batista dictatorship and other criminals who fled Cuba in 1959 were among those recruited in the early 1970s to form new terrorist organizations. Terrorism continued to prove a lucrative business for the Cuban American mob, as it basked in a climate of official tolerance and complicity on the part of the US authorities.

Organizations like Alpha 66 and CORU operating out of Florida and New Jersey were responsible for many of the acts of terrorism suffered by the Cuban people in the 1970s and 80s.

On 12th October 1971, a treacherous attack took place on the village of Boca de Samá on the northern coast of the former Oriente province. This cowardly act against a small Cuban village caused two deaths as well as injuring a number of villagers, including two children.

Another feature of this period was terrorism in the form of paramilitary attacks on Cuban merchant and fishing vessels. On 4th October 1973, two fishing vessels (*Cayo Largo 17* and *Cayo Largo 34*) were attacked by two gunboats manned by terrorists. Fisherman Robert Torna Mirabal was killed, while the rest of the crews were abandoned to their fate in rubber dinghies, without food or water.

6th October 1976 was the day of the most atrocious act of terrorism committed in this period: the blowing up in flight of a Cubana de Aviación airliner with 73 persons aboard, including 57 Cubans, 11 young people from Guyana (6 selected for medical training in Cuba) and 5 North Koreans. There were no survivors.

This attack was committed by two Venezuelan mercenaries, hired by two of the most notorious Cuban-born terrorists: Orlando Bosch Ávila (author of 321 terrorist operations), who despite Department of Justice's opinions to the contrary, received special authorization from President Bush (father) to reside in the United States and has lived in Miami since 1990; and Luis Posada Carriles, currently imprisoned in Panamá for an attempt on the life of Cuba's head of state. Both had been working for the CIA since 1960, specializing in sophisticated sabotage techniques of all kinds. These two terrorists belonged then to the CORU organization, set up in June 1976 by

Bosch himself and unifying a number of terrorist organizations. CORU engaged in an escalating series of terrorist outrages not only against Cuba but also 24 other countries in Europe, Latin America and Central America.

While acts of terrorism continued on Cuban soil, the theatre of certain of such operations extended to the United States, where the targets were interests based there of nations that maintained trading and other relations with Cuba, as well as Cuban diplomatic officials at the Mission to the UN, private US institutions and even Cuban émigrés opposed to the Cuban American mob's terrorist policy.

The US public thus experienced at first hand, with horror, the terrorism that its leaders had been practising against a small neighbouring country since 1959.

The US authorities responded predictably by arresting a few terrorists and trying to break up certain groups that were acting independently and on their own account. Several groups avoided the net by such ruses as publicly announcing their disbandment, changing their names, temporarily suspending operations or even switching their bases to other states.

The terrorist groups that followed the code of conduct set by the US authorities and confined their attacks to Cuba were tolerated however.

The following are examples of acts of terrorism against Cuba perpetrated on US soil:

On 5th June 1976, the Cuban mission to the UN was bombed, causing substantial damage.

In 1977, two Cuban émigrés (Carlos Muñoz Varela and José Eulalio Negrín) were murdered because of their sympathetic attitude to dialogue with Cuba.

In March 1980, a large bomb was placed in the car of Cuba's Permanent Representative to the UN, in New York; on 11th September in the same year, a member of the mission, the diplomat Félix García, was murdered.

Bio-terrorism

One of the most callous forms of terrorism used against the Cubans has been bio-terrorism. In 1971, agents affiliated to Cuban American terrorist groups brought in the African swine fever virus. The resulting outbreak obliged the Cuban health authorities to slaughter some 500,000 pigs in order to prevent a nationwide epidemic. This was the first appearance of the disease in the western hemisphere.

Bio-terrorism was not confined to the farming sector, but was used also directly against people.

In May 1981, cases of infection by the Dengue-2 virus, common name Haemorrhagic Dengue, began to be reported; the viral strain was genetically dissimilar to that which was circulating in other Caribbean countries and was genetically related to laboratory strains that are developed exclusively in American facilities. Within a few weeks, a disease that had never been seen in Cuba had reached epidemic proportions, with 344,203 cases. Deaths from the disease totalled 158, including 101 children.

Investigations involving in-depth studies showed that the epidemic was deliberately started in Cuba by terrorist agents working for the US government. According to statements by American expert Col. Phillip Russell at the XIV Congreso Internacional Del Océano Pacífico (International Congress of the Pacific Ocean), only US specialists in biological warfare had obtained a variety of the *Aedes aegypti* mosquito, which is clearly associated with transmission of the Dengue-2 virus.

At the 1984 trial in the United States of Eduardo Arocena, ringleader of the 'Omega 7' terrorist group, the defendant confessed to having introduced germs into Cuba and admitted that the Haemorrhagic Dengue virus had been brought to Cuba by groups based on US soil.

Days before the outbreak in Cuba, the US Army vaccinated all its personnel at the Guantánamo Naval Base, with a vaccine that included protection against Dengue-2. The military enclave completely escaped an infection which reached all other parts of the country, without exception.

It was only by virtue of massive efforts by the people and Government of Cuba that a catastrophe involving the deaths of tens of thousands, mostly children, was avoided. In a little over four months, we defeated an epidemic that many experts predicted would need years to be eradicated. The cost to the economy was also considerable.

Changes in the international situation prompted changes in the types and incidence of terrorism against Cuba. Towards the end of the Bush Sr. administration, the more reactionary elements of the Cuban exile community in Florida and elsewhere in the US agitated for an escalation of terrorist action in their war on Cuba. This created the impetus for a variety of acts of terrorism perpetrated during the two terms of the Clinton mandate.

The Cuban American National Foundation (CANF), financier of the political campaigns of various figures including US presidents, started organizing and funding anti-Cuba terrorism in 1992. Various terrorists were recruited in Central America to

the service of the CANF. At its behest and funded by Foundation, these individuals were to bomb Cuban tourist-industry targets for financial reward. In 1997, they set off seven bombs in hotels and other tourist facilities. In one of the attacks, a young Italian visitor, Fabio Di Celmo, was killed. The aim was clear: destroy the Cuban tourist trade, which by then was the mainstay of the national economy.

There has been no let up in terrorist action against Cuba. In the period 6th August 2002 - 10th April 2003 alone, there were 11 acts of terrorism, mostly hijackings of planes and vessels to the United States. All were violent, involving the use of daggers, similar weapons and even firearms to threaten crews and passengers.

The hijackers tried in Cuba received severe sentences, a fate which was not generally shared by those brought before the US courts.

The Cuban people and government, who have sustained an exemplary fight against international terrorism in all its forms and manifestations for decades, are determined to continue this battle, based on the conviction that every act of terrorism is evil and must be combated.

Cuba believes that all forms of terrorism affect the life, health, property and safety of innocent people, violate the sovereignty and territorial integrity of nations, threaten to disrupt the stability of national institutions, cause serious damage to the industrial bases and economic activity of nations and exacerbate instability at international level, creating new areas of tension and provoking, on occasion, international conflicts.

Cuba accordingly advocates genuinely effective international cooperation aimed at preventing and combating all terrorist actions, eliminating the causes of these, ensuring the arrest, prosecution and extradition of their perpetrators, organizers and sponsors, as well as those that support or finance them. Such cooperation, however, must enjoy international legitimacy and a basis of unconditional respect for international law, the UN Charter and the international instruments on human rights.

As a token of our international commitment to the war on terrorism, Cuba has signed or adhered to the 12 international conventions and protocols on terrorism. In December 2001, it introduced a Law (No.93) Against Acts of Terrorism —a comprehensive, modern and rigorous code to address this scourge.

It is wrong to speak of "good" terrorism and "bad" terrorism. Neither are there different terrorisms according to who criminally attacks whom. The Cuban people demand justice and an end to the impunity of terrorist groups that act against Cuba from their bases on US soil.

CHAPTER III: THE GENOCIDAL BLOCKADE IMPOSED ON CUBA UNILATERALLY AND IN VIOLATION OF INTERNATIONAL LAW BY THE U.S. GOVERNMENT AGAINST CUBA: MASSIVE, FLAGRANT VIOLATION OF THE HUMAN RIGHTS OF THE CUBAN PEOPLE

The US economic, trading and financial blockade against Cuba is a basic ingredient of its policy of hostility towards the Cuban people. No people has been subjected on such a constant and permanent basis to a genocidal policy that seeks by means of hunger and disease to crush resistance to foreign domination.

The Cubans' firm resolve to undertake economic and social transformations for the common good was met by the ruling circles in the former neocolonial state by the launching of a veritable economic war of annihilation, which is currently at its highest stage.

The utter falsity of the widely divergent pretexts employed by successive US administrations for over 40 years in their attempts to justify the economic and political war on Cuba has been revealed in the United States' own declassified official documents, published in 1991.⁷ These include evidence and irrefutable proof that such hostility predated any measure adopted by the revolutionary government in or after 1959.

The representatives of the Batista dictatorship fled to the United States with 424 million dollars stolen from the Republic's treasury. These funds were deposited in US banks and have never been returned to the Cuban people, while just five weeks after the people's victory, a request to the United States for a modest loan to support the Cuban peso was turned down.

Cuba's revolutionary government adopted a series of measures aimed at recovering the nation's wealth and putting it at the service of the people. US reaction was prompt and aggressive: on 8th July 1959, Congress reacted to Cuba's Agricultural Reform Law by granting the US president enhanced powers to suspend foreign aid to any country that had confiscated US property.

A series of unilateral sanctions followed, aimed at wrecking the Cuban economy: elimination of the Cuban sugar quota (July 1960), banning of aid to Cuba and the imposition of a trade embargo (Section 620a of the 1961 Foreign Assistance Act), as well as instructions to US firms not to refine the Soviet oil Cuba was compelled to purchase by the banning of sales of fuel to Cuba by US companies.

⁷ *Foreign Relations of the United States, Cuba*, Vol. VI, 1958-1960, Department of State, US Government Printing Office, 1991.

On 3rd February 1962, president Kennedy issued Proclamation No.3447, announcing a total embargo on trade with Cuba and instructed the Treasury Secretary to activate the banning of exports to our country. This act set the official seal on an blockade which, as we have seen, started long before then.

As early as 6th April 1960, a report by State Department official I D Mallory (declassified in 1991) revealed the purpose of the economic pressures then being applied, by commenting that the only foreseeable means of alienating internal support was through frustration and discouragement based on dissatisfaction and economic difficulties. He advocated the immediate use of all possible means of undermining Cuba's economic life, recommending as particularly effective the withholding funds and supplies to Cuba in order to cut real and monetary incomes, thereby causing starvation, desperation and the overthrow of the government.⁸

US economic war on Cuba is totally without legal basis. According to Article II(c) of the Geneva Convention on the Prevention and Punishment of the Crime of Genocide (9th December 1948), it amounts to an act of genocide, as does the veritable and more flagrant, massive and systematic violation of the human rights of the entire Cuban people.

Down the years, the Cuban government has had to face new and constant measures designed to reinforce this aggressive policy towards Cuba which has had and continues to have serious effects on the material, physical, psychic and spiritual wellbeing of the Cuban people, while curbing its economic, cultural and social development. It has also compelled generations of Cubans to live in a permanent climate of hostility and tension.

Preliminary studies show that the damages arising from this genocidal policy already exceed 72 billion dollars. This conservative figure does not include the over 54 billion dollars attributable to damage to economic and social targets caused directly by acts of sabotage and terrorism incited, organized and funded from the United States.

The national health and education systems and food production and distribution have been the primary targets of American aggression.

The blockade has had serious effects on the Cuban national health service, hindering the acquisition of technology, raw materials, reagents, diagnosis tools, equipment and spares, as well as medicines, including those needed for treating chronic and distressing illnesses, including cancer and other life-threatening diseases.

⁸ Department of State: *Foreign Relations of the United States*, Vol. VI, 1991, p 886.

The purchase of cytostatics, drugs essential to the survival of cancer victims, has been seriously complicated by the takeover by US transnationals of pharmaceutical laboratories in other countries which had agreements with Cuba.

Another example of the blockade's effects is our inability to obtain the kits, manufactured by VITRO GEN, needed to detect the SARS virus.

The results of such bans have often been dramatic, not only in terms of the suffering of the patients and their families but also of the frustration of our doctors who are prevented from saving a life or relieving human suffering. **(See Cuba's report to the UN Secretary General in response to Resolution 57/11 of the General Assembly, included in document Ref.A/58/287 of the UN General Assembly).**

Despite these effects, the priority accorded to the health of its people by the Cuban government has resulted in achieving and maintaining a high level of medical services, entirely free of charge and available to all.

Another area traditionally affected by the restrictions arising from the blockade has been the food sector, notwithstanding the exceptional purchases that, overcoming enormous obstacles and restrictions, have been made by Cuba in the United States during recent years.

In fact, sales of food to Cuba are subjected to red tape and rules that greatly complicate matters. The US supplier has to cope with complex bureaucratic procedures in order to secure the necessary licence, while Cuba has to pay cash (no credit, not even from private sources) via banks in third countries and in other currencies, thereby incurring extra costs on the related banking operations. Cuban banks are also barred from participating in the transportation process.

In addition, Cuba cannot sell to any US business interested in our products. Sources of income that would facilitate expanding operations are thus precluded. In 2002 alone, merely being unable to export agricultural products to the United States caused losses totalling 114 million dollars.

The business in food has resulted from huge efforts on the part of the relevant firms in both countries in negotiating, contracting for and carrying out these operations; it owes nothing to the goodwill of the US administration. The President himself has been at pains to confirm that despite these sales, the blockade remains in place and is entirely unchanged, indeed the measures of economic coercion and sanctions are being intensified.

The economic war on Cuba has caused considerable losses also in the field of education. All Cubans have equal rights of access to free education at all levels of the system, including Special Teaching and university education, regardless of sex, colour, political or religious beliefs. The impact of the blockade has been felt among others on school supplies in such sensitive areas as textbooks, pencils and exercise books, school uniforms, art-teaching materials and sports equipment. The effects have been overcome solely due to the inventiveness and perseverance of a body of highly qualified teachers deeply committed to their vocation, as well as massive efforts by the Cuban government and people over a period of four decades.

In the 1990s alone, the purchasing power of the budget for supplies to Cuba's schools fell by 25-30%, as a result of our having to source everything in distant markets and sometimes at higher prices, due to the restrictions imposed by the embargo.⁹

The genocidal policy of blockade has sought, at all costs, to prevent access by Cuba to new technologies, scientific and technical advances, as well as loans and other means of funding for development from international financial organizations and institutions.

Not a single sector of the Cuban economy has escaped the destructive and destabilizing effects of this policy. In 2002 alone, the nation's losses on contracts involving higher prices than those obtainable under normal conditions totalled 403.5 million dollars.

The US blockade on Cuba aggravates its devastating effects on the Cuban people by its marked extraterritorial nature, institutionalized and systematized by the Torricelli and Helms-Burton Acts, which extended the policy's scope to the activities of subsidiaries of US concerns and to ships operating in third countries, as well as to a wide range of international trading, financial, technological and other activities in which the United States has a significant role as the world's leading economic power.

President Bush's Republican administration has introduced new measures to tighten the embargo, in the face of opposition from the international community and US public opinion. It has even threatened to use the presidential veto to block any measure Congress might approve to tone down this genocidal policy.

⁹ Despite the shortages, UNESCO has recognized the efforts of the Cuban government in developing educational programmes that raise the cultural level of the population at large, and its solidarity in participating in programmes benefiting other peoples. Examples of the latter include support for literacy campaigns in Haiti and Venezuela, based on methods developed by Cuban educators.

During 2003, the Government of the United States issued new regulations and toughened implementation of the existing rules, with the object of maximizing the restriction of bilateral exchanges in the academic, scientific, cultural and sporting spheres, thereby further damaging the historical relations between the Cuban and American peoples.

How did such a detailed, diabolical system come to be created over all these years, to stop an entire people from getting access to essential goods in the world's principal market, especially in view of the fact that some of these are unique and cannot be obtained elsewhere at any price?

How can such practices be justified, in terms not only of the universal rules on human rights and humanitarian international law, but even of the principles of trading and business deregulation promoted by the industrialized nations, including the United States, within the framework of the ongoing process of globalization?

The Government of the United States of America ignores the resolutions adopted by the UN General Assembly every year since 1992 calling for an end to the embargo. That adopted in 2003 was approved by a record 179 votes.

Cubans cannot fully enjoy all their human rights while they are the targets of this monstrous and inhuman violation of their rights —namely, an economic, commercial and financial blockade imposed illegally for over 40 years by the Government of the United States of America.

CHAPTER IV: A VERITABLE “MORAL AND LEGAL BLACK HOLE” IN THE TERRITORY ILLEGALLY OCCUPIED BY THE US NAVAL BASE AT GUANTÁNAMO

The tragic events of 11th September 2001 served as a pretext for the unleashing of a clearly neofascist strategy aimed at world domination, previously devised by the ideologists of the far-right and militarist factions that hold sway in the United States. The Bush administration has set in motion a wave of harshly repressive measures, restricting domestic civil and political liberties and, most importantly, threatening the right of various other countries to self-determination, development and peace.

In the name of an alleged war on terrorism, the government of the superpower has waged wars of imperialist conquest aimed at consolidating its global supremacy and seizing control of strategic resources. In the process, it has rode roughshod over the most basic rules of international humanitarian law and has seriously and persistently encroached on basic human rights, including those to life and freedom.

To the violation of the human rights of thousands of foreign nationals arbitrarily imprisoned in the United States, can be added the legal and existential limbo in which over 600 people, including children, have been kept, arbitrarily imprisoned in inhuman conditions at the Guantánamo Naval Base, which has illegally occupied Cuban territory for over 100 years —a permanent affront to the dignity and sovereign will of the Cuban people.

After the war in Afghanistan, the Government of the United States decided to house its prisoners in the "war on terrorism" in the Guantánamo base.

At the time, the Cuban government sent an official Note (dated 11th January 2002) agreeing not to impede this operation, while describing the situation as one of transferring foreign prisoners of war of the United States to a military installation on Cuban soil over which Cuba had been forcibly deprived of jurisdiction. The Note added that the Americans' decision was not consistent with the original rules associated with the setting up of the base.

The Cuban government had remained in favour of maintaining relations with the naval base reflecting the goodwill and mutual respect that had prevailed during recent years. In these circumstances, it reiterated that Cuba's differences with the United States over the issue of eradicating terrorism in the most effective way lay in the method rather than in the need to end this scourge, of which our people have been the victim for over 40 years. The Cuban government also expressed its outrage at the barbarous attacks suffered by the American people on 11th September 2001.

In the official Note, the Government of the Republic of Cuba expressed its satisfaction with the public announcements of the US authorities regarding proper and otherwise humane treatment of the prisoners at the base and offered its cooperation in the form of medical services, if these were needed.

However, the real situation at the base has been quite different. What has been conceived and introduced there is one of the worst regimes in modern times in terms of massive and flagrant violations of human rights, in which hundreds are being deprived of their very sense of humanity.

On this site, illegally occupied against the express wishes of the Cuban people, hundreds of foreign prisoners are arbitrarily detained, subjected to indescribable humiliations, totally isolated, with no means of communicating with their families or arranging for a proper defence. The charges against the majority of the detainees remain shrouded in mystery. Some of the handful that have been freed have recounted the horrors of this concentration camp, including torture as well as cruel, degrading and inhuman treatment.

Notions such as those of "illegal combatants" or the setting up of judicial aberrations such as the so-called "ad-hoc military tribunals", devised by the United States to justify the dehumanizing treatment meted out to its prisoners of war, fly in the face of international law and the 1949 Geneva Conventions.

These "courts" would be empowered to impose the death sentence and there would be no appeal. They would lack any vestige of independence and would infringe the rights of the defendants to choose a lawyer or otherwise arrange a proper defence. They would admit evidence potentially obtained under torture or duress.

The international community proclaims its condemnation of the situation at the Naval Base the United States maintains illegally on Cuban soil at Guantánamo, now converted into a facility for holding prisoners without trial or cause, without lawyers and without the least sign of due process—in the permanent climate of fear and hysteria among the US public created and maintained with alerts and arbitrary measures by the right-wing fundamentalists now in power.

The war on terrorism cannot be fought by means of terror, by denying rights or by the exercise of the so-called unilateral right to make war.

The International Red Cross Committee, leading jurists, academics, NGOs and UN agencies concerned with human rights, as well as the representatives of several national governments, have called on the US government to clarify the legal situation of the Guantánamo Bay prisoners without delay, in terms of international laws on human rights and of humanitarian international law.

The Government of the Republic of Cuba urges the US administration to purge this "moral and legal black hole" created at the illegally-occupied Guantánamo Naval Base. The Cuban people is gravely concerned for the fate of those arbitrarily detained in this part of its territory.

The Naval Base was part of the spoils of war following the US military intervention and occupation of the island, which deprived the Cuban people of the prospect of true independence.

The Guantánamo Naval base is a product of an illegal agreement on coaling and naval stations signed in 1903 between the US administration and the government Cuba was allowed to have by the neocolonial power, under conditions in which our people were unable to exercise their sovereignty. Such military facilities had been demanded by the United States in an appendix to the constitution imposed on Cuba as a condition for the withdrawal of US troops: the notorious Platt Amendment.

The Agreement for Coaling and Naval stations provided the right “to do any and all things necessary to fit the premises¹⁰ for use as Coaling and Naval stations only, and for no other purpose”.

Thirty one years later, on 29th May 1934, the United States and Cuba signed a new treaty on their mutual relations, supplanting that of 1903, under President Franklin Delano Roosevelt's "Good Neighbour" policy.

Nonetheless, the new treaty involved the continued occupation of the Guantánamo base and ratified the terms of its "lease".

Throughout the neocolonial period, the base was used by the corrupt, brutal governors imposed by the US in disregard of the interests of the Cuban people. Indeed, during 1958, many of the Batista dictatorship's warplanes were fuelled and rearmed with bombs there, before continuing their bombardment of the civilian population in eastern Cuba.

Following revolutionary victory in 1959 —the year which, unlike the formal event on 20th May 1902, marked true independence for Cuba for the first time— the Guantánamo base became a permanent symbol of the threat, provocation and violation of the Republic's sovereignty at the heart of the policy, the United States pursued against Cuba with successive acts of aggression, sabotage and other crimes.

The Cuban government repeatedly denounced these provocations, addressing its protests not only to the US government but also to the UN, arguing that the US neocolonial enclave¹¹ at Guantánamo had never been used in accordance with the spurious 1903 treaty based on the Platt Amendment or with the equally invalid 1934 treaty, respectively to defend Cuba or as symbol of friendship between the two nations.

In fact, throughout the last four decades and more, the base has been used for various purposes, none of which have been consistent with the agreement under which the United States justifies its presence in our territory.

¹⁰ Originally the premises chosen for construction of Naval stations were Bahía Honda —that was never proceeded with— and Guantánamo.

¹¹ Resolutions of the UN General Assembly. 1514 (XV) of 14th December 1960, 2189 (XXI) of 13th December 1966 and 2625 (XXV) of 19th December 1967 stated an urgent need, for the sake of international peace and security, to dismantle colonialism in all its manifestations.

The base became the cause of various disputes between Havana and the United States. The vast majority of the 3,000-plus Cuban citizens who worked there were sacked and replaced by nationals of other countries.

During the revolutionary conflict, there were frequent cases of shots fired from the base into free Cuban territory; Cuban soldiers were killed in consequence, while mercenaries hired by the foreign power found sanctuary and support at the facility. It was even used for planning a mock attack, conceived by the US government in the 1960s and known by the US special services as 'Operation Patty'. This ruse, which was thwarted by the Cuban security service, involved sending a force of US agents to fire on the base, giving the impression that it was being attacked by the Cuban armed forces and supplying the pretext for 'retaliatory' aggression.

Another time, also by US unilateral decision, tens of thousands of migrants—Haitian and Cuban nationals who were trying independently and illegally to reach the United States—were concentrated at this military base.

In nearly half a century, there has never been a time when conditions would have enabled a calm, legal and diplomatic review of the situation, with the aim of reaching the only logical and just solution to this longstanding anomaly: the return to Cuba of this part of its territory occupied against the will of our people.

A basic principle of Cuban policy on this potentially dangerous, decades-old issue between Cuba and the United States—in view of the more relaxed atmosphere marked by mutual respect that has developed over recent years—has been to avoid making our claim a priority or even a question of special importance among the many serious differences between us.

Cuba has taken great care to adopt a particularly sensitive and conciliatory policy in this area.

The position of the Cuban government on the legal status of the US base at Guantánamo is that, being based on a lease, it is a temporary—not perpetual—occupation of part of our territory, and that justice for our people demands that in due course it must be peacefully returned to Cuba.

Apart from the question of the US's illegal occupation of Guantánamo—a situation that will be resolved when conditions permit—the Cuban people are now adding their voice to that of the international community in justly demanding an end to the present activities there. There must be no delay in eliminating this flagrant violation of human rights and international humanitarian law. Neither must this serious precedent be allowed to continue.

This aberration and affront to justice and human dignity involves imprisonment without charge or trial for an indefinite period, incarceration in small cells for up to 24 hours a day, remaining handcuffed during the extremely short exercise period allowed, cruelty to the relatives caused by the uncertainty as to the fate of their loved ones, repeated interrogation without access to a lawyer and the possible prospect of execution after an unfair trial with no appeal.

Those classified as "illegal combatants" are held under arbitrary military regulations that permit the torture of prisoners and place them beyond the reach of habeas corpus and similar legal rights. They can be held without specific charge indefinitely, while their lawyers' work is impeded by various restrictions. They are not allowed to call certain witnesses. A defendant who asks for defending counsel other than the military defender assigned to him must first plead guilty, thereby blatantly denying the principle of the presumption of innocence.

But not all the detainees suffer the same treatment. A clear pattern of arbitrary selection and double standards has emerged. Citizens of nations within the "coalition of the willing" get a few guarantees from Mr Bush. These 'lucky ones' are allowed to talk to their lawyers in private, a privilege denied to the rest.

How is it that the superpower can sustain its thesis of alleged 'commitment' to the human rights of the Cuban people, while creating on the latter's territory a veritable human rights "black hole"?

Cuba reiterates its condemnation of the massive, flagrant and systematic violations of human rights being perpetrated on hundreds of people under arbitrary detention by the US administration within and outside its territory, and particularly at the Naval Base it maintains illegally at Guantánamo. The Cuban people supports and fully endorses the call by the international community for a clear and consistent statement on this serious situation.

PART II -INTENSIFICATION OF THE AGGRESSIVE POLICY OF THE UNITED STATES TOWARDS CUBA DURING THE GEORGE W. BUSH ADMINISTRATION

CHAPTER V: INTENSIFICATION OF THE BUSH ADMINISTRATION'S POLICY OF HOSTILITY TOWARDS CUBA. THE THREAT OF MILITARY AGGRESSION LOOMS CLOSER

A constant feature of the 45 years since Cuba's revolutionary triumph has been the threats, pronouncements and acts of aggression by successive US governments aimed at reversing the revolutionary process launched by the Cuban people.

The actions of the Bush administration over the last three years have served to confirm that US policy on Cuba is to seek the overthrow of the Cuban government. Use of the euphemism "promote a transition to democracy and respect for human rights" is associated, according to US spokespersons, with a certain urgency, being an objective that should be achieved rapidly.

The so-called rapid transition to "democracy" in Cuba has become the guiding principle for decision-making at the various levels of US government involved in formulating and applying the policy on Cuba. In a recent statement by Assistant Secretary of State for Western Hemisphere Affairs, Roger Noriega, he went so far as to say that the President was committed to seeing the end of the Castro regime, and that the administration was moving rapidly and inexorably in that direction.

The possibility of military aggression by the United States against Cuba is as real now as in the period preceding the mercenary invasion at Playa Girón (Bay of Pigs). This is reflected in the expansion and intensification of US aggression towards Cuba in a wide variety of spheres, and notably in threatening announcements made in both Washington and Miami against a background of sabre-rattling on an unprecedented, global scale by the ruling circles in Washington. The imperialist character of the perceptions and predictions revealed in the US National Security Strategy, officially submitted on 17th September 2002, leaves no room for doubt.

Such a strategy clearly states that the time has come to reaffirm the key role of America's military might, while emphasizing to an unprecedented degree the role of the use of force. The superpower's belief in its right to resort to unilateral pre-emptive attack has been apparent in the rhetoric of its most senior representatives and even more clearly in its decision-making, as dramatically shown by its predatory war on Iraq.

The US National Security Strategy unequivocally asserts that, while the United States will always do its utmost to secure the cooperation of the international community, it will not hesitate to act alone should this prove necessary for reasons of self defence, by means of pre-emptive action.

In other words, the United States will turn to the UN and other forums within the international system only when these are prepared to act in a way that supports its plans for hegemonic world domination, thus revealing its contempt for multilateralism.

The concept of "pre-emptive attack" is not new, but has never before been perilously elevated to the category of doctrine within the only superpower's national security strategy.

In a speech to cadets at the West Point military academy on 1st June 2002, president Bush publicly announced his resolve to subjugate all nations to the will of his government, proclaiming that every nation must decide whether it is with the United States or in favour of terrorism.

The unshakeable determination of the Cuban people to enjoy to the full its right to self-determination is clearly an obstacle to the imperialist plans of the US ruling circles, not because of Cuba's economic or military might but because of the political and moral challenge posed by the stance of a small nation in America's traditional 'backyard'. That is why so many US documents on national security of recent date have again included reference to Cuba as an alleged "threat".

The notion of Cuba as a threat to the security of the United States has been created on the strength of false pretexts repeatedly employed in their speeches by certain senior officials of the present US administration, including alleged links with terrorism and the narcotics trade, the existence of Cuban programmes for the "development of biological weapons of mass destruction", and the risk of a flood of migrants to Florida. Each of these false statements has been publicly refuted and thwarted by the Cuban government, with the aid of evidence whose validity the United Nations has been unable to deny.

The following is an account in chronological sequence of just some of events indicative of the American government's escalating hostility towards Cuba:

Year 2001

- Several senior officials of the Bush administration confirm there will be no turning back from the policies on Cuba of blockade and isolation.
- Washington announces as a high priority the submission of an anti-Cuba resolution to the 57th session of the Commission on Human Rights and reinstates Cuba on its list of nations allegedly supporting terrorism ("justifying" this action by reference to the residence in Cuba of US fugitives and former ETA militants, the presence in Cuba of representatives of the Colombian ELN and FARC as well as its links with other terrorist regimes —accusations that were completely refuted by Cuba).

- Otto Reich and other Cuban-born figures, including Mauricio Tamargo and Josefina Carbonell, declared enemies of revolutionary Cuba, are appointed to high executive office. Many had been involved in terrorist operations or plans for subversion or aggression against Cuba.
- There are repeated denials of visas to Cuban officials, citing an alleged potential threat to US national security.
- In July, Bush announces stricter application of the blockade as regards travel and remittances, while promising more aid for his mercenary groups in Cuba and other actions designed to incite subversion; also orders a search for ways to stop jamming of illegal radio and TV broadcasts to Cuba.
- In the wake of the events of 11th September, the Bush administration seizes the opportunity created by the climate of extreme anti-terrorist sentiment among the US public to intensify its strategy against Cuba. A propaganda campaign is launched with the aim of consolidating the fiction of Cuban complicity in the incitement of terrorism, backed up by the unfair and unacceptable inclusion of Cuba on the "list of terrorist countries" drawn up unilaterally by the superpower. The maneuvers to this end were as follows:

... Public statements by government officials distorting, concealing or negating Cuba's true position on terrorism. There was no acknowledgement of the condolences and offers of aid (use of Cuban airports, hospital services in Cuba, blood for the injured, antibiotics, anthrax detection kits) officially proffered by the Cuban government following the 11th September outrages. They even put about the lie the Cuba was the only country in the hemisphere that had not joined in the expressions of solidarity with and support for the United States.

... Stepping up of a campaign to link Cuba to terrorism, accusing us of opposing US anti-terrorism efforts.

... Reducing the area of free circulation of the diplomatic officials of the Cuban Interests Section in Washington by six-sevenths (from 5,000 square km to 706).

Year 2002

Plans to fabricate "arguments" on terrorism in order to lend "credibility" to the alleged Cuban threat are consolidated, involving misrepresentation of the advances made by Cuba's biotechnology industry. Cuba's potential involvement in bio-terrorism —the

spreading of false allegations about alleged programmes for developing biological weapons in Cuba— becomes the principal and most serious anti-Cuba accusation deployed by the US government to justify its hostility, maintain and intensify the blockade and attempt to stem the tide of opinion at home in favour of a change in the policy on Cuba. Among the statements designed to advance these aims were those by John Bolton and Carl Ford to the effect that Cuba was undertaking a offensive research and development effort in the field of biological weapons. Cuba's inclusion on the "terrorist list" is confirmed, on the strength of the false claim that it had not joined the global war on terrorism led by the Bush administration.

The statements of several principal US government spokespersons to Congress and the press become more frequent and more serious in tone, ruling out any easing of the policy on Cuba, repeating the false accusations linking Cuba with terrorism and condemning Cuba's alleged violation of human rights.

Over 34 persons either Cuban-born or with a high-profile role in US anti-Cuba policy (Melquiades Martínez, Otto Reich, Dan Fisk) are appointed to important posts on the executive .

Imposed appointment on 11th January of Otto Reich as Assistant Secretary of State for Western Hemisphere Affairs. The climate of bilateral exchanges deteriorates due to the aggressive stances adopted by the State Department and the US Interests Section in Havana.

Political and diplomatic maneuvers proliferate aimed at getting another anti-Cuba resolution passed at the Commission on Human Rights in Geneva.

There is a rise in the number of denials of visas for Cuban senior officials and specialists in various sectors planning to visit the United States (some 200 applications were rejected, involving officials, artists, researchers and scientists).

The Bush administration takes systematic action to frustrate the efforts of American farmers seeking trade with Cuba and to hinder Cuba's food purchases under special arrangements by imposing unduly severe restrictions. It bans any form of US funding, public or private, for Cuba's purchases and publicly threatens to veto the Treasury spending bill if it includes any such provision.

Cuba's proposals for cooperation on the war on terrorism and combating the drugs trade are rejected, as are those for strengthening bilateral cooperation on migration.

There is an increase in the harassment and penalizing of US citizens who exercise their right to travel to Cuba (hundreds receive warning letters, fines increase for individuals and firms, permits are revoked).

- Subversive activities in Cuba get more financial and material aid, with open support from the official (USAID) cooperation agency and the US Interests Section in Havana (including supply of subversive printed material and videos, distribution of radios with special devices for use in subversion operations, etc).

Year 2003

The US policy of hostility towards Cuba was intensified on all fronts during 2003. The Bush administration launched an escalating series of aggressive, provocative measures.

Significant examples were the upturn in infractions of the Migration Accords and the encouragement, condoning and exoneration of illegal migration.

Departing from the practice of previous years, between 1st October 2002 and 28th February 2003 the United States granted only 505 visas to Cuban immigrants, or 2.5% of the total specified in the bilateral migration agreements. This declining trend in the issue of visas foreshadowed a failure to meet the quota stipulated in these agreements and evoked protests by the Cuban authorities.

Between 19th March and 10th April 2003, while the United States was allegedly waging war on terrorism, two passenger aircraft were hijacked and diverted to the United States with the same modus operandi used to seize the planes that were crashed into the Twin Towers in New York.

Both aircraft, having been seized by force, were arbitrarily confiscated by the US government authorities, who also refused to extradite the perpetrators.

By contrast, the Cuban hostages in these acts of terrorism who asked to return to Cuba were handcuffed, searched, detained for several days, told they would have remain in the United States and were even forced to wear prison uniforms, in violation of their most basic human rights.

The US policy of tolerance and impunity towards crimes of this nature has effectively encouraged recurrences. During the period mentioned, investigations by the Cuban authorities revealed 29 planned hijackings of vessels and aircraft involving the use of force. The would-be hijackers were low-lives or individuals with a long history of criminal activity; many had had visa applications to visit relatives in America, or to settle there legally, refused by the US authorities.

By contrast, Cuba has complied strictly with its obligations in the combating of terrorism and aircraft hijackings. Between 1968 and 1984, a total of 71 planes were hijacked in the United States and diverted to Cuba. 69 of the perpetrators of these crimes were tried in Cuba, sentenced and, in most cases, left Cuba after serving their sentences. Cuba's consistent policy effectively stopped the hijacking and diversion of aircraft from the United States to Cuba. Having repeatedly announced that it would do so, on 18th September 1980 Cuba even sent back two hijackers of an American airplane, to face trial in the US. **(See the statement by the Ministry of Foreign Affairs of the Republic of Cuba dated 2nd May 2003).**

On 11th December last year, the trial was concluded at the Key West, Florida federal court of the perpetrators of the hijacking in flight on 19th March 2003 of a Cuban DC-3 aircraft owned by Aerotaxi. The six defendants were found guilty of air piracy and other charges related to this serious crime; they are currently awaiting sentence. The Cuban government went on record as considering the sanctioning of the hijackers as a favourable sign, contributing to efforts to prevent acts of violence associated with attempts to emigrate. **(See the statement by the Ministry of Foreign Affairs of the Republic of Cuba dated 14th December 2003).**

Illegal emigration to the United States has been encouraged by other measures adopted by the US authorities, including: a dramatic reduction in visas granted to Cuban citizens wishing to visit relatives there; failure to send back to Cuba illegal immigrants intercepted on the high seas (as stipulated in the bilateral migration accords); and the absence of decisive action against the people-smugglers.

The crowning event was on 5th January 2004, three days before the date proposed by Cuba for a new round of bilateral talks on migration. US officials told their Cuban counterparts that the talks could not be held until the Cuban authorities demonstrated a genuine interest in seriously addressing aspects 'very important' to an orderly, legal and safe migratory flow between the two countries. **(See the statement by the Ministry of Foreign Affairs of the Republic of Cuba dated 5th January 2004).**

The aspects in question, while in truth secondary and quite irrelevant to the effectiveness of the migration accords, had been fully discussed in the earlier rounds of talks. The hawks of the war-mongering extreme right wing of Mr. Bush's administration and several representatives of the Cuban-American terrorist mob who have secured high office in this government, seek the failure of the migration accords and a resulting crisis that would facilitate recourse to an act of war against Cuba. The United States cannot expect Cuba to make unilateral concessions when America has so often shown her lack of will or commitment to the letter and spirit of the accords.

Against this background of tremendous challenges, Cuba is still making progress in facilitating its communications with Cuban residents abroad. On 27th September 2003, speaking at a meeting held in New York attended by some 300 Cubans resident in the United States, Minister of Foreign Affairs Felipe Pérez Roque announced the holding of the Third 'Conference on the Nation and Emigration' in Havana in May 2004, together with measures to simplify the entry procedures for Cubans resident abroad.

The latter decision, which was communicated to Cubans abroad via our embassies and consulates, will in practice abolish the entry visa, with effect from the second quarter of 2004, for all those who hold a current and otherwise valid Cuban passport.

The entry visa for Cuban residents abroad was introduced in view of an overriding need to protect the Cuban people from the terrorist attacks that have been occurring on the island for over 40 years, perpetrated by individuals and groups trained, funded and given logistical support in the United States, where they have enjoyed a climate of impunity.

Abolition of the entry visa is an important decision on the part of the Cuban government, and is designed to facilitate the contacts of Cubans living overseas with their homeland and relatives. It is consistent with Cuba's policy towards its émigrés, and was decided in spite of a resulting increase in US hostility towards Cuba and of the continuing hidden peril of acts of terrorism by the Miami-based extreme right wing.

The introduction of new measures designed to harass our people at the Cuban Interests Section in Washington and the Cuban Mission to the UN are further expressions of US policy on Cuba during this period.

During the 13 months up to January 2004, the United States arbitrarily expelled 19 Cuban diplomats from Washington and New York. **(See the statement by Rafael Daussá, Director for North America at the Ministry of Foreign Affairs of the Republic of Cuba, dated 7th January 2004).**

On 12th and 13th May 2003, via the Cuban Mission to the UN and the Cuban Interests Section in Washington, the US administration announced its decision to declare 14 Cuban diplomats with both missions *personas non grata*. The list included several members of the Washington consular staff, who were falsely accused of undertaking activities, regarded as injurious to US interests, beyond their official duties. Despite an official request by Cuba, not a shred of evidence to support these allegations has been offered.

On 4th January, *The Washington Post* published an article by the journalist Robin Wright which quoted unidentified State Department officials as saying that the Cuban diplomat Roberto Socorro García of the Interests Section in Washington had been deported from the United States in December for activities related to the narcotics trade.

Cuba rejected and completely refuted these unfounded accusations, while Washington was unable to prove otherwise. The apparent "leaking" to the press of the allegation in question is quite consistent with the longstanding policy of manipulation for the purposes of anti-Cuba propaganda, whose function is to fabricate pretexts for pre-planned measures to step up hostilities against Cuba. It seems they now propose to revive an already-discredited campaign aimed at smearing Cuba with involvement in narcotics trafficking.

Provocative and subversive activities by the US Interests Section in Havana have also increased sharply, paving the way for a military strike against Cuba.

Even before his arrival, the present Head of the US Interests Section in Cuba had started to intensify the open provocations and all the other forms of interference used by the US to incite, orchestrate, finance and otherwise stimulate the subversive activities of the mercenary organizations that support the superpower in its quest for domination. The officials of this diplomatic mission, whose ranks include several agents of the US intelligence services, vastly increased the number of their monitoring visits to illegal immigrants sent back to Cuba, as a pretext for carrying out subversive operations throughout Cuba. The Interests Section offices, together with their Chief's official residence, quickly became subversion training and command centres.

Funding for subversion in Cuba has been increased substantially.

The United States has substantially increased the overt and covert funding of its mercenary organizations in Cuba, which it seeks to portray as defenders of human rights and as a peaceful political opposition.

USAID has expanded its operations and increased its funding. Since 1997, this federal agency has allocated over 27 million dollars to applying Section 109 of the "Helms Burton Act" and has dispatched more than a million subversive leaflets, and over 7,000 radio receivers able to tune into subversive radio channels. Anti-Cuba congressmen plan to approve an annual budget for financing subversion of 15 million dollars this year in Congress. That would be an increase of 10 million dollars a year compared with budget approved for 1962.

Restrictions on travel to Cuba by US citizens have reached new levels of severity.

US federal agents have tightened up the measures against travel to Cuba: over 1,226 US citizens have received a letter from the Office of Foreign Assets Control (OFAC), twice as many as in the last four years of the Clinton administration. These notices represent the first stage in a legal process against US citizens for infringing Treasury Department regulations on travel to Cuba, an offence that can carry a fine of thousands of dollars and even lead to imprisonment. On instructions from the White House, the Department of Homeland Security has committed its intelligence resources to detection of illegal trips to Cuba.

The so-called "people to people" contacts have been banned.

On March 24, 2003, the US government intensified its blockade of Cuba, doing away with the permit that authorized educational people – to – people contacts between our peoples and thus grossly limiting the scarce number of permits that had traditionally been issued for academic and cultural exchanges between both nations.

Additionally, a growing number of Cuban artists, intellectuals, academics and scientists invited to participate in conferences held in the United States were denied visas to travel.

Radio and television broadcasts of a subversive nature have grown in number.

On May 20, 2003, the radio broadcast station created by the United States of America to promote subversive activities within Cuba went on the air with four new frequencies, causing interference and disturbances in Cuban radio transmissions.

That same day, a C-130 plane belonging to the American Air Force broadcasted a subversive anti-Cuba television signal prepared by the US government, from 18.00 to 20.00 hours, utilizing channels and systems legally assigned to Cuban television stations and that are duly registered with the ITU.

These acts constitute genuine and gross violations of international law and the norms and regulations established by the International Telecommunication Union (ITU), and in particular of its Radio-communication Regulations, which prohibit the broadcasting of television signals beyond national borders and the production of interference which is detrimental to broadcast services in other States.

As of September, the use of satellites in anti-Cuba radio and television broadcasts has begun. As part of this radio-electronic bombardment, some 2 220 weekly hours of Cuba-bound television and radio signals are broadcast from the United States.

False information and deceiving messages designed to foster subversive practices in Cuba, encourage illegal emigration and artificially bring about a crisis that can provide the pretext for an act of military aggression against Cuba are transmitted from governmental and privately-owned broadcast stations.

Cuba has been included in every single report drafted by the US State Department, on such diverse matters as drug trafficking, terrorism, biological weapons, human rights, trafficking in persons, religious freedom, and others.

On April 30, 2003, the US government presented its annual "Patterns of Global Terrorism" report. In said document, Cuba was once again included in the list of countries that supposedly sponsor terrorism at an international level. Currently, the list includes seven countries: Iraq, Iran, Syria, Sudan, Libya, the Democratic People's Republic of Korea and Cuba. The contents of this list "just happen" to include countries that represent an important obstacle to US plans of hegemonic domination.

Never has the Government of the United States been able, nor will it be able, to prove Cuba's participation in an act of terrorism. With the course of time, its false arguments have been systematically wasted away, a fact which has even led a number of US government officials to recognize that the inclusion of Cuba in this list is merely a political instrument being used against our country.

Paradoxically, it is the United States that has, through vacuous, irrational and utterly baseless arguments, rejected Cuba's proposal to officially adopt a Bilateral Program aimed at combating terrorism, submitted to the US government on November 29, 2001 and re-submitted on December 3, 2001, March 12, 2002 and December 17, 2002, on the occasion of the 19th Round of Migratory Talks held by both countries.

Revolutionary Cuba's policy with respect to terrorism leaves no room for questioning of any sort, and much less when such questioning originates in Washington. Cuba condemns all terrorist acts, methods and practices, whatever their form, expression or motivation may be, wherever or by whoever they may be carried out, and against whoever they may be committed. In the same fashion, it condemns all acts that seek to encourage, support, finance or conceal any terrorist act, method or practice.

Perhaps as no other nation in the world, Cuba has known the repercussions of terrorist actions. Since the first days of the Revolution, Cuban men, women and children have been victims of the cruelest and most merciless of terrorisms, many a time sponsored, protected, financed and organized by the very Government of the United States and by its protégés in anti-Cuba organizations stationed in Miami.

We have seen the continued and intensified harassment, torture and inhumane treatment of the five, anti-terrorist Cuban fighters unjustly convicted in the United States and their relatives.

The Government of the United States applies arbitrary punitive measures against five young Cubans who were unjustly convicted for seeking out information that would allow Cuba to protect itself against terrorist activities conducted by organizations stationed in Florida. Federal agencies continue to sabotage the process of appeal, to add more obstacles in the way of consular visits and all contact with their relatives, to unjustifiably delay the granting of visas to relatives of these five anti-terrorist fighters and to deny the wives of Gerardo and René access to the United States so that they may visit their spouses, as they do with René's small daughter.

Campaigns aiming to have Cuba condemned within multi-lateral organizations and to internationalize a policy of hostility toward Cuba have grown in number.

The Government of the United States did everything in its power and used every sort of pressure and influence to have Cuba condemned at the UN's Commission on Human Rights and the Organization of American States; they failed in both cases.

In the same fashion, leaning primarily on the services of their unconditional allies in the European Union, Aznar and Berlusconi, the United States managed to completely subordinate the European Union in the design of its policies toward Cuba, drawing it into complicity with its imperialist and hostile policies against the Cuban people.

Anti-Cuba propaganda campaigns have escalated significantly in the United States.

Administration spokespersons have voiced numerous declarations of a dangerously aggressive tone, invoking pretexts such as the just conviction of over 70 paid mercenaries who were at the service of the policies of hostility directed against Cuba by the United States.

The Department of State's website was used to publicize stories about Cuban counter-revolutionary currents and publish five pamphlets of the crudest anti-Cuba propaganda imaginable, in issues relating to the economy, foreign debt, the situation of inaptly-called political prisoners, US policies toward Cuba and espionage.

The holding of a new US Food and Agribusiness Exhibition has been prohibited in the United States.

Following the two successful Food and *Agribusiness Exhibition* held by private US companies in Havana in 2002 and 2003, the US government prohibited the holding of a new business exhibition in Cuba.

A presidential commission known as the "Commission for Assistance to a Free Cuba", co-chaired by Secretary of State Collin Powell and Secretary of Housing Melquiades Martínez, has been created.

On the past 10th of October, the US president delivered a speech loaded with threats directed at Cuba, announcing new punitive measures to be taken against the island, the creation of a "Commission for Assistance to a Free Cuba" to be included among them. The Commission is co-chaired by the American Secretary of State, Colin Powell, and by Melquíades Martínez, a faithful representative of Miami's terrorist mob in Bush administration; its fundamental task would be the counsel and submit proposals to the president, in order to materialize his intention of intensifying the blockade and stepping up subversive activities and the existing policy of aggression against Cuba, with the ultimate aim of overthrowing Cuba's revolutionary government. **(See: Declaration of the Ministry of Foreign Relations of the Republic of Cuba of October 13, 2003).**

In a seminar organized by USAID's Cuba Transition Project, held on January 16 of the present year, the Assistant Secretary of State for Western Hemisphere Affairs, Roger Noriega, declared that the Commission for Assistance to a Free Cuba plans on submitting an initial report by May 1st of 2004.

An active executive opposition against any attempt at modifying current policies toward Cuba in Congress has intensified.

High-ranking officials in the US government linked to anti-Cuba policies repeatedly announced the intention of the Executive Branch to veto any bill designed to moderate, even if only partially, existing blockade policies toward Cuba.

Faced with this permanent threat and in order to avoid a situation in which the President saw himself forced to veto a bill enjoying bi-partisan support in an electoral year, on November 12, 2003 the US Congress' bicameral Conference Committee examining the bill on Budget Allocations for the Treasury and Transportation Departments decided to eliminate, in a wholly undemocratic fashion and in violation of Congress norms and regulations, the bill's amendment that called for more flexibility in restrictions falling on US citizens traveling to Cuba. This took place despite the fact that this amendment had been approved by a substantial majority, in the US Senate and Chamber alike. **(See: Declaration of the Ministry of Foreign Relations of the Republic of Cuba of November 13, 2003).**

In 2003, declarations by US representatives directing threats toward Cuba became more frequent and more aggressive. Among them, we may mention the following:

.. On April 10, the US ambassador to the Dominican Republic, Hans Hertell, close friend of president Bush, declared that: "...what's happening in Iraq is going to send a very positive signal, and it's a very good example for Cuba", adding that "war against Iraq is the beginning of a liberating crusade to "democratize" all of the world's nations".

.. The following day, Florida governor Jeb Bush, brother of US president Bush, stated that: "after the 'success' in the war in Iraq, the United States should turn its look to the 'neighborhood' and pressure the international community so that the Cuban regime can not continue".

.. On April 13, asked if an act of military aggression against Cuba would at one point be considered by the administration, the Secretary of Defense, Donald Rumsfeld declared: "We hope they have the opportunity to say what they want, and practice freedom of religion and freedom of speech, freedom of assembly", without totally closing the door to the possibility of a US military action in Cuba.

.. In April, representatives of the US government made threatening and hypocritical declarations, stating their country would not tolerate a massive exodus of US-bound Cuban migrants.

.. On April 25, the Head of US Department of State's Office of Cuban Affairs informed the Head of the Cuban Interests Section in Washington that the Office of Homeland Security attached to the National Security Council considered that the continuing hijackings taking place in Cuba constituted "a serious threat to US national security", as though the United States has not encouraged and tolerated the criminal activities of traffickers and terrorist hijackers.

.. On May 4, asked about the possibility of the US "liberating" Cuba, Secretary of State Colin Powell replied he did not think it appropriate to consider it at the time, if the question referred to the use of military force for that particular objective. Note how the phrase utilized by Powell leaves the door open to a military action in Cuba in an unspecified future.

.. In a letter dated May 27, Cuban-American Republican congresswoman Ileana Ros-Lehtinen expressed to President Bush: "Mr. President, under your leadership the United States has witnessed the liberation of the people of Afghanistan and Iraq (...) I want to offer you proposals and recommendations that will allow your administration

to plot a course of action that will help hasten a change of regime a mere 90 miles away from American coastlines", clearly alluding to Cuba.

.. On June 4, 2003 in a speech delivered before the House of Representative's Committee of International Relations, Under Secretary for Arms Control and International Security John Bolton expressed: "although Cuba has ratified the Biological Weapons Convention, we believe it has at least a limited offensive biological warfare research and development effort. Cuba has provided dual-use biotechnology to other rogue states. We are concerned that such technology could support bioweapons programs in those states. Furthermore, Cuba's biotechnology industry is a top national priority and is characterized by its dual use, sophisticated equipment, modern facilities, generous funding and highly qualified personnel".

.. On June 18, Deputy Assistant Secretary of State Dan Fisk declared that "the United States has adopted a number of actions since the last wave of arrests and convictions [referring to the 75 mercenaries who were convicted for lending their services to the US' anti-Cuba policies of hostility], but it won't be making any information available to citizens, future actions are being analyzed, some of which you'll see and others not", tacitly declaring that a significant part of these actions will be conducted in covert operations.

.. On October 2, 2003, before an audience in the US Senate's Committee of Foreign Relations, Assistant Secretary of State for Western Hemisphere Affairs Roger Noriega ratified the Bush administration's policy of growing hostility and aggression toward Cuba, announcing a new plan of subversive actions to be carried out against our country and reiterating the cynical claims that Cuba is developing a limited bioweapons program. (See: Declaration of the Ministry of Foreign Relations of the Republic of Cuba, October 5, 2003)

.. On October 10, 2003, President Bush affirmed that: "Cuba will not change by itself, but Cuba has to change". On this occasion, Bush made a new, infamous anti-Cuba remark in declaring that Cuba's government encourages illicit sex trade.

.. On December 19, White House Special Envoy Otto Reich stated that "the United States is exceedingly concerned at the constant reports of the presence of Cuban agents in Venezuela", crudely distorting the fraternal presence of over 10 thousand Cuban doctors and teachers in Venezuela who support its literacy campaign.

.. On January 6, 2004, among other stated lies and threats directed at our country, US Undersecretary of State for Interamerican Affairs Roger Noriega criticized Cuba for "supporting destabilizing elements within several democratic countries in America". He pointed out that "it must be made very clear to Fidel Castro that his

efforts to destabilize Latin America are increasingly provoking to the Inter-American community, including the United States”, adding that “those who continue to destabilize democratically elected governments by intervening in the internal affairs of other governments are playing with fire”. In addition to this, he stated that “his country and other neighbors are closely following what the Cuban leader does in his latest ventures”, claiming that the Cuban Head of State was “in his last days”. **(See: Editorial in *Granma*, Official Newspaper of the Communist Party of Cuba, January 8, 2004).**

.. On January 16 of the present year, at a seminar for USAID's Cuba Transition Project, Roger Noriega conveyed his government's decision to continue “cooperating with international organizations and keeping the multilateral community focused on Castro's continued human rights abuses”, confirming the will to continue manipulating the work of such organizations as the Commission on Human Rights (CHR) to serve US policies of hostility toward Cuba.

The threat of a military action in Cuba is today a reality. Thousands of figures of world renown, even some who are American, believe this.

In the “**Call to the world's conscience**”, first pronounced in Mexico in April of 2003 and read by Mexican analyst and sociologist Pablo González Casanova before more than a million Cubans, over five thousand renowned personalities, artists, intellectuals, academics and political analysts from all latitudes at Cuba's José Martí Plaza de la Revolución on May 1st, it was denounced that “a harsh campaign against a Latin American nation exists today. The harassment to which Cuba is subjected could be the pretext for an invasion. Against this threat, we hold up the universal principles of national sovereignty, respect for territorial integrity and the right to self-determination, indispensable to the just co-existence of nations”.

Adding their voices to this call, among others, were Nobel Prize winners Rigoberta Menchú, Nadine Gordimer, Adolfo Pérez Esquivel and Gabriel García Márquez, as well as innumerable figures, such as Mario Benedetti, Ernesto Cardenal, Oscar Niemeyer, Harry Bellafonte and Danny Glover.

In May of 2003, the A.N.S.W.E.R. coalition (Act Now to Stop the War and End Racism) stationed in the United States also issued an urgent appeal for solidarity with Cuba, aimed at the US' and all of the world's anti-war and pro-peace movements.

In its appeal, A.N.S.W.E.R emphasized that, in recent weeks, a series of events had taken place in US-Cuba relations, that the Bush administration had taken its hostilities toward Cuba to a new level, and that there were growing signs that Bush was

attempting to provoke a new crisis and possibly a war against Cuba. (See: <http://www.internationalanswer.org>)

The information presented and the aggressive actions and declarations of the US government against Cuba evidence a willingness, on behalf of the Bush administration, to fabricate any pretext, no matter how insane, in its attempt to justify before American and international public opinion its hostile policy against the people of Cuba, its criminal economic, commercial and financial blockade and even a direct act of military aggression.

This far from exhaustive catalogue of the most significant, aggressive anti-Cuba actions and declarations by the United States confirms, as our government has repeatedly denounced, that Cuba has been targeted by a plan designed to artificially bring about a crisis and set the conditions for a confrontation between both countries, to unleash a direct military action and, with this, an attempt at re-instating a regime of neocolonial domination in Cuba.

When asked directly, not one US government leader or spokesperson has excluded the possibility of employing military force against Cuba. On the contrary, the circumstantial or opportunity factor is repeatedly invoked ("not at this time, not now").

The situation is getting worse in 2004, this being an electoral year. We cannot discard the notion that President Bush will resort to a military action in Cuba if it proves necessary for his re-election plans and, in particular, in order to secure the support of the political machinery of the Cuban-American terrorist mob in Miami.

Furthermore, all of these actions are clear indications of the growing desperation experienced by Washington's and Miami's extreme right, faced with the survival and renewed spirits of the Cuban revolution and with the urgent need to efface the example it offers, within a context of changes which do not automatically subordinate themselves to US interests in Latina America and the complete discredit brought to its neo-liberal recipes.

The escalation in acts of US aggression against and provocation of Cuba contrasts dramatically with the behavior of Cuba's government and people, who have demonstrated on numerous occasions their readiness and willingness to work toward improving bilateral relations between both countries and to promote relations and friendship between both peoples.

CHAPTER VI: THE CUBAN PEOPLE, IN LEGITIMATE SELF-DEFENCE, ACTS WITH RESOLUTION AND IN STRICT COMPLIANCE WITH THE RULE OF LAW: JUSTICE VERSUS MERCENARISM

The assumption of office of the Reagan administration in the United States, in the 80s of the past century, imposed significant tactical changes on US strategies aiming to overthrow Cuba's revolutionary government.

Overnight, renowned terrorists and CIA agents of Cuban origin made their appearance, supplied with disguises —not to mention offices, "organizations" and connections in international NGOs— of human rights defenders and "peaceful anti-Castro opponents".

As though by magic, with the funding and guidance of the United States government, so-called activists and human rights groups made an appearance in Cuba. These individuals, recruited and financed as any other mercenary, carry out missions dictated by the United States, with the aim of destroying the constitutional order chosen by Cubans and complying with the provisions of the Helms-Burton Act, which not only contains a complex provision of extra-territorial scope designed to ruin Cuba's economy, but also, in Chapters I and II, establishes the principles of the "new juridical and constitutional order" that would be imposed on Cubans in a future "independent" Cuba.

The aggressiveness of these groups and the seriousness of their actions as a fifth column set against the social project of self determination undertaken by Cubans has grown with the presence of ultra-conservative and militaristic groups of the extreme right in the Reagan, Bush (father) and W. Bush administrations.

In the case of George W. Bush, the imperialist cravings of the circles making up his government were supplemented by the quotas of power conceded to its protégé, the Cuban American terrorist mob, during the time of his administration, as reward for the decisive role this one played in the fraudulent unfolding of the year 2000's presidential elections in Florida.

In the past three years, the government imposed on the United States with the assumption of office of W. Bush has brought about a tightening of the blockade and a harshening of hostile policies toward Cuba that know no precedent, more public and covert interventionist actions, threatening declarations by top-ranking government officials and, in particular, a growing and direct involvement of its diplomatic personnel in Havana in attempts at destabilizing Cuba's constitutional order and the exponential growth of official funds destined to these operations.

Cuba recognizes that the mercenaries recruited by the United States in the island to carry out its policy of domination against the Cuban people lack any potential—being rejected by all of society and lacking autonomous social foundations and an independent social project—to become, in and of themselves, a veritable challenge to Cuba's revolutionary process. Nevertheless, it appreciates the danger inherent to the possibility that their activities be utilized, by way of the US government's proven manipulative capacity in the mass media, as a pretext to carry out or support an eventual military action in Cuba, a possibility which has become very real and threatening.

The increased magnitude and aggressiveness that we have witnessed in the US government's campaign of disinformation and lies against Cuba since the second half of March of 2003 comes consequently as little surprise. It finds its origin in the arrest, on the 18th and 19th of March 2003, and subsequent trial, on the 4th, 5th and 7th of April, of 75 of the mercenaries recruited, funded, trained and commanded, in Cuba, by the government of this superpower. These mercenaries were conducting actions aimed at overthrowing the political, economic and social order constitutionally adopted by the Cuban people through a universal 1976 referendum backed by overwhelming popular support, adopted, that is to say, two centuries after the adoption of the US Constitution still in force today, whose text, it is well worth mentioning, was never scrutinized by a significant sector of that nation, African Americans, women and people of low income to be included therein.

The campaign—persisting to the present day and seeing the cynical, confederate and active support of various governments of the “coalition of the willing” that invaded and continues its occupation of Iraq—has made use of sophisticated techniques of disinformation developed by nazifascism, unjustifiably and repeatedly vesting the justly convicted mercenaries with false epithets, such as “dissidents”, “peaceful political opponents”, “human rights defenders”, “anti-governmental or non-conformist intellectuals”, “journalists, librarians or independent unionists”. According to these campaigns, they were “arbitrarily and unjustly” arrested and convicted for the simple and “peaceful exercise of the rights of freedom of speech, opinion and association”.

The anti-Cuba campaign has known no limits. It has resorted, even, to drafting false denunciations of these facts through mechanisms of the Commission on Human Rights. One of the themes pursued was embodied by the Working Group on Arbitrary Detention. Despite having received from the Cuban government irrefutable proof of the respect for the right and principle of due process that characterized the arrest and trial of the more than 70 mercenaries at the service of the United States, this group decided to ratify the false allegations fabricated by US agents and to declare as arbitrary the arrest of their mercenaries in Cuba.

Both the Charter of the United Nations and the two international agreements on human rights—in their provisions binding for Party States— recognize that “all peoples have the right to self-determination; by virtue of this right they freely establish their political status and freely pursue their economic, social and cultural development”, and that all States shall promote and respect this right in compliance with the Charter of the United Nations. In conformity with and by virtue of the exercise of this right, the Cuban people have established their Constitution and their laws. No one has the right to question the constitutional order adopted by a people in the exercise of their sovereignty. No one has the right to judge the actions of the Cuban people in ignorance of the permanent and serious threat posed by the United State’s hostility toward their independent existence as nation.

As in the case of any other nation, the Cuban people resort in these circumstances to the right to defend themselves against the acts of political, diplomatic, economic, commercial, financial, radio and television hostility perpetrated for over four decades by the United States. Were not special legislative provisions and decrees adopted by European nations in view of the threat posed by fascism in the region during the 30s and 40s of the past century? Why did no one question the juridical provisions and measures adopted by the United States and countries in Western Europe during the so-called “Cold War” in order to suppress the alleged “communist peril”, many of which continue to be in effect?

Why does no one condemn the provisions of the Logan Law, included in chapter 45, title 18, part 1 of the US Code of Crimes and Criminal Procedure? Said provision states that any US citizen anywhere who, without the authorization of the US government, directly or indirectly takes up or maintains any kind of correspondence with any foreign government, official or agent, in connection with any dispute or difference with the United States, shall be fined in accordance with that provision, jailed for a period of up to three years or both.

The United States bars its citizens from maintaining any form of correspondence with any foreign government in connection with any dispute or simple difference that affects them. At the same time, it expects Cuba to tolerate the recruitment and the activities of mercenaries that not only maintain correspondence with but also follow instructions from and carry out missions for the foreign superpower that levels a policy of hostility and aggression against it, aimed at overthrowing its legitimately elected authorities and at destroying its constitutional order.

The rights and freedoms proclaimed in the Universal Declaration of Human Rights, such as they appear in article 29, cannot, in any case, be exercised in contraposition to the objectives and principles of the Charter of the United Nations, including sovereign equality, independence and the territorial integrity of all nations.

To request that Cuba set free or reduce the severity of the sentences of those who were judged and convicted by competent and independent courts, in compliance with laws adopted by their Parliament, is tantamount to requesting that it interfere with the functioning of its judicial system. This would violate not only Cuba's constitution but all internationally pertinent principles on the independence of the judiciary as well.

On April 17, 2003, the Commission on Human Rights decisively rejected, with 31 votes against and a mere 15 in favor, an initiative presented by Costa Rica at the behest of the United States, aimed at questioning the legality of the measures adopted by Cuba against the mercenaries, in exercise of its right to legitimate defense. Beyond the Commission, not even within the scope of the Organization of American States, has the US managed to impose a critical pronouncement on the necessary and exceptional measures of self-defense adopted by Cuba against the actions of the salaried mercenaries of the superpower.

The Truth about the Trials

. Twenty-nine trials were held in Cuba, in different provinces across the nation, in which 75 people were accused: 74 men and one woman. The courts handed down jail sentences of 6 to 28 years. Nowhere was the death penalty, nor a life sentence, handed down, as anti-Cuba propaganda has falsely divulged, despite the serious crimes that were committed and the dangers to Cuba's national security these entail.

. The police officers that detained the mercenaries did not resort to any kind of violence or the use of force, not even minimal. Knowing the nature of the crime perfectly well and bereft of any moral justification or principle of dignity, the mercenaries did not offer any resistance to the arrests.

. The penal proceedings were carried out summarily, in view of the seriousness of the circumstances and by virtue of Law No. 5 of 1977, Law of Penal Proceedings.

. In accordance with Cuban legislation and judicial norms, a summary trial signifies the power of the Supreme Court President to shorten the period of the trial; in no case does it imply the curtailing of judicial guarantees.

. All of the accused were previously informed of the charges filed against them and had the opportunity, as all who are accused in Cuba, to plead their case before trial. That these individuals were told the charges against them at the time of trial is completely untrue.

. All of the accused exercised their right to a defense attorney that, according to Cuban legislation, can be designated by the accused or, failing this, appointed by the court. Fifty-four defense attorneys participated in these trials, 44 of them, 80 % of the total, designated by the accused or their families. Only 10 defense attorneys were court-appointed. The claim that the right of the mercenaries to a competent defense was curtailed is false.

. Contrary to what is alleged in anti-Cuba propaganda campaigns, all of the accused exercised their right to be heard in an oral trial before ordinary civilian courts that had been previously assembled, in conformity with Cuban and international legislation. No special, ad hoc tribunal was created to judge them, nor were special or ad hoc judges appointed.

. No secret trials were held. The oral hearings for all of the trials were public and adversarial. Nearly 100 people, on average, participated in them, that is to say, nearly 3 000 people in total, chiefly made up of relatives, witnesses, experts and other Cuban citizens.

. It is true that a few accredited foreign diplomats in Havana were not present at the trials by decision of the judges, as no foreigner was being put on trial, only Cubans. The Vienna Conventions on diplomatic and consular relations only envisage consular access to trials in cases where the detained are foreigners.

. The relevant courts, by virtue of their prerogatives, decided to deny access to the press, due to the information relating to national security that would be handled during the trials and to prevent publicity from interfering with the impartiality and objectivity of the court's functioning.

. Nevertheless, the press was informed of these trials in detail. On April 9, 2003, two days after the last of the trials held, the Ministry of Foreign Affairs of Cuba, Felipe Pérez Roque, offered a long and detailed press conference that saw the participation of 82 journalists belonging to the accredited foreign press, representing 59 media from 22 different countries, and all of the national press. During this conference, the Cuban chancellor, making use of video and audio tapes and other kinds of documentary evidence presented at the trials, informed the press of the circumstances and development of the trials in question and answered questions posed by reporters.

. A book entitled "Dissidents" was also published in Cuba; the book included the testimonies of 8 Cubans who, voluntarily and in compliance with the dictates of their patriotic conscience, provided Cuban State Security with extensive information on the activities that the 75 tried and convicted mercenaries were conducting against Cuba's

constitutional order. These 8 honest Cubans, committed to the cause of their people, “allowed themselves to be recruited” as alleged mercenaries by the US Interests Section in Havana and “joined” the ranks of a number of subversive organizations created by the United States in Cuba. In said organizations, they reached important positions and received a significant share of the money channeled by the superpower’s administration to pay for their services. Their testimonies confirm the facts stated in this report. (See: “Dissidents”. Rosa Miriam Elizalde and Luis Báez. Editora Política Publishing House. Havana. 2003).

. All of the accused and their defense attorneys exercised the right to submit the evidence and present the witnesses they considered favorable to them, in addition to those presented by the investigative officers and the prosecution. The defense attorneys presented 28 different witnesses of those called on by the prosecution; of these, 22, the immense majority, were authorized to act as witnesses by the courts.

. All of the defense attorneys had prior access to the prosecution’s files.

. As established in Cuba’s legislation and as notified at the time of trial, all of the accused had the right —as exercised by the majority— to appeal to a court higher than that responsible for their trial, in this case, before the Supreme Court.

. The seizure and confiscation of possessions all were authorized by a court order and always carried out following proof of their illicit origin.

. In all trial stages, the most scrupulous respect for the physical and moral integrity of each and every one of the accused was maintained. All of them have enjoyed and continue to receive medical care, including specialized services, absolutely free of charge, as do all other Cubans.

. There isn’t a shred of evidence suggesting that any form of coercion, pressure, threat or blackmail was used to obtain the declarations and the confessions of the accused.

. During his oral hearing, after the court had reminded him of his right to declare or abstain from declaring or from responding to a specific question if he so wished, one of the accused freely declared: “I would like to comment here, before this court, on the adequate treatment that we’ve received from State Security authorities within the investigative organs, to say it was a just treatment, we have not been provoked, we have not been mistreated at any time”. To this, he added: “...and to express my thanks for this just treatment, for the fact that we’ve received excellent medical attention three times a day and that the doctors have come to our cells in view of any pain or health complication we’ve experienced. They’ve conceded us contact with

our relatives and, well, we've had extensive contact with our defense attorneys, they've given us all the time in the world to converse with them".

Medical care offered the mercenaries in prison. The truth about some of the most renowned cases in the deceptive anti-Cuba campaigns.

Like all of Cuba's penal population, the convicted enjoy adequate emergency medical services in all penitentiary facilities, which, in some cases, include hospitals that offer surgical services. As is established and generally practiced in Cuba, in the more complex cases that have required costly examinations or specialized treatments, the mercenaries have been transported to and admitted into regular public hospitals, where all Cuban citizens receive medical care free of all discrimination.

The afflictions that some of the convicted suffer from were contracted prior to their arrest. None of them suffers from any condition that would prohibit reclusion.

In all cases reporting illnesses, relatives have received timely information from medical personnel on the evolution and treatment of the disease and the medical attention that has been offered in each of the cases.

We can take as example the case of Oscar Manuel Espinosa Chepe, who, according to media campaigns promoted by the United States, was suffering from hepatic cirrhosis and was in serious medical condition due to inadequate medical attention. We must stress that this, as many other allegations of medical assistance that has been denied the 75 mercenaries, is completely false.

As the government of Cuba informed one the organs of the Commission on Human Rights, once Espinosa Chepe's relatives had submitted a summary of his medical record a few weeks following his detention, Cuban authorities immediately proceeded to re-locate him, on April 20, to the inmate's ward of the Carlos J. Finlay Military Hospital in Havana.

Following this, on May 12, he was admitted into the inmate's ward of the "Agostinho Neto" Hospital, for the purposes of conducting a hepatic study, which revealed that Espinosa Chepe does not suffer from hepatic cirrhosis, as has been alleged, but rather from a hepatic granulomatosis, which does not interfere with the normal functioning of the liver and was caused by a Brucelosis, contracted before his imprisonment.

Visits from relatives were authorized during his stay in the hospital. On May 22, 2003, his niece, Ileana Moreno Espinosa, a doctor, was conceded a meeting with the Chief of Medical Services of the Provincial Ministry of the Interior and with the doctor

from the "Agostinho Neto" Hospital who was directly treating Espinosa Chepe. In this interview, Dr. Moreno Espinosa was presented the details of the medical examinations conducted and their results, as well as those which were still pending; she expressed satisfaction with the report.

Despite the medical follow-up that Espinosa Chepe has been subjected to, he himself has refused to submit to a number of tests that would be useful to a more profound analysis of his health. On May 29, 2003, he refused to submit to a gastroscopy and other routine tests that had been prescribed with the aim of evaluating the digestive problems he was presenting.

On May 31, he was hospitalized in the inmate's ward of the "Ambrosio Grillo" Hospital with the aim of carrying out more extensive medical examinations. On this occasion, a computerized axial tomography, urine analysis, renal system check-up, gastroscopy, an ultrasound, erythro sedimentation analysis, rectal, liver, bilirubin and glomerular filtrate analyses were recommended.

Espinosa Chepe has refused to submit to other prescribed analyses, such as a laparoscopy and a biopsy of liver and pancreas, an analysis of colonic edema, and a gastroscopy, claiming these would bring him complications.

Espinosa Chepe's medical condition is stable and wholly compatible with the conditions of reclusion in which he finds himself.

Just as much could be said in connection with the campaign of false allegations regarding the mistreatment and inadequate medical attention and treatment allegedly encountered by Marta Beatriz Roque Cabello, who reportedly suffers from high blood pressure and an ischemic cardiopathy.

As indicated, she was to be re-evaluated by the practitioner every three months. However, it was decided that a specialist in internal medicine was to examine her every 15 days and that the prison doctor was to do so every week.

Roque Cabello has had periodic contact with her relatives, who have received precise and detailed information from the facility's doctor about her medical condition and the treatment that she receives.

However, in July of 2003, Roque Cabello began turning down the medical attention, medicine and diet that she was being offered in prison, accepting only those that were delivered or sent by her relatives.

On July 22, she was re-located to the “Carlos J. Finlay” Military Hospital, upon presenting a high blood pressure and chest pains; she was subjected to two echocardiograms.

Due to reported chest pains, a computerized axial tomography and an electrocardiogram were conducted on July 27. Both yielded negative results, that is to say, neither revealed any life-threatening complication, as anti-Cuba propaganda has divulged. The doctors prescribed her the appropriate diet and medication.

That same 27th of July, during the visit of her niece, Maria de los Ángeles Falcón Cabello, the head of the hospital ward detailed the inmate's condition, the prescribed treatment, the results of the analyses, the examinations conducted and the new tests that were to be conducted.

On July 28, a new medical exam conducted determined that her vital signs were stable and that her blood sugar levels remained high, in view of which the doctors decided that she should begin a diet for diabetics.

Roque Cabello's medical condition is stable and wholly compatible with the conditions of reclusion in which she finds herself.

As can be appreciated, these and all other inmates enjoyed the surest and amplest guarantee of quality medical attention. They are admitted into regular public hospitals whenever their condition requires it; there, like all Cuban citizens, they are submitted, entirely free of charge, to costly and sophisticated medical examinations employing high-tech equipment, being prescribed and receiving the medication that they require.

Unionists, “independent” journalists and librarians, or simple mercenaries?

The mercenaries who were convicted were neither “unionists” nor “journalists”, and much less “independent librarians”, as the enemies of the Cuban Revolution have repeated ad nauseum. The one, common denominator that defines them is a merciless thirst for money and the absence of any scruple when it comes to obtaining it. They have no qualms, even, about betraying their people by offering their services to the foreign power that seeks to strangle it economically and to destroy its project of independence and sovereignty.

Of the 37 convicted who had supposedly acted as “independent journalists”, only 4 had actually studied journalism and held the position at one point in their lives.

Not one of them was a union leader nor could have been, because the overwhelming majority of those convicted had not, of his or her own decision, performed any kind of work for several years. They lived off the money that they received for carrying out mercenary missions at the service of the US government and of the Cuban American terrorist mob in Miami. Not one of them had any contact whatsoever with a worker's collective or group within Cuba; ergo, they could not have performed any union-related tasks. No group of workers ever elected them as the representatives of its interests.

Claims of the supposed existence of "independent libraries" in Cuba are sheer nonsense. Few countries in the world have created as many public libraries as has Cuba, with as ample catalogues of books to be utilized free of charge by anyone who's interested. Few countries in the world have published so many volumes, written by authors of the most diverse regions of the world, to sell them at as low prices as Cuba does.

Not counting the libraries that operate today in practically all schools and universities, nearly 400 public libraries are in operation throughout Cuba. In 2003, over 2000 volumes and nearly 30 million copies were printed. In the 2004 International Book Fair alone, 5 million copies were sold at prices incomparably lower than any one may encounter in any other nation in the world in 34 of the nation's cities, including over 1 000 volumes of the best universal literature.

Following in situ studies on alleged "independent libraries" in Cuba, professional international and American organizations have corroborated the falsity of allegations circulated by anti-Cuba campaigns. Not one of the convicted mercenaries is a librarian, let alone an independent one.

At the General Assembly of the IFLA held in Boston in 2001, through a resolution approved with over 86 % of votes and at the request of American and Cuban librarians, it was decided that we should "Urge the US Government to share information materials widely in Cuba, especially with Cuba's libraries, and not just with 'individuals and independent non-governmental organizations' that represent US political interests" (See: Web page of Cuba's Jose Marti National Library, <http://www.bnjm.cu/bnjm/espanol/index.e.asp> and web page of *Librinsula*, digital publication of the Jose Marti National Library relating to this topic, <http://www.bnjm.cu/librinsula/2004/febrero/08/index.htm>.)

This resolution clearly described the supposed "independent librarians" as representatives of US political interests in Cuba. Furthermore, it urged the Government of the United States to put an end to the harmful practice of denying the vast majority of Cuban citizens access to the US literature of their interest, and, in

particular, of denying so sensitive a sector as healthcare access to scientific and academic publications.

This resolution was backed by the special reports that the IFLA's Committee on Free Access to Information and Freedom of Expression (FAIFE) presented in 1999 and 2001, as well as by FAIFE's and ALA's (American Librarian Association) visit to Cuba, the latter participating in a free tour of the nation and its libraries. In the presentation titled "US-funded Dissent and the "Independent Libraries Project" in Cuba" presented before the Cuba Today Panel of the Pacific Coast Council for Latin American Studies at Los Angeles' East University from the 8th to the 9th of November of 2002, Rhonda L. Neugebauer, bibliographer for the University of California in Riverside, gave testimony of her visit in Cuba, in the year 2000, to over a dozen of the so-called "independent libraries" and the country's public libraries, in the company of Larry Orberg, librarian for the University o Willamette.

What follows is a fragment of this presentation:

"By interviewing the owners of these "libraries," we discovered that these "libraries" were carefully chosen drop-off and contact points for personnel from the U.S. Interests Section and others, who visited them on a regular basis, to deliver materials and money. We also discovered that by accepting anti-government materials and by developing "libraries" with these materials, the "librarians" qualified to be paid a monthly stipend--"for services rendered," as one of them put it".

"Our interviews with these "librarians" contradicted a good deal of the PR campaign that their U.S. financiers had undertaken, and established the fact that the communiques circulated in the U.S. about these "libraries" were intentionally misleading and politically motivated".

- "They have served no jail time for library activities; rather any jail time has resulted from illegal activities and for their work to organize political operations directed from abroad"

"They are aware of the U.S. government's political, financial and diplomatic connection to their work".

Is the Cuban legislation used to convict the mercenaries incompatible with international law and international human rights instruments?

The answer is no. The Cuban legislation applied is similar in spirit and letter to that which is in effect in many of the world's countries, including western industrialized nations, used to guarantee and protect national security in view of external threat. It is wholly compatible with guarantees that are internationally accepted as necessary

for securing due process and which, in addition, were in effect before the crimes were committed.

During the trials, Article 91 of Cuba's Penal Code, Law 62 of 1987, was invoked and applied. This article is passed down from the Social Defense Code of 1936, drafted during the time of the pseudo-republic in Cuba and established under the auspices and the control of the United States. This code had of itself borrowed important provisions and characteristics from the Penal Code that was in effect in Cuba when the latter was a Spanish colony.

Article 91 of the Penal Code currently in force in Cuba reads: "Acts against the independence or territorial integrity of the State. He or she who, at the service of a foreign State, acts with the objective of undermining the independence or territorial integrity of the Cuban State, shall incur a jail sentence 10 to 20 years, or death".

In the proceedings instituted against the mercenaries, a number of articles comprising Law No. 88 were also applied, the article titled "Protection of Cuba's National Independence and Economy" among them, adopted after long debates held throughout Cuba in response to the Helms-Burton Act, adopted in 1996 to institutionalize the extraterritorial continuation of the blockade and to establish numerous provisions designed to promote the destruction of Cuba's constitutional order, identifying the principles of institutional structuring that would be imposed on the Cuban people following the overthrow of their current political, economic and social system.

Cuba is not the only country in the world that criminalized collaboration or compliance with the Helms-Burton Act within its territory. Countries like Canada, Mexico and Argentina adopted laws that treat as a crime and prosecute any collaboration with or application of the extraterritorial provisions of the Helms-Burton Act. The European Union also adopted regulations in this regard.

The facts considered and the acts that were characterized by Law as serious crimes correspond to acts of direct collaboration with the application of the Helms-Burton Act. No one in Cuba has been harassed, much less tried and convicted for the exercise of some of the basic human rights recognized by the Universal Declaration, such as are freedom of opinion, expression or association.

Among the proven crimes committed by the convicted mercenaries, the most noteworthy are:

. Systematic participation in meetings with US congresspeople and businessmen convoked by the US Interests Section in Havana, aimed at hindering

the efforts of those who, within the United States, work toward relaxing or lifting the blockade of Cuba. The mercenaries who were convicted have lobbied arduously in favor of the blockade against their people and against the implementation of successive resolutions of the General Assembly of the United Nations which have demanded—the last was backed by 179 Member States—that an end be put to this unilateral and illegal policy. That is to say, they have violated not only Cuba's legislation, but also tried-and-true norms of international law.

. Fabrication of false statistics, rumors or distorted information about Cuban economy and society, with the aim of encouraging the massive withdrawal of foreign investors with present businesses in Cuba and scaring off potential investors, to thus reinforce the deleterious impact had by the US blockade on the human rights of the Cuban people. These mercenaries have gone as far as threatening foreign investors, warning them that, following the destruction of Cuba's current constitutional order, their investments would not be respected.

. Conspiring to subvert Cuba's constitutional and institutional order, following the instructions and using funding and resources supplied by the Government of the United States. They have promoted, organized and carried out plans aimed at encouraging upheaval, chaos and discontent in the population, in the hopes of provoking a massive upheaval that will do away with the nation's institutions or, at the very least, produce an image of nationwide anarchy that will provide the pretext to call for a military invasion by the United States.

. Periodic exchanges and meetings with renowned officials and agents of US intelligence services and the Cuban American terrorist mob, for whom they sought out information relating to Cuba's national security or fabricated allegations that were of use to the aggressive anti-Cuba media campaigns spearheaded by the United States.

. Distorting Cuba's role in the international fight against terrorism and fabricating false allegations to support the interests of power circles in the United States and those of the Cuban American terrorist mob, in order to keep Cuba in the list of States that supposedly promote terrorism divulged by the US Department of State. With this, they would hope to produce a solid and readily available pretext for an eventual military action against the Cuban people.

. Placing at risk the physical and moral integrity of millions of Cubans, as well as the independence that was consolidated at the cost of the blood, pain and sacrifice of millions of Cuba's best citizens.

The Government of the United States and the Cuban American terrorist mob have created, direct and finance the mercenaries in Cuba, whom they attempt to present as "dissidents" or "a legitimate peaceful opposition".

The Bush Administration has transformed the US Interests Section in Havana into the general staff and headquarters of Cuba's internal subversion.

Section 109 of the Helms-Burton Act authorizes the President of the United States to lend assistance and other types of support to individuals and organizations in Cuba involved in actions aimed at destroying the nation's present social and political system. Section 115 offers protection to resources destined to covert activities against Cuba by US intelligence agencies.

The convicted mercenaries had "free access passes" for facilities belonging to the US Interests Section in Havana, passes which embassies and entities around the world reserve for their officials and employees.

The so-called *Revista de Cuba*, published by the alleged independent journalist association Manuel Márquez Sterling, was elaborated and printed within the US Interests Section in Havana, to be distributed by its salaried mercenaries among some individuals scattered across Cuban territory. The magazine *El Disidente* is edited and printed in Puerto Rico with funding from the US government and brought to Havana, taking advantage of the immunity granted the diplomatic pouches sent to the US Interests Section.

The declarations of some of the accused reveal just how subordinated these mercenaries are to the money and instruction received from the superpower. The words that follow were spoken by Osvaldo Alfonso Valdés, of his own free will, during the trial brought against him:

"We know that the resources made available to us for our work originate from funding approved by the government of that country (referring to the United States)".

"I admit that I have received funding and material aid from organizations stationed in Miami, and that these resources originate from the government of the United States, therefore, in a sense, we've been serving their interests".

On February 27, 2003, the Cuban American Adolfo Franco, Assistant Administrator for Latin America and the Caribbean for the US Agency for International Development (USAID), declared before the Subcommittee for Foreign Relations of the House of Representatives that his agency had invested 22 million dollars since 1997 to implement the Helms-Burton Act in Cuba. He also declared that, in compliance with

this law, propaganda material had been sent to Cuba, and over 7 000 radios designed to receive transmissions from the anti-Cuba radio broadcasting station sustained by the US government had been delivered, among other things.

USAID itself made clear that these 22 million dollars were but a small part of the funds channeled toward Cuba. The greater part of the budget destined to subversive activities is channeled from covert operations funds.

USAID's 2002 budget breakdown for subversive activities in Cuba reveals the connections of the convicted to US anti-Cuba policies, as can be appreciated in the following figures:

- To foster international solidarity with Cuban activists: 8 099 181 dollars.

To help create independent NGOs in Cuba: 1 602 000 dollars.

To give exposure to independent journalists: 2 027 000 dollars.

To plan the transition in Cuba: 2 132 000 dollars.

The Center for a Free Cuba headed by Frank Calzón, renowned CIA agent, received 2 300 000 dollars for its anti-Cuba actions.

The American Center for International Labor Solidarity that reportedly works toward "persuading foreign investors not to invest in Cuba", received 168 575 dollars.

The Dissidence Support Group stationed in Miami received the generous contribution of 1 200 000 dollars.

Receipts and payrolls for cash remittances and goods sent by the US government were presented in the trials; these had been delivered to the mercenaries through terrorist mob organizations based in Miami, travelers or emissaries acting as couriers, or directly by the US Interests Section in Cuba.

For example, according to the receipts and bills confiscated, Oscar Espinosa Chepe received, between the dates of January 2002 and January 2003, at least 7 154 dollars from the US government and its agents. A total of 13 660 dollars, hidden in his home, were confiscated.

Nearly 5 000 dollars were confiscated from Héctor Palacios; this money was given him as reward for his mercenary actions, carried out at the service of the US government.

From the time of his arrival in Cuba on September of 2002, the current head of the US Interests Section in Havana increased the regularity of meetings with mercenary agents recruited in Cuba. His interventionist and provoking declarations and actions grew in number, in flagrant violation of basic norms governing diplomatic behavior.

The US Interests Section and its Head were advised, through diplomatic channels, of the violation of Cuban and international law they were committing, attempting to persuade them to cease their provoking and illegal behavior. Regardless, the Head of the US Interests Sections persisted in his activities, promoting new and more serious subversive actions.

Cuba was patient and tolerant, but the matter had reached a point which proved unacceptable to the nation's security, faced with a deliberate intention of continuing the promotion of confrontational and subversive actions. Cuba could not permit the open disrespect for Cuban and international law to go on with impunity. Cuba had to protect the constitutional order established by its people and secure respect for its legitimately elected government. No other alternatives existed. We had to act in a sovereign, firm and lawful manner, as any other country in the world would have. No State permits any of its citizens to collaborate with a hostile foreign power that attempts to subvert and topple the country's institutional order and deprive its people of independence and the right to free determination.

CHAPTER VII – THE DEATH PENALTY. THE EXCEPTIONAL NATURE OF ITS APPLICATION IN CUBA.

There is no consensus within the international community on the matter of the death penalty.

According to reports submitted during the 59th session of the Commission on Human Rights by virtue of its 2000/77 resolution (E/CN. 4/2003/106 and Add. 1), until December 1, 2002, 71 countries and territories kept the death penalty as means of punishment for diverse crimes, 77 had completely abolished it, 15 had eliminated it only in connection with common crimes and 33 were considered de facto abolitionists, because, although their national legislation still maintained the death penalty as punishment, the State had not applied it in recent years.

Though the Constitution of the Republic of Cuba includes no precept as regards the application or abolition of capital punishment, Cuba's Penal Code does stipulate this penalty for the most serious crimes, namely: *Actions against the State's independence or territorial integrity; Promotion of armed actions against Cuba; Armed service against the State; Aid to the enemy; Espionage; Rebellion; Usurpation of*

Political or Military command; Sabotage; Terrorism; Genocide; Piracy; Mercenarism; Apartheid; Crimes against State security; Murder; Rape of minors; International drug trafficking.

Nevertheless, while included in Cuba's national legislation, the death penalty has been applied in Cuba only exceptionally. It is applied by the Court only in the most serious cases of the crimes for which it is established (in such a case, Chapter III, Section I, Article 29 of the Penal Code or the Law against Terrorist Acts is applied).

In 1999, the National Assembly of the People's Power modified the Penal Code by adopting Law No. 87; the law prescribes the application of the life sentence for some crimes, with the principal objective of making increasing punitive use of it as an alternative to the death penalty.

Furthermore, Cuba respects and strictly complies with safeguards established by the United Nations to guarantee the protection of the rights of deathrow inmates (Resolution 1984/50 ECOSOC), at the legislative and practical levels. In this regard, it suffices to review the essential characteristics of this penalty and its application procedure, as reflected in Cuban legislation:

1- If a state of derangement, a transitory mental trauma or a mental challenge deprives a person of the faculty needed to comprehend the scope of his or her action or to control his or her behavior, he or she shall be exempted of penal responsibility for the crime committed (Chapter III, first section, Article 20, Penal Code)

2- The death penalty cannot be applied to anyone under the age of 20 (in United Nations safeguards, the minimum age is that of 18), nor to women who committed the crime while pregnant or who will be so at the time sentence is passed. In Cuba, the death penalty has not been applied to a single woman since January 1st, 1959.

3- Cuba's Penal Code envisages imprisonment sentences as an alternative form of punishment for crimes for which the death penalty is stipulated, that is to say, reasonable judicial discretion exists.

4- Cuba's criminal proceedings, so much at the level of law as in judicial practice, are organized such that all criminal acts, in order to be punished, must be proven with ample and incontrovertible evidence, regardless of the testimonies of the defendant or close relatives up to fourth-degree relatives. In treating facts surrounding a crime for which the death penalty is envisaged, this process of verification is taken to its most rigorous extent.

5- The process consists of a hearing and a trial. The trial is oral and public and is conducted before a previously assembled court made up of 5 judges. In the event the defendant has not designated a defense attorney, one is appointed to him by the State.

6- The first death sentence handed down by the court may be appealed by the convicted; if the latter does not appeal it, the sentence is considered appealed by default. That is to say, the appeal does not only constitute a right of the defendant, it is also a duty imposed by law which automatically comes into force.

7- The appeal is heard by the highest judicial authority in the nation, that is, the People's Supreme Court. Once the appeal is received by the Supreme Court, a new trial is held. That is, every crime punishable with death is tried by two judicial authorities, including the nation's highest judicial authority. Both the lower court and the court of appeals made up of 5 judges, such that the case is reviewed by a total of 10 judges. In both trials, the defendant designates a defense attorney, or one is appointed for him.

8- If the death penalty is ratified by the Supreme Court, the latter is obliged by law to convey the proceedings to the State Council, a collegially structured entity, so that this one may pronounce itself with respect to the exercise of the right of pardon, that is, on the commutation of capital punishment with a imprisonment sentence. The death penalty cannot be applied before the State Council makes a pronouncement.

9- In all trials for crimes for which the death penalty is envisaged, a medical and psychiatric expert's report on the defendant is mandatory. This expert's report is drafted by a team of specialists composed of at least one forensic expert and two psychiatrists, who are duty-bound to contribute the greatest possible number of facts about the psychological state of the defendant, with the aim of determining whether the crime may, in fact, be legally imputed to him.

It is important to stress that the death penalty has constituted a juridical instrument used by Cuba in the defense of its national security, so much in view of the numerous acts of external aggression to which it has been subjected as before terrorist acts and abominable crimes aimed at destroying the Cuban State or the lives of its citizens.

The abolition of the death penalty in Cuba has been significantly discouraged by the continued policy of aggression and terrorism endured by its people, promoted or tolerated by the Government of the United States.

Cuba considers that the application of the death penalty on April of 2003 to those responsible for the violent kidnapping of the "Baraguá" public ferryboat cannot be understood and subjected to a just and objective analysis without giving due consideration to the context and circumstances in which such a severe decision was arrived at.

Plans to destroy the revolutionary process undertaken by Cubans through a military action have been hatched for years now in the United States. The assumption to power of the war-mongering ultra-right in the United States in 2001 and the privileged positions conceded by the Bush Administration to important representatives of the Cuban American terrorist mob have made the possibility of a direct act of aggression against Cuba by the United States more real than ever.

During the first months of 2003, emboldened by the incipient predatory war on Iraq, groups within the Cuban American terrorist mob, acting with the complicity of representatives of the United State's militaristic ultra-right, orchestrated and executed a plan aimed at provoking a serious bilateral crisis between Cuba and the United States, crisis that would serve as pretext to promote a military aggression in Cuba.

Specifically, the plan sought to encourage the successive hijacking of Cuban sea and air vessels, acts which would serve to fuel a propaganda campaign aimed at fabricating an image of anarchy and chaos in Cuba and, with that, the perception that a massive exodus of US-bound Cuban migrants was imminent.

The plan found footing on a number of support factors. Among them, in the first place, was the incentive to hijack sea and air vessels and to reroute them to the United States embodied by the Cuban Adjustment Law and the reception that US authorities offer all Cubans who arrive at their territory illegally, even when the latter carry out terrorist acts to achieve this, as has been the case, historically. The continuous encouragement given to potential hijackers through subversive radio broadcasts originating in Miami and localities near Cuba was another important element in this anti-Cuba campaign.

The terrorist episode involving the Baraguá vessel was preceded by the violent hijacking of two air vessels. Between the dates of March 19 and April 10, 2003, in addition to the two, abovementioned hijackings, 29 other plans to violently hijack aircraft and sea vessels were detected and neutralized by our law enforcement authorities.

Between April 5 and 8 of 2003, those responsible for hijacking and rerouting the Baraguá ferryboat to the United States through the use of weapons, serious violence and by threatening the lives of crew members and passengers were tried. These

acts endangered the lives of dozens of people, who were turned into hostages and came close to being murdered.

The group of 11 hijackers made hostages of the 29 passengers on board, 4 girls, who also received death threats, traveling as tourists among them (two French and two Nordic).

The Provincial Court of Havana applied summary trial proceedings in this case, after a decision in this regard had been reached by the President of the Supreme Court, in accordance with Articles 479 and 480 of the Penal Proceedings Law and with complete respect for and no curtailment of any of the fundamental guarantees for and rights of the defendant. A summary trial is an instrument that is included in the legislations of over 100 countries around the world, including the United States. In the case of Cuba, its existence dates back to the Rules of Criminal Procedure of 1888, which was in force in Cuba until 1973. The new norms adopted that are currently in effect borrowed much from those Rules.

Following the presentation and verification of incontrovertible evidence and numerous testimonies by victims and eyewitnesses, the court considered that the crimes constituted serious terrorist acts, envisaged in Law 93 Against Acts of Terrorism of December 24, 2001, by virtue of which and in consideration of the social dangerousness surrounding the facts, the different levels of individual responsibility and participation and the criminal backgrounds of the defendant, the three principal, most active and brutal leaders were applied the death penalty. The remaining authors were applied punitive measures that range from a 2-year-long jail sentence to life imprisonment.

The three sentenced to death immediately appealed the ruling before the People's Supreme Court, who held a new trial in which the ruling was ratified.

The death sentences were submitted for the consideration of the State Council by default; the latter, in a meeting convoked for this purpose, took up the proven facts behind the convictions, their seriousness and the potential dangers they entailed not only for the lives of numerous innocent people but also for the nation's security—subjected to a sinister plan of provocation hatched by the most extremist sectors of the US government and their allies in Miami's terrorist mob, with the sole objective of creating the needed conditions and pretexts to attack Cuba—, analyzing the matter in depth for hours on end. The Council considered the sentences passed by both courts absolutely just and in strict adherence to law, ratifying the sentences.

It is important to bear in mind the context within which the abovementioned proceedings were instituted, whose distinguishing mark is the level of unprecedented

aggressiveness of the Bush Administration. In that same period, the US Interests Section in Havana, in flagrant violation of norms governing diplomatic behavior, hugely intensified its promotion of subversive actions in Cuba, lending uncommon levels of material and financial support and handing down very clear and direct instructions to its salaried mercenaries in the island.

Cuba respects the position of those who honestly oppose the death penalty. However, in the case described, it was not a question of alternatives; it was the only possible decision. The death penalty had to be applied to the three principal and proven perpetrators of terrorist acts in order to protect the lives of millions of Cubans before the imminent danger of a situation that could have served as pretext for a US military aggression in Cuba. The measures that Cuba was forced to adopt in legitimate defense of its territory served to put an abrupt end to the hijacking and rerouting of sea and air vessels toward the United States.

Cuba wants to reiterate that, while the retention of this penalty within its legislation finds clear, popular support, the possibility of abolishing the death penalty in the future has not been excluded from consideration, and it is willing to subject such a possibility to continuous evaluation. Our people have fostered fraternity and solidarity among all human beings and among all of the peoples of the world. The countless lives saved everyday by the over 16 000 Cuban health specialists collaborating and working in 65 different countries are an unquestionable example of that.

Cuba repudiates the hypocritical and illegitimate anti-Cuba propaganda actions and campaigns carried out by the United States and a number of its chief allies, who have sought to distort the circumstances surrounding the application of the death penalty to those responsible for the hijacking of the Baraguá ferryboat.

The United States is one of the countries in the world where the death penalty is most often applied, in utter disregard of the guarantees that the United Nations establishes for its execution. In the United States, both mentally disabled individuals and children have been applied the death penalty or currently await its application. In that country, the application of the death penalty responds to an obvious racial and economic pattern. Among the 820 people executed between 1976 and December of 2002, a disproportionate number was represented by African Americans, Hispanics and people of low income.

Why so much fuss over the exceptional application of the death penalty in Cuba? Why so much cynicism? Why haven't similar accusations been levelled within the Commission on Human Rights against the United States, a champion in the arbitrary application of the death penalty?

CHAPTER VIII – FIVE CUBAN YOUNG DEFENDERS OF THE HUMAN RIGHTS OF THE CUBAN PEOPLE, UNJUSTLY IMPRISONED IN THE UNITED STATES.

René González Sehweret, Ramón Labañino Salazar, Gerardo Hernández Nordelo, Fernando González Llort and Antonio Guerrero Rodríguez are five young men who fight against terrorism and defend the human rights of the Cuban people.

The Government of the United States applies sustained, systematic and serious forms of torture and mistreatment to these five young men who were arbitrarily detained five years ago in that country; these practices are part of an embarrassing campaign aimed at crushing the physical and moral integrity of these five men who defend the human rights of the Cuban people. These brave young men, risking their own lives, alerted of and prevented the execution of numerous terrorist acts against Cuba, planned and organized by various groups that operate with impunity on US soil.

All of them are intellectuals. Not one of them committed a single violent act. The facts of which they are accused relate to the peaceful exercise of the right to legitimate defense invoked by the Cuban people before acts of terrorism. They acted in defense of the right to life, wellbeing and development of their people. They acted only out of respect for their conscience and principles and inspired by a profound love for their people. The one weapon each of them brandished was their own intelligence and sacrifice, convinced that the lives of men, women and children in Cuba depended on the information that they could gather to neutralize the terrorist actions of anti-Cuban groups stationed in the United States. Thousands of Cubans have been killed or mutilated in over 40 years as a result of the actions of these groups, whose training camps, recruiting and fundraising campaigns enjoy wide press coverage in cities such as Miami.

The crimes perpetrated by those terrorist groups against Cuba are recorded in de-classified official documents of the US government itself.

What follows is the description of a number of elements that express the crafty, politically manipulated nature of the trial brought against the five young anti-terrorist fighters and defenders of the human rights of their people.

- Miami: an utterly hostile city where justice is impossible.

The guarantee of an impartial jury¹² was completely ignored in holding a farce of a trial against the Cuban Five in Miami, an utterly hostile and biased city. The fifth and sixth amendment of the US Constitution were grossly violated.

Miami is a US city where terrorist groups have set off bombs and violently attacked people who have attended concerts by Cuban bands, and where, in defiance of rulings handed down by competent courts, Elián González was kept hostage.

- Violation of the principle of due process

Penalties for serious crimes were applied without a single piece of concrete and precise evidence, in violation of the principle stating that the prosecution must prove the alleged crimes beyond all reasonable doubt.

The defense met with constant restrictions as regards its right to freely review and examine the documentation presented as evidence by the prosecution, as this was classified under the CIPA (Classified Information Procedures Act). Its declassification was carried out in an arbitrary fashion, many a time preventing defense lawyers from accessing the information sufficiently in advance to adequately evaluate the facts; at the same time, a number of requests by the defense, calling for the inclusion as evidence of documents that proved relevant in the elucidation of the facts, were not granted.

The prosecution was allowed to manipulate witnesses at all times and a press campaign aimed at intimidating the latter was mobilized, preventing facts and information that constituted evidence favorable to the defendant from being exposed before the jury and the court.

- Cruel forms of imprisonment aimed at seriously hindering the work of the defense, which have brought the Cuban Five and their relatives torture and suffering qualifying as flagrant violations of their human rights.

In violation of the UN's Minimum Rules for the Treatment of Prisoners, article seven of the International Covenant on Civil and Political Rights and even the 8th Amendment of the United States' Constitution, following their arrest, the Cuban Five

¹² Dr. Gary Morgan, psychology expert and professor at the International University of Florida, postulated by the defense and designated by the court, testified that a survey conducted in the Dade country revealed that 69 % of all surveyed in the country and 74 % of all Hispanics surveyed are predisposed against the people accused of the actions exposed in the accusation. Forty-nine percent (49 %) of all surveyed claimed they could not be fair or unbiased.

were kept in solitary confinement in punishment cells, having committed no breach of discipline; the first confinement lasted 17 months, the second 48 days.

The past month of April of 2003, the Cuban five were subjected, once again, to the horrors of "The Hole". On this occasion, the objective pursued by US government authorities was that of hindering the preparation of the appeal documents that were submitted at the Eleventh Circuit of Atlanta's Court of Appeals and the request for a just and unbiased trial in a place other than Miami.

- Mistreatment and psychological and emotional torture perpetrated against the relatives of the Cuban five young men.

Having repeatedly been denied visas by US authorities, Adriana Pérez and Olga Salanueva have not been able to visit their respective spouses, Gerardo Hernández and René González, since the time of their arrests five years ago. The decision also affects little Ivette, René's daughter, who does not know her father, as she was four months old at the time of his arrest.¹³

Aiming to denounce the flagrant human rights violations of which the Cuban five and their relatives are victims, Olga and Adriana met with the High Commissioner for Human Rights Bertrand Ramcharan, the chairperson of the Working Group on Arbitrary Detention Louis Joinet and the Special Rapporteur on Torture Theo C. van Boven, during the 59th session of the Committee on Human Rights held in Geneva.

In violation of the obligations and duties for Consular Relations established in the Vienna Convention, the Department of State has continued to hinder Cuban consular officers in their duty and right to offer consular assistance to the Cuban Five. Everything seems to indicate that 2004 will bring heightened pressures and more obstacles in this regard. **(See: Declaration of the Ministry of Foreign Affairs of the Republic of Cuba, January 14, 2004).**

- *Defenders of their people's human rights: yes. Spies: no.*

In an unprecedented move, the Cuban five were convicted for alleged acts of espionage against the United States, without any evidence or testimonies having been presented to substantiate the claim that any damage or violation was brought to the national security of the United States or to the interests of its people. There were witnesses who specifically denied the charges that the Cuban five had carried out

¹³ At the height of its nonsense and audacity, the US government has justified the withholding of visas with the claim that Adriana and Olga are terrorists, and, more recently, with allegations that they are intelligence agents, saboteurs or capable of bringing about the overthrow of the US government through the use of force, violence or other violent means.

acts of espionage, ex-CIA agent General Clapper among them, who was present at the trial as an expert witness for the prosecution; ex high officials of the US Armed Forces, such as Generals Wilhelm and Atkeson, Admiral Carroll and Coronel Buckner,¹⁴ were also present.

- They didn't commit any acts of violence or cause any harm to people or their property

Convicting Gerardo Hernández for premeditated murder, having presented no evidence, witnesses or even circumstantial evidence that testifies against him or links him to any crime of this nature, is alarmingly scandalous. Without evidence or witnesses, he was attributed responsibility for the events of February 24, 1996, the day on which Cuban authorities downed two aircraft that repeatedly invaded its national territory.

In trying the actions executed by the Republic of Cuba in legitimate defense of its territory that day, the court violated the Act of State Doctrine that has been clearly and repeatedly recognized by the Supreme Court of the United States. In trying the actions of the Cuban State, the court in Miami violated international as well as American law, and in attributing these acts to Gerardo Hernández, who was not representing that State, who carried out no functions within the Cuban Air Force, nor had any participation in any of the events that took place that day, the court grossly violated the basic precepts of penal law.

- US government's withholding of evidence and proof of terrorist actions against the Cuban people during the trial of the Cuban Five.

The US government presented several motions to exclude from the proceedings any consideration of the activities of counterrevolutionary terrorist groups in Miami, which motivated the actions of the Cuban Five.

With this objective, the prosecution prepared and presented a motion to have renowned terrorists appeal to the fifth amendment of the US constitution, keeping those individuals from testifying and making declarations with respect to the terrorist

¹⁴ General James R. Clapper, ex-chief of the DIA (Department of Defense Intelligence Agency); General Charles Wilhelm, ex-commander-in-chief of Southern Command; General Edward Atkeson, former Vice-Chief of Staff for Army Intelligence, Admiral Eugene Carroll, former Vice-Chief of Naval Operations and Coronel George Buckner, who held an outstanding position within the US' Air Defense Command System.

acts they have perpetrated against the Cuban people, key elements in constructing an argument explaining the motivations of the Cuban Five.

- *Irregularities in the selection of the jury*

In no other jurisdiction would the defendants have found themselves forced to use 9 out of their 15 peremptory vetoes just to eliminate, as members of the jury, people linked to anti-Cuba groups that operate in the south of Florida.

The prosecution rejected six candidates to the jury, for no other reason than the fact they were African Americans.

- *Suspiciously uncommon behavior of the jury*

Despite having heard 74 witnesses (43 from the prosecution and 31 from the defense) in a period of nearly seven months, the Miami court jury deliberated for brief periods of time and gave many days notice of the exact date and time on which it would pronounce its verdict. It requested no clarification and expressed not a single doubt, despite the complexity inherent to its task: to decide on the basis of documentation dozens of thousands of pages long and on dozens of charges brought against five accused men.

- *The politicized and irrationally disproportionate nature of the sentences*

The judge did not accept any of the attenuating circumstances proven during the trial but she did accept the prosecution's request to increase the seriousness of the charges. Gerardo was sentenced to two life imprisonments, plus 15 years; Ramón was sentenced to one life imprisonment, plus 18 years; Antonio was sentenced to one life imprisonment, plus 10 years; Fernando was sentenced to 19 years in prison, and René to 15 years.

The Cuban Five are political prisoners who are denied this condition and are promiscuously imprisoned in a regular penal institution among common criminals, in violation of article 8 of the UN's Minimum Rules for the Treatment of Prisoners.

- *The Cuban Five were put in five separate prisons, in five different States, in the remotest places of the American territory.*

Within the United States, the Cuban Five find themselves a great distance away from the offices of their respective lawyers, making any contact with them, as well as with relatives and friends, extremely difficult. Efforts are directed at hindering the preparation of the appeal by the Cuban Five and their legal representatives.

- The true problem: terrorists with impunity

During their trial, the Cuban Five demonstrated that the only information they had sought in the United States was that relating to the monitoring of the Cuban American terrorist José Basulto and the organization that he created, named "Brothers to the Rescue", and to the actions of other renowned terrorists of Cuban origin who carry out actions against Cuba from the United States with complete impunity, such as Orlando Bosch, responsible for blowing up a Cuban commercial plane in mid flight, where 73 people, including an entire junior fencing team, perished. Another terrorist whose actions against the Cuban people were monitored by the Cuban Five is Luis Posada Carriles, who is currently being tried in Panama, along with 3 other terrorists who are also of Cuban origin, for plotting to assassinate Cuba's Head of State Fidel Castro; the plan was to be carried out by placing dozens of kilograms of C-4 explosives in the auditorium of the University of Panama that were to be detonated at the time the Cuban leader met with thousands of Panamanian students and teachers. Working with money supplied by the Cuban American National Foundation based in Miami, Posada Carriles orchestrated the terrorist bombing of Cuban hotels in 1997 which resulted in the death of an Italian tourist and the wounding of several other people.¹⁵

- Judge Joan Lenard carried out several violations that contributed to depriving the defendants of their most basic rights and hindering the work of the defense.

Miami's Federal Court Judge Joan Lenard began by turning down the defense attorneys' request to have access to the documentation that had been classified, which contained almost all of the alleged evidence used to accuse and convict the Cuban Five; she proceeded to turn down another motion presented by Mr. Weinglass, Antonio Guerrero's defense attorney, which was backed by the remaining defense attorneys, calling for a re-trial in a place other than Miami.

For this motion, the defense presented new evidence taken from the *Ramírez vs. Ashcroft* case of 2002, which involved a fraudulent and ill-intentioned governmental motion. In the *Ramírez vs. Ashcroft* case, the prosecution ended up as the accused, and, on presenting itself for trial, the government claimed that, in Miami, no fair and unbiased trial was possible, as the crime was related to Cuba. How should we

¹⁵ In two articles in *The New York Times*, dated July 12 and 13 of 1998, Luis Posada Carriles admitted to having organized the terrorist campaign that placed explosives in Cuban tourist facilities, recognizing that leaders of the Cuban American National Foundation had financed his operations. He admitted to having paid and sent to Cuba those who had placed the bombs in the hotels in Havana. Referring to the Italian tourist who was killed by one of these bombs, he declared for the *Times*: "...he was sitting at the wrong place at the wrong time".

interpret that double standard? We are witnessing a case of corruption, the premeditated misconduct of a judicial authority.

In addition to this, the judge did not hesitate to sentence Gerardo in connection with the gravest charge - conspiracy to commit murder in the first degree -, a crime even the prosecution recognized it had not been able to prove¹⁶.

- Regrettable and unusual reaction of Atlanta's Court to the Report on the Five Cuban Prisoners in the United States (June of 2003).

The turning down – by the Court of Appeals for Atlanta's Eleventh Circuit – of the report presented by jurist Erick Luna, renowned professor at the University of Utah, on behalf of the Cuban Society of Penal Sciences (an instrument commonly referred to as the "Friends of the Court report"), is something which almost never occurs within the US justice system, as said reports have the sole aim of giving the court a more panoramic view of the cases it tries.

The report offers abundant information on terrorist actions perpetrated against the Cuban people and other particularly interesting facts that would have permitted the defense to argue the principle of legitimate self-defense, the principle that governed the actions of the Cuban Five, which is recognized by the US justice system.

- A new trial: indispensable to right the injustice

The oral hearing for the process of appeal for the ruling handed down against the Cuban Five is scheduled for March 10, 2004. An oral hearing for an appeal is a common element of civil and penal proceedings in the United States, in which the defense exposes the reasons behind their request that the case be reconsidered, while the prosecution offers arguments to maintain the ruling.

The jury is to be made up of three judges, to be selected from the eleven that make the Supreme Court of Atlanta or from other courts in the district, whose names shall not be made public until February 24, 2004.

- *Collaborative silence of the American media on the unjust trial*

¹⁶ The prosecution attempted to have the Court of Appeals modify the instructions given the jury, to reduce the gravity of the accusation. In its urgent petition to the Court of Appeals of May 25, 2001, the prosecution recognized that "in view of the evidence presented in the trial, this represents an insurmountable obstacle for the United States in this case and will probably result in the failure of the accusation in connection with this charge" (Pg. 21 of the literal transcription of the trial minutes, November 27, 2000 - June 5, 2001).

The case of the Cuban Five has all of the features of a news story of nationwide interest. Former generals and admirals testified, 72 witnesses participated, diplomatic notes and White House *Memorandums* were issued, and even an adviser for former President Clinton testified. Additionally, it was the longest trial held in the United States that year and, at the same time, the only trial that involved issues of American foreign policy. Despite all this, in obvious compliance with US government instructions, the unjust and illegal trial brought against the Cuban Five has not received even a minimum of attention from the numerous media in the United States, with the exception of those controlled by the Cuban American terrorist mob, which, of course, promoted the vengeful witch-hunt of the Cuban five anti-terrorist fighters.

- *Support of the US legal community and international solidarity*

Some of the most prestigious attorney and jurist associations in the United States and worldwide have added their voice to the struggle for the release of the Cuban Five. The National Jury Project, made up of renowned experts from the US jury system, has presented a plea to the trial court calling for a new hearing. In addition to this, the National Lawyer's Guild, representing nearly 5 000 lawyers in the United States, has also presented a formal request to the court, calling for a re-trial in an unbiased setting. This request was backed by the International Association of Democratic Lawyers, a consultative body for the UN's Economic and Social Council, with members from 90 different countries.

There are already 224 solidarity committees working on behalf of the Cuban five young anti-terrorist fighters unjustly imprisoned in the United States, in 79 different countries of the world. More fraternal voices are heard around the world and in the United States each day, part of an effort to right the injustice and have the Cuban Five return to their country and families.

The Cuban people reiterate their call for justice for and solidarity with these five defenders of their right to life, to free determination, to the highest levels of wellbeing and development, which have been violated and continue to be threatened by the actions of a group of Cuban American terrorists that act at the instance of or enjoying the impunity bequeathed them by the Government of the United States.

PART III – ANTI-CUBA CAMPAIGN AT THE COMMISSION ON HUMAN RIGHTS: INIQUITOUS FABRICATION OF A PRETEXT FOR INTENSIFYING AGRESSION AGAINST THE CUBAN PEOPLE.

CHAPTER IX –INIQUITOUS CAMPAIGN MOUNTED BY THE UNITED STATES AGAINST CUBA AT THE COMMISSION ON HUMAN RIGHTS.

The 80s of the past century witnessed the assumption to office, in the United States, of conservative ultra-right forces. With respect to Cuba, the Santa Fé Document, which served as an electoral and political platform for the circles surrounding then President Ronald Reagan in his administration, announced *a vigorous and fairly applied human rights program, as the 'miraculous' weapon to be wielded by the United States in confronting the Soviet Union and its satellites and surrogates. Curiously, in reference to president Carter, the document claimed that his human rights doctrine had not been seriously applied to Castro's Cuba.*

As part of a new anti-Cuba strategy, the Reagan administration instructed renowned Cuban American terrorists, directed and financed by the CIA, to undergo a change of appearance, transforming them into alleged "peaceful political opposition and human rights groups". Using official US funding, several small and subversive organizations of this nature were established in Cuba, recruiting people who had been linked before to violent counterrevolutionary activities and even a number of former officials and agents of dictator Fulgencio Batista's police force. Recruiting efforts found their way to the lowfiles, opportunists and annexationists of old.

The first failed attempts at having Cuba condemned on the issue of human rights occurred in 1985 and 1986, within the framework of the Third Commission of the General Assembly of the United Nations.

The first attempt at condemning Cuba at the Commission on Human Rights took place in 1987, when the United States presented a draft resolution which proved unsuccessful, a motion of inaction being instead adopted.

In 1988, the United States submitted a new draft resolution proposal aimed at condemning Cuba which was also rejected as a result of the Cuban initiative, inviting a Mission made up of the President of the Commission and other five representatives of member States to visit and inspect the country, being very well received.

In 1989, the United States was once again unable to have Cuba condemned at the Commission. A number of amendments which pursued just such an aim, presented for the draft resolution submitted to the consideration of the Commission, were rejected. The text adopted limited itself to taking note of the report that was to be

drafted by the Mission that visited Cuba, and to inviting the Cuban government to work toward implemented recommendations.

In 1990, with the collapse of the Soviet Union and the emergence of the United States as the world's sole superpower, a draft resolution against Cuba promoted by the United States was adopted for the first time.

In response to the nearly compulsive anti-Cuba campaign, its illegitimate motives and the brutal political pressure and manipulation used to impose this campaign, Cuba rejected to enter into any form of cooperation in complicity with such aberration.

The principled position of the Cuban people, their dignified perseverance before infamy and lies, steadily gained the recognition and the support of Commission members; in 1998, the anti-Cuba draft resolution advanced by the United States met with crushing rejection, with 16 votes in favor and 19 against.

After this unexpected defeat, the United States government set itself the task of creating a new image for its anti-Cuban maneuvering in the Commission on Human Rights. In order to do this and using its "time honoured" methods it "convinced the Czech Republic, a country which at that time needed Washington's support to become a member of NATO, to become the public face of the anti-Cuban motion in the Commission.

Using this new plan, but still having to openly resort to its usual economic and political pressure and blackmail, the United States managed to have the anti-Cuban resolution adopted —always by a very small margin— between 1999 and 2001.

Towards the end of 2001 it was already obvious that this scheme had fallen into a serious credibility crisis. The United States needed to change its image again for its anti-Cuban maneuvering, a matter that attained strategic importance when the Superpower was kicked out of the Commission.

So top officials of the Bush administration increased their efforts of to have one or several Latin American countries submit the anti-Cuban motion at the 58th session of the Commission.

As a result of the level of pressure exerted by top U.S. spokespersons —and of the fact that several Latin American governments, which had little popular support, were becoming more and more vulnerable to and dependent on the U.S.' hegemony over the region— the government of Uruguay under President Batlle finally accepted the role of puppet and publicly submitted the anti-Cuban motion.

The anti-Cuban document which President Batlle's spineless government submitted was drafted, down to the commas and full stops, by Washington's diplomats and the Miami terrorist mob.

In stark contrast with the submissiveness of some Latin American governments, the people of the region unanimously condemned the anti-Cuban maneuver. Not only did they take to the streets in protest in the capitals of several countries such as Argentina, Peru, Mexico and Guatemala, their Parliaments demanded that their governments refuse to go along with such behaviour but rather adopt a decorous and independent stance in Geneva.

All the allegedly novel and constructively focussed anti-Cuban document forced through the Commission's 58th session did was to re-establish an unjust monitoring mechanism for the so-called human rights situation in Cuba. There was, however, an added factor making things worse; in order to satisfy Washington's lust for domination, none other than the UN commissioner for Human Rights was being involved in the anti-Cuban maneuvering.

The representatives of the Cuban American terrorist mob played an important role supporting the U.S. government's anti-Cuban maneuvers. Making good use of the fact that it has representatives in the U.S. Congress, it became directly involved in the pressure and blackmail exerted on several governments. Similarly, it came up with ideas for public diplomacy schemes in order to sell the notion that behind the Bush administration's machinations against Cuba was a "call for action" from the so-called "Cuban exile community".

On 18 September 2002 eleven congresspersons on the Miami terrorist mob's payroll, led by Ileana Ros-Lehtinen and Lincoln Díaz-Balart, sent a letter to the then UN High Commissioner exhorting him to get directly involved in the anti-Cuban efforts. On 13 December of that same year, Ros-Lehtinen sent another letter to the High Commissioner urging him to ask Cuba to release several mercenaries working for the U.S. who had been legitimately imprisoned in Cuba.

At the beginning of January 2003, Marc Grossman, Undersecretary of State for Political Affairs, sent a message to the High Commissioner "reminding" him that he had still not appointed his Personal Representative for Cuba and pointing out that the United States thought it important that he do so as soon as possible.

The United States not only "collected" the votes needed to force the anti-Cuban draft resolution through the Commission; there is a great deal of evidence to show that it was the actual "interested party" in implemented and following up on anti-Cuban resolutions.

When Uruguay refused to repeat its role as “leading puppet” —even though it had been a last minute substitute for Peru— in the anti-Cuban puppet show prepared by Washington, the Superpower had to mount more and intensive pressure campaigns against Latin American governments vulnerable to it in order to find a new puppet to play the part in 2003.

Ms. Poblete —the mob-in- Congress and anti-Cuban Ileana Ros-Lehtinen’s errand girl —went to Geneva at the beginning of January 2003 and held separate meetings with a few Latin American diplomats in order to get a feel for the situation and to impose an anti-Cuba resolution.

At the end of the same month, Paula Dobrinski, Under Secretary of State for World Affairs, went to several Latin American countries and met with presidents and foreign ministers in order to coerce them into “agreeing” to submit the anti Cuban draft resolution in the 59th session of the Commission on Human Rights.

U.S. ambassadors in various world capitals played an important propaganda role and one of “smoothing away some conscientious objections”, all part of the anti-Cuban offensive. They also handed out a brochure produced by the State Department to the foreign ministries in the countries where they were serving; it was filled with lies and disinformation about the alleged human rights situation in Cuba.

The United States also tried unsuccessfully to have the Rio Group, one of the fora for political rapprochement for Latin American and Caribbean countries, to collectively agree to submit the anti-Cuban draft resolution in 59th session of the CHR, cynically taking advantage of the fact that Peru was the Group’s coordinator then.

Peru itself finally had to take on the “responsibility” for publicly submitting the anti-Cuban draft resolution in the 59th session of the CHR, backed by the “extremely independent” governments of Costa Rica and Uruguay.

As the Commission session grew closer, so the United States’ pressure increased. the United States had the “unconditional solidarity” of some governments from what has been called “the Coalition of the Willing”, in particular from ex-colonial powers such as the United Kingdom and Spain, for its anti-Cuban maneuvering.

In order to ensure the votes needed to force the anti-Cuban draft resolution through, the Bush Administration paid no heed to legal or ethical constraints. Promises of financial “aid” and other benefits for those who delivered their vote rang out from Washington. However, the most common practice was not to make new offers, what were most common were the direct or veiled threats of blocking loans and grants from the multilateral financial institutions it controls, the International Monetary Fund

and the World Bank, of withdrawing concessions in bilateral trade and immigration matters and even of making the behaviour of the United States in multilateral political bodies depend on the result in the Commission.

Some days before the voting, U.S. maneuvering were stepped up by adding to the text of the Anti-Cuban motion a condemnation of the lawful sentences Cuba gave to the mercenaries working for the U.S.' hostile policy and to the 3 main leaders of the group who, using extreme violence, hi-jacked a vessel and tried to reroute it to U.S. territory

On 18 March, State Department spokesperson, Richard Boucher, issued a statement calling on the Commission to energetically condemn the arrest of its (the United States') mercenaries in Cuba.

Once again the Superpower decided to work behind the scenes. But this time it faced more complex obstacles. Some Latin American authorities—who had already committed themselves to submitting the anti-Cuban draft resolution, began to fear that their people would take to the streets if they got involved in this serious attempt whose obvious aim was to fabricate a pretext for U.S. military aggression against the Cuban people—decided not to support the new U.S. intrusion.

In the end it was Costa Rica—a government whose subordination to the United States lies beyond the realms of doubt—who had to accept the humiliating task of submitting the amendment thought up by the United States to fabricate the conditions that would allow it to repeat its criminal predatory war on Iraq against the Cuban people. Costa Rica was the only Latin American or developing country that voted in favour of this amendment. Is any further comment needed?

On 16 April Cuba officially posted two amendments listed as E/CN.4/L.77 to the anti-Cuban draft resolution. These demanded the immediate lifting of the unilateral, illegal blockade on Cuba and asked the High Commissioner to evaluate the impact on the Cuban people of the terrorist acts against Cuba launched from U.S. territory.

There was a long procedural debate on these amendments as a result of which the debate and voting on the anti-Cuban draft resolution was postponed for 24 hours. During this inappropriate debate the fact that the actual author of the amendment submitted by Costa Rica was the United States was revealed and this left the Superpower's ambassador in Geneva no alternative but to declare that his delegation would support "anything against Cuba"

In spite of incredible U.S. pressure, the amendment condemning Cuba and publicly submitted by Costa Rica was defeated in the Commission, where it was rejected by a resounding majority. Only 15 countries supported the amendment, whereas 31, more than twice as many, voted against it.

This result dealt a severe blow to Washington and the Cuban-born annexationist, terrorist mob in Miami. This is the same Miami mob which shouted the slogan, "Iraq now, Cuba next" in the only public demonstration anywhere in the world in favour of the illegal war in Iraq, a demonstration held as the U.S. launched its unilateral attack,

The Cuban amendment which condemned the US blockade as a grave human rights violation was not supported - as a consequence of hypocrisy and double standards - by those countries that, within the Commission, support the manoeuvre aimed at demonizing the Cuban revolution and lack the courage and shame to do what's right as regards the policy imposed by the United States on Cuba, in violation of its most elementary of rights.

Nevertheless, the Latin American governments and the governments of European and other industrialised countries who supported the anti-Cuban maneuver in the Commission on Human Rights had their double moral standards, their hypocrisy and their subordination to U.S. interests laid bare before the eyes of the world. They claim to be committed to the "defence" of the Cuba people's human rights in the Commission's work and yet don't even have the courage or the decency to condemn in that forum the serious, flagrant, massive and continuing violation of that people's rights which result from the U.S. blockade. You can't fool all of the people all of the time!

After the amendments were rejected, the anti-Cuban draft resolution listed as E/CN.4/L.2 was adopted by in a close vote of 24 in favour, 20 against and 9 abstentions in spite of the fact that the United States had an extra 24 hours in which to let their brutal pressure take effect.

The anti-Cuban resolution (E/CN.4/RES/2003/13), although it did not meet all the expectations, ensured that the United States government could continue to carry on with its anti-Cuban action in the Commission's work, using for this purpose the services of the so-called Personal Representative of the High Commissioner.

The United States has failed in its efforts to change the image of its anti-Cuban maneuvering in the Commission on Human Rights. The illegal motivation for this and for the pressure and blackmail, which the Superpower has to exert unfairly in order to get its way, make it impossible for it to make the "debilateralisation" of the exercise seem credible.

It doesn't matter which country publicly submits the anti-Cuban draft resolution, everybody knows that the label "MADE IN THE USA" should be stuck on those who in fact manufacture and sponsor this draft resolution.

CHAPTER X – DESPITE THE ADVERSITY IMPOSED ON IT, CUBA MAINTAINS FULL COOPERATION WITH ALL LEGITIMATE UNIVERSAL MECHANISMS OF THE UNITED NATIONS HUMAN RIGHTS MACHINERY.

In spite of our principled opposition to the selective, discriminatory and unfair treatment the United States advocates against Cuba in matters concerning human rights, Cuba has continued with its traditional cooperation with any mechanisms in this area that are applied in a universal and non-discriminatory way.

Cuba reiterates its unequivocal willingness to engage in frank and open dialogue on the basis of mutual respect; nevertheless, it will not tolerate any attempt made to single her out or to trample over her right to self-determination and sovereign equality.

Cuba has a long and dignified history in the sphere of international cooperation in human rights matters. As an example of this; in 1988, at the invitation of the Cuban government, a Mission headed by the President of the Commission on Human Rights and made up of five other members of that organisation came to Cuba in order to observe the human rights situation in our country and to report back to the Commission. This offer was included in the decision 1988/106, adopted by the Commission on Human Rights.

The visit took place from 16 to 25 September of that same year and the Cuban government provided it with every amenity and guarantee to undertake both the preparatory work and the actual work in our country. In the mission's report the positive attitude and the good will shown by the Cuban authorities was acknowledged and it stated clearly that there was no human rights situation in Cuba that justified in any way whatsoever the establishment of a special monitoring procedure.

The following year (1989) and because of Commission decision 1989/113, Cuba made its willingness to continue cooperating with the United Nations Secretary General in following up on the recommendations included in the Mission's Report. This process was interrupted however by the United States' decision to manipulate it for the purpose of anti-Cuban propaganda by forcing an unfair resolution condemning Cuba through the Commission.

Whereas Cuba was one of the first countries to invite and be visited by the United Nations High Commissioner for Human Rights when it welcomed Mr. José Ayala Lasso in 1994, about one year after this position had been created in the United Nations structure.

In 1995 the Cuban government invited a delegation of non-governmental organisations to visit our country, which they did between 28 April and 5 May that year. The mission was composed of the organisations France Liberté, the International Federation of Human Rights Leagues, Doctors of the World and Human Rights Watch. While undertaking their mission in Cuba, they were given all possible support by the Cuban authorities and managed to meet all the goals they had set themselves including visits to several jails and meetings with prisoners in whom they were interested.

In 1998 Cuba extended two invitations to the Commission's Special Rapporteurs on the use of mercenaries and on violence against women. Both came to Cuba in 1999.

The Cuban government has responded to requests for information about alleged violations of human rights which have been sent to them through the different procedures and mechanisms of the Commission and the mechanism set in place by Social, Economic and Social Council's resolution 1503. It has met, as few other countries have, its commitments to submit periodic reports to the bodies set up under international human rights treaties.

Our country has ratified a significant number of international instruments relating to human rights. Cuba is State party to 15 of the 26 treaties considered to be the most important in this area, namely.

Convention On The Rights Of The Child

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children and Child Prostitution and Child Pornography.

Convention against Torture

Convention on the Elimination of All Forms of Discrimination against Women

Convention on the Elimination of All Forms of Racial Discrimination

Convention on the Prevention and Punishment of the Crime of Genocide

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,

International Convention on The Supression and Punishment of the Crime of Apartheid

International Convention against Apartheid in Sports

Convention on the Political Rights of Women

Convention on the Nationality of Married Women

Convention on Consent to Marriage, Minimum Age for Marriage And Registration of Marriages

1926 Slavery Convention and the Protocol Amending the Convention on Slavery

Supplementary Convention on the Abolition of Slavery, the Slave Trade and the Institutions and Practices Similar to Slavery

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others

Cuba has likewise signed the following instruments:

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

Optional Convention to the Convention on the Rights of the Child on the involvement of Children in Armed Conflicts.

Cuba reaffirms its commitment to the contents of international covenants on civil, political, economic, social and cultural rights which it assumed when the respective texts were adopted by the United Nations General Assembly. The rights protected by the aforementioned instruments are fully enshrined for each and every Cuban citizen in the Constitution and laws of our country. There are large number of state programs and policies aimed especially at protecting and promoting the aforementioned rights for Cubans. Nevertheless, Cuba will not take on new international responsibilities in a climate of confrontation and politically-motivated manipulation of international cooperation over human rights matters.

Cuba is open to dialogue with all interested countries on a basis of mutual respect and has stuck to its course of bilateral cooperation in this area with those whose

approach to dialogue is respectful and serious. In its own region, Latin America, Cuba has had periodic exchanges on various subjects, including human rights related matters.

Whilst we reject the possibility of cooperating in implementing the anti-Cuban resolutions adopted by closed vote in the Commission —whose approval is possible only because of the enormous pressures brought to bear by the hegemonic hyperpower— Cuba wishes to reaffirm its willingness to continue cooperating fully with all other mandates adopted by the Commission on Human Rights on non-selective, non-discriminatory grounds and in particular its willingness to implement the mandate presented to the United Nations High Commissioner for Human Rights by virtue of resolution 48/41 of the United Nations General Assembly.

Cuba will redouble her efforts to improve the Commission's effectiveness and credibility. As an underdeveloped country obviously committed to the cause of making real all human rights for all people, Cuba needs a strong, fair Commission which is capable of responding to the broadest range of expectations from the world's peoples and capable of confronting the unilateral actions of the superpower.

Our country will continue to promote the right to food; international solidarity; the establishment of an equitable and democratic international order in which all of the rights enshrined in the Universal Declaration of Human Rights can become a reality for all human beings and all nations; the right to development for all nations and individuals; the right of all nations to peace and international cultural cooperation which respects our rich heritage of diversity.

In the Commission's work, Cuban representatives will continue to raise the question of the impact of the foreign debt on Third World countries' enjoyment of human rights; will oppose the use of mercenaries as a means to constrain nations from exercising their right to self-determination and oppose the application of unilateral coercive measures.

Cuba will continue to hold an eminent position because of the number and quality of its contributions to the High Commissioner's requests for information and will continue to reply in a systematic way to communications sent through the Commission's mechanisms.

To sum up, the Cuban government will remain true to its commitment to multilateralism in international relations, particularly in the field of human rights and this implies resolutely confronting any maneuver aimed at manipulation in order to attain hegemonic domination of the international system.

PART IV.- CUBA: A GENUINE, AUTOCHTHONOUS ALTERNATIVE OF PARTICIPATORY DEMOCRACY, EQUITY AND SOCIAL JUSTICE.

CHAPTER XI - THE PILLARS OF THE CUBAN POLITICAL SYSTEM: INDEPENDENCE, UNITY, PARTICIPATION AND PEOPLE'S POWER, NON-DISCRIMINATION AND SOCIAL JUSTICE.

The Cuban political and electoral system

Questioning the Cuban political and electoral system is one of the fundamental pillars of the U.S.-led anti-Cuban campaign over democracy and human rights.

In this campaign, the United States is supported by other industrialised capitalist countries, most of which are former colonial metropolises, who are also interested in imposing on developing countries a model of political organisation which allows the former to continue controlling and dominating the latter.

Washington's spokespersons seek to demonstrate the alleged incompatibility of the political system put in place by the Constitution of the Republic of Cuba with internationally accepted norms relating to democracy and human rights, thus creating a false image of an intolerant, static society which does not permit plurality and political participation.

The two International Covenants on Human Rights pacts recognise that "all peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development".

In the declaration and action plan adopted at the World Conference on Human Rights which took place in Vienna in 1993 it was also established that: "democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives".

The Cuban political system is genuinely authentic and autochthonous and is based on the experienced handed down by its rich history of struggle for equality and solidarity between men and women, independence, sovereignty, non-discrimination, unity, participation, people's power and social justice.

In order to explain the Cuban political system the first thing that must be stressed is that our model is not imported, it was never a copy of the Soviet model, nor of that existing in the then socialist countries in eastern Europe, as the enemies of the Revolution would have it seem.

With the approval of the socialist Constitution by a popular referendum in 1976, an important process of institution building in the country took a step forward setting up, among other things, the People's Power bodies such as the National Assembly, the Supreme Court and the Council of State.

In 1992, significant reforms were implemented in the Cuban Constitution and electoral system to make it possible for deputies to the National Assembly and delegates to provincial assemblies to be elected by direct and secret ballot; delegates to municipal assemblies were already elected in this manner.

Characteristics of the Cuban political and electoral system:

1- Organisation of periodic elections where suffrage is universal and equal and voting is secret.

2- Universal registration in the electoral rolls, as a matter of course and without charge, for all citizens 16 and over who have the right to vote.

3- Direct nomination of candidates for delegates to the municipal assemblies by the voters themselves at public assemblies in which no less than 2 and no more than 8 candidates must be proposed. (In many countries the political parties nominate candidates.)

In the nomination process for candidates for the municipal assemblies, 32,585 candidates were nominated for the 14,949 seats up for election in October 2002 at grassroots assemblies in which 81.7% of the voters participated.

4- The municipal assemblies propose candidates for delegate to the 14 provincial assemblies and for deputy to the National Assembly, approving or rejecting the suggestions from the nomination commissions which are composed of representatives of syndic, social, student, peasant, women and other organisations. In the end, it is the people who have the last word, through their direct secret vote at the ballot box.

For the last general elections in January 2003, 860 plenary sessions of those organisations were held with average attendance of over 87%. These meetings formulated 57,340 proposals for the delegate to the provincial assemblies and for the deputies in the National Assembly; these were studied by the nomination commissions.

Consultations were held with candidates for delegate to the provincial assemblies and delegate to the National Assembly to discuss the nominations for president and vice-president of the municipal and provincial assemblies, and for the positions of president, vice-president, secretary and for the other members of the Council of State. 3,068,878 people took part in these consultations in work places, educational institutions, in the cooperative and agricultural worker sector, in military camps, communities, etc.

11,102 meetings were also held to introduce the candidates in the aforementioned places; 2,161,159 people attended.

As part of the democratic process, when candidates were being proposed for the general elections of 2003, the nomination commissions in two municipalities had to nominate two new candidates for the National Assembly and the Provincial Assembly since the candidates first nominated were not approved by the corresponding municipal assemblies.

5- The absence of million-dollar election campaigns where resorting to insults, slander and manipulation are the norm. All candidates receive the same treatment. The only advertising allowed is the publication of the official biography listing the qualities and history of the candidate.

6- The elections are completely clean and transparent. The ballot boxes are guarded by children and young pioneers, they are sealed in the presence of the voters, the votes are counted publicly, and anyone interested in doing so may participate including the domestic and foreign press, diplomats, tourists and anyone else who want to.

7- Anyone elected must receive a majority of the votes cast. The candidate is only elected if he or she obtains more than 50% of the valid votes cast. In the case of delegates to the municipal assemblies, if this does not happen in the first round, then the two candidates who received most votes move on to a second round. If a candidate is not elected as delegate to the provincial assemblies or deputy to the National Assembly, then a new candidate must be nominated for a second round of elections.

In the first round of the elections for delegates to the municipal assemblies on 20 October 2002, a total of 13,576 delegates were elected, 90.85% of the position up for election when they obtained 50% plus 1 of the votes cast. Therefore, in 1370 constituencies a second round of voting was held on 27 October where the candidates obtained the majority needed except for three who were elected in a third round in the 3 constituencies in question.

8- The vote is free, equal and secret. All Cuban citizens have the right to elect and be elected. Since there are no party lists, one votes directly for the candidate one wishes to elect. In elections for delegates to the provincial assemblies and for deputies to the National Assembly, one may vote for one, several, for all or for none of the candidates.

9-All of the representative bodies of state power are elected and renewable.

In the January 2003 elections for deputies, there was a turnover of 62% of the members of the National Assembly. Of the 31 members of the Council of State, who are elected by the National Assembly, 21 were re-elected and 10 new members were chosen.

In 2003, in the 14 provincial assemblies 8 incumbent presidents and 6 vice-presidents were re-elected and 6 new presidents and 8 vice-presidents were elected.

In October 2002, the 169 municipal assemblies re-elected 95 incumbent presidents and 72 vice-presidents which accounted for 43.8 % and 57.3 % continuity respectively.

10- All those elected have to render account to their voters of what they have done.

11- All those elected can be recalled by their electors at any time in their term in office.

12-. The deputies and delegates are not professionals and therefore are not paid a salary for performing their duties.

13- There is a high turn out for elections. There has been over 95% turn-out in every election held since 1976.

In the January 2003 elections for delegates to the provincial assemblies, there was a 97.64% turn-out. Of the votes cast in the elections for deputy, 96.14% were valid, 3% were null and void and only 0.86% were blank.

14-. Representatives of the widest variety of sectors in Cuban society make up the Cuban Parliament.

Of the 609 deputies in the National Assembly, 219 are women, which is 35.96% and 8% more than in the previous legislature; 99% are university graduates or graduates from mid-higher education; only 5 left school after ninth grade and one has only

primary school education; 32.84%, 4% more than in the previous National Assembly, are black and mixed race people and almost a quarter are workers in productive or service industries.

15- A deputy is elected for every 20,000 inhabitant or fraction greater than 10,000. All municipal territories are represented in the National Assembly. Each municipality elects at least 2 deputies and, based on this figure, they proportionally elect as many deputies as there are inhabitants. Up to 50% of the deputies have to have been elected as delegates from the constituencies, thus ensuring that they have been directly nominated by the electors themselves and that they live in the district for which they have been nominated.

16- In a secret, free and direct ballot, the National Assembly elects the Council of State and its president from among its deputies. The President of the Council of State is the Head of State and Head of Government. The Cuban Head of State and Government must go through two elections: he or she must first be elected by more than half of the voters as deputy by the population of its electoral jurisdiction, in a free direct and secret ballot and then by the National Assembly, also in a free, secret and direct ballot.

17- Since the National Assembly is the Supreme Organ of State Power and since the legislative, executive and judicial branches are subordinated to it, the Head of State and Government cannot dissolve it.

18- The power of legislative initiative lies with many social actors and not only with the deputies, the Supreme Court and the Attorney General's Office but also with unions, student, women's and social organisations and with the citizens themselves. In the later case, if citizens are to propose legislation, the proposal must be supported by at least 10,000 who have the right to vote.

19- Laws need a majority of deputies to vote for them. A specific feature of the Cuban method is that a draft law is not discussed in a plenary session of the National Assembly until, through repeated consultation with deputies and taking into consideration the proposals they make, it is clearly demonstrated that there is a majority in the Assembly who consent to discuss and pass it.

Why is there only one political party in Cuba?

The Republic of Cuba's Constitution, by the people's sovereign choice and decision, recognises the existence of only one political party in the country, The Communist Party of Cuba (PCC). Nevertheless, this is not is political party in the traditional sense of what we know as bourgeois liberal democracy. It is not an electoral party; it

does not decide on the formation or composition of the Government. It is not only forbidden to nominate candidates but also to be involved in any other stage of the electoral process. It does not take part in nor interfere in the elections for the National Assembly of People's Power (the highest body of the Cuban State) for the People's Supreme Court nor for the President of the Council of State.

The CPC's role is one of guidance, supervision and of guarantor of participatory democracy and of sustainable development with equity, and social justice in Cuban socialist society.

The Party carries out its work through persuasion, convincing people and in a close and constant association with the citizenry. Its ranks are filled with outstanding workers, agricultural workers, intellectuals artists, scientists, chosen for their personal qualities and their commitment to the common good. The decisions it takes are binding only upon its members. This concept and practice guarantee that in a system where there is only one party, the largest possible plurality of opinions is empowered and can prevail.

The PCC is the party of the unity and independence of every Cuban. It is the heir to and embodies the historical continuity of the Cuban Revolutionary Party founded by our national hero, José Martí, also as a sole party of all Cubans to fight for his revolution.

The aims that gave rise to the aforementioned party —to liberate Cuba, to prevent it from being annexed to the United States and to unite all pro-independence sectors and forces in a single political organisation, conscious of the fact that division was the principal cause of the failures of the previous wars for independence— these same aims are present today when the Cuban people is suffering from a harsh economic, trade and financial blockade and other aggressive actions from the United States whose goal is to divide the country, overthrow the government and destroy the system installed in Cuba by the sovereign determination of all Cubans.

The Party is the result of the integration and voluntary union of revolutionary Cubans from several organisations that battled against the dictatorship and the neo-colonial system forced down the throats of the Cuban people by the United States. Various revolutionary forces united in the PCC with a common goal: unity so that they could bring about democracy, solidarity, independence and development for the Cuban nation, whose objective is the construction of socialism in Cuba.

The Cuban people are perfectly familiar with the characteristics and "bounties" of the multiparty system that the United States praises so much; it lived with it for more than half a century. What is paradoxical is that the superpower wishes to impose on

others what it has not been able to achieve itself. In the United States, a one party system is, in fact, in place, the party of capital and the transnationals, which from time to time changes its costume and has managed to stay in power for more than 200 years.

The United States pushed for the annihilation of the Cuban Revolutionary Party and in 1902 imposed on the Cuban people a political system with several parties as an instrument of neo-colonial control and division, which only served to worsen poverty, corruption and the handing over of the country's wealth to U.S. capital. Those political parties, encouraged by the neo-colonial metropolis, demonstrated their inability and lack of will to go up against the bloody Batista dictatorship, indeed, quite the opposite, many of them received money and grew rich on the crumbs which the savage dictator handed them.

When the Cuban Revolution was victorious one of the first of the peoples' demands was that an end be put to the politicking and corrupt ways of the traditional political parties. There was a unanimous call for unity. The traditional parties in existence dissolved themselves and their top brass ran off to Miami.

Cuban civil society

The process of revolutionary transformations undertaken by the Cuban people from the moment of their triumph in 1959 fostered solid, broad-based representative and active participation by the citizenry.

Cuban civil society makes possible and feasible and guarantees direct participation by all Cubans in all discussions, legislative initiative and adoption of decisions on all matters of interest to the Cuban nation: its political life, its economic development, its defence, its identity and cultural development, its foreign relations, the distribution of its wealth and the protection of its tangible and intangible heritage, etc.

Just as the rights of the many social, grassroots, scientific, cultural and even religious organisations that have been founded in the last four decades are respected, so are all the rights of organisations founded before 1959 which were not involved in nor supported the outrages and crimes of Fulgencio Batista's dictatorial regime; most of them are still functioning actively in the country.

Civil society in Cuba comprises more than 2200 organisations, some of the most prominent of which are the social and grassroot organisations and the technical, scientific, cultural, artistic, sports, friendship and solidarity organisations or associations and any others which operate by virtue of the Associations Act (Law 54).

Social and grassroots organisations have hundreds of thousands of members, some even have millions and in view of their importance are even recognised in the Cuban Constitution in particular in Article 7. Because of their broad-based membership, representativeness and ability to mobilize, the Cuban political system guarantees these non-governmental organisations broad powers and the capacity to propose legislation, to be consulted, to give opinions and even to take decisions as they exercise the participative democracy instituted by the existing constitutional order.

In Article 103, the Cuban Constitution decrees that the local government bodies act in close coordination with grassroot and social organisations. Their ability to initiate legislation is constitutionally recognised.

In addition to the foregoing, it should be pointed out that the last constitutional reform which was effected in 2002 before threats voiced by President Bush —it declared the socialist social and political system to be irrevocable and banned the negotiation of any agreement under aggression, threat or coercion from a foreign power— was promoted by a joint request from several social and grassroot organisations and endorsed by more than 8 million registered voters, that is to say, by more than 98% of the Cuban voters who voluntarily signed it.

In accordance with the Electoral Law, the members of the commissions which nominate the candidates for election to the municipal, provincial and National assemblies of people's power are representatives from the Central Cuban Workers' Organisation (CTC), the Committees for the Defence of the Revolution (CDR), the Federation of Cuban Women (FMC), the National Association of Small Farmers (ANAP), the University Students' Federation (FEU) and the Intermediate Level Students Federation (FEEM). They are designated by the municipal, provincial or national, (whichever is relevant) executives of these organisations.

Some of the grassroot and social organisations have a long history, such as the Cuban Central Workers Organisation (founded in 1939 and the umbrella organisation for 19 unions) and the University Students' Federation (founded in 1922). Several others emerged with the revolutionary victory and from the need to provide broad sectors of the population with the opportunity to become direct actors in the process of change underway. This, for example, was the case with the Federation of Cuban Women (more than 50% of Cubans are women), the Cuban National Union of Artists and Writers, the National Union of Cuban Jurists and the Union of Cuban Journalists.

As was said, there is another type of non-governmental organisation or association in Cuba which generally have a much smaller membership. They are of a scientific or technical, cultural or artistic, sports nature, or friendship or solidarity organisation and include culinary, medical and technical associations, associations of sugar workers,

architects and engineers, of agricultural and forestry technicians , environmentalists, philosophers, historians, of social and political scientists, associations for protecting nature, and association for members or descendants of various different nationalities.

Today in Cuba there are 2221 non-governmental organisations or associations of this type, of these 1101 are fraternal, 175 scientific, 142 friendship, 52 cultural, 395 athletic and 356 for social interest.

This second group of organisations or associations function in accordance with Law No. 54 of 1985, the Law of Associations and Regulations governing them. This establishes the requirements for creating, registering and running such organisations.

The conditions which must be met before a non-governmental organisation can be registered in Cuba are the same as exist in most countries: they must be non-profit, their finances must be transparent and available for auditing by the competent governmental body, they must have a minimum of 30 members, their activities must not be harmful to public well-being or to that of other individuals or private entities, they must respect the constitutional order and legality, must not be against the principles of humanism, independence, solidarity, non-discrimination, equity, and social justice which hold sway in Cuban society.

One of the essential requirements for constituting any civil society organisation in Cuba, and this includes social and grassroots organisations, is that members join voluntarily.

Another of their distinctive characteristics is their structure and their rules for democratic operation. All of their officers, at all levels, must be elected, they hold meetings of members periodically which makes it possible for them to debate and take decisions on any question of interest to the organisation. Most of them include in their by-laws that assemblies of the members, at grassroots, municipal and provincial levels and congresses at the national level be held every four or five years.

The rules also decree that the executive be elected by secret, direct ballot, that the aforementioned executive render account of its performance, that the organisation's work in the previous term in office be evaluated and that its programmes, tasks and action plans for the following mandate be discussed, formulated and approved.

Washington's lying allegations that there is no independent civil society in Cuba cannot stand-up to discussion. The United Nations Economic and Social Council itself (ECOSOC) has granted consultant status to more than 10 Cuban non-governmental organisations and these contribute regularly to the work of its subsidiary bodies.

The requirements and information needed for legally registering and monitoring a Cuban non-governmental organisation are consistent with those demanded by ECOSOC's Non-Governmental Organisations Committee contained in the Council's Resolution 1996/31 for granting consultant status and for monitoring the activities of NGOs.

We can mention some of the Cuban non-governmental organisations that have consultative status (with ECOSOC): The Cuban United Nations Association (ACNU), The National Association of Cuban Economists and Accountants (ANEC), The Cuban National Union of Writers and Artists (UNEAC), The Centre for European Studies (CEE), The Centre for Studies on Young People (CESJ), the José Martí Cultural Society, The Federation of Cuban Women (FMC), the Cuban Movement for Peace and the Sovereignty of Peoples, the Nation Union of Cuban Jurists (UNJC), the Félix Varela Centre and the Centre for Asian and Oceanian Studies.

There are other international organisations headquartered in Havana which have also received consultative status with the Council, these include: The Organisation for Solidarity with the Peoples of Asia, Africa and Latin America (OSPAAAL) and the Latin American Continental Students' Organisation (OCLAE).

The independent functioning of Cuban NGOs is guaranteed by law. The Cuban government does not interfere in any way whatsoever with their functioning, not does it finance their administrative expenses. The government only gives financial support to specific projects that the NGOs carry out for the benefit of society or community. They are also involved in channelling and administering a significant portion of the financial aid the country receives as foreign development assistance.

Moreover, Cuba has relations and keeps in systematic contact with more than 344 NGOs from 19 countries, 134 of which are from North America and 210 from Europe. At least 147 NGOs from various countries are engaged in cooperation programmes and 52 foreign cooperators are temporary residents in our country working on various cooperation projects.

All non-governmental organisations in Cuba have legal personality and their own property. The law stipulates that its property derives from the membership dues, donations and other authorised economic revenue, such as the sale of publications, organisation of events, etc.

The Government receives not only support from the organisations in Cuban civil society but also opinions, suggestions and criticisms which are not always in favour of the projects, measures or actions designed and conceived by government bodies.

Nevertheless, these organisations have no need to resort to confrontation in order to achieve their aims. The Government, at all levels, is constantly consulting them and respects their broad powers to participate in the formulation of and decisions taking on policies and programmes. This was even the case during difficult times and on such complex matters as the adoption and implementation of the economic restructuring measures that the country found itself obliged to take to deal with special period from 1990 onwards.

Civil society in Cuba exists as a complement and not in opposition to the state. The latter creates the institutions and represents the power of the overwhelming majority of the Cuban people, namely the labourers, agricultural workers, and all workers, intellectuals, artists and researchers in the education, health, science service and other sectors.

This harmonious relationship does not favour the United States' interests; to advance the aims of its imperialist policy this country needs to foster the division and disintegration of Cuban society. However, where is it written or said that, to be independent, civil society organisations must confront and oppose their country's government? This *is* necessary in plutocratic societies like the United States but not when there is popular and participatory democracy as there is in Cuba.

Exercising the right to unionise

In Cuba, the current legislation and daily practice in all workplaces in the country guarantees all union activity and the fullest enjoyment of the right to unionise. The foregoing is corroborated by the existence of 19 national unions, 5,426 union offices with 50,356 local union officials and 109,522 union locals with 714,593 officials.

The existence in Cuba of a single central union umbrella organisation which included the 19 national unions has not been something the government imposed, nor responds to any provision that does not stem from the sovereign will of Cuban workers. The battle for unity in the union movement in Cuba has a deep-rooted and long tradition. It was in 1938, long before the triumph of the Cuban Revolution, and following a free decision by Cuban workers themselves, that the Confederation of Cuban Workers, which the following year became the Cuban Central Workers' Organisation, was founded.

The unity of the Cuban workers' movement has been decisive in its struggle and claims in defence of the power it currently exercises.

Fulgencio Batista's bloody dictatorship (1952-1958) made one of the priorities of its tyrannical regime the destruction of the union movement embodied in the CTC. He never succeeded. In spite of creating artificial "yellow" unions led by criminals paid by the tyrant and the neo-colonial metropolis' companies, Cuban workers never allowed themselves to be tricked and remained united in their one and only central organisation.

Neither the Labour Code in effect in Cuba nor the complementary legislation set any restriction on the creation of unions. All Cuban workers have the right to freely join and to set up union organisations with no need for prior authorisation.

All unions in Cuba and the Cuban Central Workers' Organisation are completely independent from the government, for the employers and from any commitment other than that of defending its members' interests. The unions themselves draft and pass their by-laws and regulations, decide on the structure of their organisations, their own work methods and style in accordance with their interests and there is no possibility of there being control, supervision, or interference from any government or party official or department.

The workers who are members, of each union nominate and elect its officials at the various levels, from grassroot assemblies of workers up to the respective congresses which are held regularly and at all levels the strictest respect for union democracy is observed. The union officials who are democratically elected by the workers take part with full legal authority in the Management Board meetings, where they take the decisions which affect them both at the company level and in at the level of the very bodies and institutions of Central State Administration.

The Labour Code establishes the guarantees necessary for union activity to exist fully in every workplace in the country and for the workers and their representatives to participate fully in the process of taking the decisions which most bear upon their varied interests.

One of the principal goals of workers all over the world, full employment, will be achieved by Cubans during 2004.

The electronic and print media

Cuba bestows the greatest importance not only on protecting but also on promoting the right to freedom of opinion and expression, which are both included in the Constitution; their legal structure has been improved.

From the first day of the Cuban Revolution, one of the priorities established when developing programmes and policies has been to overcome the structural and institutional obstacles to the full exercise of these rights in Cuba. One of the first acts of the revolutionary government was to wipe out illiteracy. Similarly, it fostered and encouraged the establishment of many people's and social organisations which have shown how effective they are in fostering the free flow and exchange of ideas.

The revolutionary transformations allowed the Cuban people to take control of the means of information and communication when the latter were nationalised. All Cubans are guaranteed access to the widest variety of information. In spite of the limitation on resources and opportunities stemming from the U.S. blockade, there are a lot of mass media at the service of the Cuban people and they have a clear public function.

Private, national or transnational monopolies of information and communication are forbidden by law. The use of the media for commercial advertising, inciting racial hatred, pornography, inciting violence and other evils that afflict the media in the West are forbidden by law.

Cubans have the opportunity to receive broadcast and to be the subjects in creating the programming and contents of both the electronic and written media; this guarantees the fullest possible plurality. The media are used to foster discussion and criticism by the public, to disseminate information and to educate children and young people in a spirit of social justice, liberty, equality and human solidarity.

Nevertheless, a situation which affects Cuba, a country suffering from a foreign power's policy of hostility and undeclared war, cannot be ignored. Under such circumstances, disinformation and the manipulation of the news turns into an instrument of aggression. A careful examination of the source and veracity of the information becomes a national security imperative. Punishing those responsible for spreading enemy propaganda presents itself as an indispensable resource of legitimate defence.

In the models of neoliberal societies which they are trying to impose on the whole world, access to the means of information and communication and the dissemination of opinions depends on the economic resources of an individual or group of individuals interested in exercising this right.

Among the basic premises of the Cuban model of development are those of providing universal access to basic social services and of meeting human beings' basic needs and including in these services is that of information and communication. In Cuba, information and communications technologies are assets at the service of

the entire population. Education and training in their use are free. The ways they operate and access to their services are governed by clear policies and benefit from programmes aimed at expanding their use by all Cubans.

The priorities established for these services, including the Internet, are determined by the maxim that the scarce resources available must benefit the highest possible number of individuals. That is why priority is given to access through social and community locations such as schools, universities, hospitals and health centres, libraries, research centres, local, provincial and national administration offices and arts and cultural centres. At the individual level, priority is given to connecting doctors, intellectuals, researchers, academics etc.

The widespread use of computers to teach adults, adolescents and children begins at the early childhood education. Taken all together, the schools in the country, 93 of which have only one student, began this school year with 46,290 computers which are for use by all students and this benefits 100% of children registered in primary, secondary and early childhood institutions. The Young Computer and Electronic Clubs have trained more than half a million Cubans in the use of this technology.

Cuba today has around 270,000 computers, 65% of which are connected in networks. There are 1,100 domain addresses ending in dot cu, more than 750 web sites on the Internet and more than 480,000 email accounts.

Hundreds of thousands of people in Cuba have access to the Internet, and this number will increase daily, if the country's economic situation permits this to happen. Using INFOMED alone —this is Public Health's Internet service, more than 30,000 health care professional, doctors and paramedics have access to the Internet. At the higher education level almost all the professors and a large majority of the students communicate with the Internet, the only restrictions being the computer time available and the speed of our networks.

In a developing country that is blockaded, and given the impossibility of devoting more resources to developing television service, radio continues to play a vital role in citizens' participation. There are 76 radio stations which mostly broadcast on medium wave and FM. 8 of this stations are national, 16 provincial and 51 municipal and community. In addition to these there is one short wave international transmitter. There are three national TV channels and another will open in the next few months. We have 15 provincial television centres including one on the special municipality of the Isle of Youth and a telecentre serving those living in the hills and mountains.

Television programming includes foreign-made documentaries, soap operas, series, films and educational, scientific and news material. Approximately 20% of programmes shown on TV is not produced in Cuba.

The opening of a television channel devoted essentially to education has been especially effective in increasing the conduits available for the free flow of information and opinions. The channels is received by over 85% of the population and is on air for an average of 15 hours a day. The fourth channel will have a similar mission.

Cuba broadcasts to the world with Cubavisión Internacional

Cuba has a total of 577 print publications, including daily newspapers and others. Occupying a position of great importance among these are the 26 newspapers, 3 of which are national in scope (including the union newspaper *Trabajadores* (Workers) 14 are provincial, 8 are local and one is international.

355 of the other regular publications, most of which are magazines are aimed at the general public. 37 of these cover the arts and literature, 27 cinema, 76 medicine and public health, 30 the sugar agroindustry, 23 technology and construction, 15 social sciences, 17 the economy and finances, 15 education and pedagogy, 17 biological sciences and biotechnology, 22 standardisation and intellectual property and 12 to industry, transport, etc.

There are also 32 regular publications put out by religious institutions, 11 by private entities, 9 by social and grassroots organisations, and 63 by other non-governmental organisations and 17 by political organisations.

There are 78 publications which appear in digital as well as paper format and 127 which only exist in digital format.

With such a large variety of editors, producers, journalists and reporters, with so many possibilities and guarantees for citizens to participate directly in the programming and broadcasting of the public media, with such a large number of radio stations, Web sites, magazines and newspapers for such a small country who can seriously and objectively claim that there is no plurality in the Cuban electronic and print media? And in fact if there are not more of all of the above it is basically because of limitations on the availability of paper and in the capacity for radio and television broadcasts because of our underdevelopment and the U.S. blockade.

The right to petition and defence of human rights when there is violation of the latter.

By virtue of article 63 of the Fundamental Law of the Republic, any citizen has the right to lay complaints and address petitions to the authorities and to receive adequate attention or responses in a reasonable time, as per the law.

These provisions are given life in the Central State Administration which protects and develops this right by establishing the ways and procedures that the bodies of which it (Central State Administration) is composed must follow to respond to the complaints received directly from the population or those that the population sends to via their elected representatives.

Any Cuban or his or her representatives can lay complaints or denounce violations of their rights and demand a reply from such institutions as:

The Attorney General of the Republic and in particular its Department for the Protection of Citizens' Rights. The Attorney General's Office, in Article 8 paragraph c) of Law No, 83 of 1997 was charged with attending to claims laid by citizens over alleged violations of their rights and it was given the responsibility in Article 24 of the same law in paragraph 2) of settling claims through a resolution issued by the Attorney General which re-establish legality.

Social and grassroot organisations

The National Revolutionary Police, particularly its mechanisms attending to claims aid by citizens.

The sections which attend to the public in the office of the Secretariat to the Executive Committee of the Council of Ministers and in each one of the bodies of Central State Administration.

Delegates to the municipal assemblies of people's power and the municipal and provincial administration councils and the permanent committees of the National Assembly.

The Council of State

Municipal, provincial committees and the Central Committee of the Communist Party of Cuba.

There are legal guarantees in Cuba so that anyone —whether that person is a Cuban citizen or a foreigner— can assert their rights be respected in the courts or the competent authorities to obtain defence if these rights are violated.

The Cuban people is moving ahead with a revolutionary process of permanent transformations to improve democracy and participation by the citizenry. The changes have been and will continue to be multiple: all, nevertheless lie within the framework of the socialist constitutional order whose irrevocability was decided on by the overwhelming majority of the Cuban nation. We are not trying to show there is unanimity, far from it, there is a broad diversity of opinions and ways to channel these.

It is only because they have a government of the people, with the people and for the people and permanent, genuine and participatory democracy that the Cuban people has been able to overcome the challenges of the sudden disappearance of the socialist bloc in Eastern Europe and the collapse of the Soviet Union—with whom it had fair terms of trade—both of which phenomena were accompanied by a worsening of the U.S. ' hostile policies and blockade.

CHAPTER XII – THE EXERCISE OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AN INTEGRAL PART OF THE COMMITMENT TO PROMOTING AND PROTECTING ALL THE HUMAN RIGHTS OF ALL CUBANS.

One of the basic presuppositions of the anti-Cuban campaign over human rights has been to place a false and artificial division in the human rights the Cuban people enjoy. Taking as their basic premise a refusal to admit that all categories of human rights enshrined in the Declaration of Vienna are indivisible and interdependent, the anti-Cuba campaign ideologues admit what the statistics do not allow them to hide, the undeniable achievements of the Cuban Revolution in the enjoyment of social and cultural rights of Cubans. Nevertheless, and as if it were possible to make progress in education, culture without the existence of civil and political right, they try to fabricate the false thesis that the Cuban political system is incompatible with the enjoyment of civil and political rights and fundamental liberties.

In a previous chapter the untruth of the charges of alleged violations of civil and political rights and fundamental freedoms in Cuba was established. A synopsis was given of some of the questions having to do with the Cuban people's enjoyment of economic, social and cultural rights.

The triumph of the Cuban Revolution in January 1959 made it possible to put an end to the neo-colonial domination that the United States had over the Cuban people's natural and human resources, and laid the foundations for a fairer society in which all the human rights of each and every Cuban are protected.

Even though this new situation can be seen in the successes achieved in all areas of the country's life, also visible are the disastrous consequences of the United States' policy of hostility, blockade, and aggression against the Cuban people.

A.- One of humankind's essential rights: work

In spite of the severe international recession in recent years and the measures for flexibilising, deregulating and making work less secure which have become entrenched in the area of labour relations in many parts of the world, in Cuba the right to work is guaranteed as an inalienable human right.

Before the triumph of the Revolution, 24% of the workforce were unemployed and around 200,000 people were visibly underemployed, a figure that rose considerably when the sugar harvest was not in process. Approximately 60% of wage earners and self employed people received less than the existing minimum wage. Social security, besides being inadequate only covered 50% of the workers.

The unemployment rate for women and young people was double or triple that for adult men and the use of child labour was a common practice. In 1958, 133,000 children under employment age were working. When the Revolution triumphed there were only 194,000 women employed; 70% of them were domestic workers. During this period 100,000 young people attained employment age but for them there was no real hope of finding a job.

When the means of production became social property, it was possible to make the essential changes which resulted in the creation of new sources of employment. A million and a half permanent new jobs were created between 1959 and 1975 with a annual average growth rate of employment of 4%. Women's employment rose from 12.6% in 1959 to 28% in 1976, in other words more than 700,000 joined the workforce.

In the last few years, as the country recovers from the heavy blow dealt by special period in the first half of the 90s, new employment programmes were initiated; these have created 800,000 new jobs.

The sources of permanent new jobs are mostly in the social programmes recently set in motion. These include jobs for teachers who have graduated from intensive training courses, for computer science teachers, social workers, nurses, video and television room operators, and urban agriculture workers.

The revolutionary idea of making training upgrading, or studying something new as a form of work has been developed and implemented in Cuba. This has allowed tens of thousands of young people between 17 and 29 years of age, who were not

studying or working —most of them women— to obtain secondary school graduation or even go on to post secondary education and be paid while doing so. 107,302 young people are currently registered. There are 8,000 instructors teaching them in 508 centres throughout the country. At the end of 2003, 30,000 of these young people were already studying at post secondary level.

The idea of study as work is being extended to workers who have been made redundant and where there is no possibility for them to find new jobs straight away. Thus the best way to find new jobs for them is to give them the necessary training. This is now being done with sugar workers.

The restructuration of the sugar industry was implemented while preserving and developing the human capital there. These process has involved 219,594 workers of whom 59% have found work in other parts of the sugar industry, 10% on farms, 20% work studying and 7% have found employment with other enterprises. There are around 122,000 workers studying in the retraining programme, 65,310 of them work studying.

The battle for full employment has a strategy and a well worked out programme which guarantees each citizen useful and productive employment. The principles behind this plan are:

A permanent employment plan agreed to with the provinces

Placement is guaranteed for all of those completing one of the Revolution's social programmes

Completing and stabilising the labour force in urban agriculture

Consolidating the Overall Upgrading Course for Young People.

Job placement for all university, graduates from technical and professional education and from trades schools

Retraining so as to find new jobs for those made redundant by the elimination of their jobs

Filling necessary vacancies

Full employment for the disabled if they so desire

Giving priority in employment to woman and young people

Special attention given to the municipalities with the highest unemployment rate and reducing the unemployment rate to less than 5%.

As a result of employment programmes, more than 100,000 new jobs were created in 2003 which allowed us to lower the unemployment rate to less than 3%.

Cuba is a signatory to 88 of the International Labour Organisation's (ILO) agreements. It is in second place among Latin American countries for the highest

number of agreements ratified and is one of top ten nations in terms of number of agreements ratified. The United States, for example, has only ratified 13 of the more than 184 agreements in existence.

B.- Guaranteeing existence: Social security and assistance

Social security in Cuba is a right with that makes no distinction based on race, sex, religious faith, or political ideology of the person.

Until 1959 the overwhelming majority of the Cuban people lived in a precarious situation, with a total lack of social protection or access to health, education, pension and retirement services.

The social insurance system in 1958 was in dire straits, their funds were in deficit because of the corruption and thieving of the ruling regime. The financial situation of most of the insurance funds was depressing. Social assistance was limited to the efforts of private charity institutions and some state institutions which only benefited a small strata of the population, mostly in Havana.

From 1959 on the Revolutionary state began to transform social insurance, designing a package of measures whose immediate aims included financial help to existing institutions in order to guarantee they met their obligations.

Today social security is a comprehensive system which includes security at work, on the job, of salaries and wages, in working conditions and training, and of nutrition, physical activity, individual development and the active participation of all citizens, including senior citizens. The main indication of this is the coverage given to 100% of the workers, their families and the population who need assistance.

Social Security covers the risks of illness and common accidents, occupational accidents, occupational disease, maternity, disability, old age and death. Social assistance provides protection to families and individuals in need in the form of subsidies. The benefits are given in money, service and kind.

In addition to the aforementioned benefits there are also social programmes for vulnerable groups of the population such as the differently abled, elderly people living alone and others and the aim of these programmes is to meet the social and economic needs these people have.

The Cuban Social Security System protects 1,438,295 people through Social Security and 331,681¹⁷ through Social Assistance; 2,739 million pesos was allotted from the State expenditure budget to the system in 2004 to cover its costs.

More than 15,000 social workers throughout the country are employed in this noble task. Their responsibility is to look after elderly people living alone, differently abled people, etc.

1. Care for elderly people

Cuba is not exempt from the demographic process of an aging population which is affecting the world. The total Cuban population is more than 11.2 million. It is one of the oldest populations in Latin America having more than one and a half million inhabitants over the age of 60, a figure destined to increase in the coming years. It is expected that the number of people in Cuba over 60 will increase to two and half million by the year 2005, that is, 25% of the population.

Health care for the elderly in Cuba complies with the basic principles of universality, being free of charge and accessibility.

The Ministry of Health runs the Programme of Care for the Elderly which work with the Multidisciplinary Gerontological Care Teams which is a component of the Family Doctor Programme. Similarly the geriatrics and gerontology speciality was started and a process of geriatrization of all the hospital and community based services is underway.

2. Care for the disabled

The Cuban government guarantees the human rights of those who are otherly abled based on the principle that every one has the same rights.

In Cuba, from 1959 on, concrete measure began to be implemented for disabled. More recently (1995) the Action Plan for Care for Disabled Persons was initiated, to ensure more coordination in matters concerning, employment, accessibility, health, education, training and use of information and communication technologies.

Cuba has developed new social services, such as the Home Care Worker, the Food Service and grants to mothers of children with severe disability, the use of computers and other audio-visual programmes, the progressive elimination of barriers to access, the programme for technical prosthetic aid, the system of close caption in the most

¹⁷ Data up to 30 June 2003

important television programmes, (the Braille system in libraries and specialised finger telephone services for those who are deaf and blind, etc.

In 2002 the Cuba government carried out a nationwide clinical, psychological pedagogic and social survey¹⁸ of the disabled which allowed us to know more about their living conditions and health status, to assess the policies in place up to that time and to get new programmes and studies underway with the aim of improving the quality of life and full social integration of these Cubans.

There is an employment programme for the disabled (PROEMDIS), which has made it easier to integrate them into social life. Currently there is a fast track programme underway to find work for 75,113 disabled persons, identified in the genetic study we carried out, who are interested in and able to work.

As for new legislation, we should mention the 2003 Decree Law No. 234 dealing with maternity leave for female workers. This law increases the scope of the rights and benefits of this maternity leave which has been extended until the child reaches the age of three in the case of mothers with disabled children; the mother has the right to return to her job when her leave expires.

¹⁸ In the course of this study, 366,864 disabled people were visited in their homes.

C.- The priority given to health in the Cuban system

Providing free medical attention to the Cuban population became one of the revolutionary government's basic social pillars from the time it assumed power.

Before the Revolution, health and hospital care were mainly privately or provided to members of mutual societies. Medical facilities and personnel were mostly to be found in Havana where 65% of doctors and 62% of hospital beds were concentrated. There were virtually no medical services in rural areas, where nearly half of Cuba's population lived, and there was only one rural hospital that had only 10 beds and no doctors.

The percentage of people suffering from parasites was high (36.10%) as was that of those suffering from tuberculosis (13.99%), typhus (13.25%) and malaria (30.03%). Infant mortality was over sixty deaths per one thousand live births and life expectancy was only about 58 years. State health service was less than adequate and only 8% of the population obtained free medical attention.

After the triumph of the Revolution, public health services in Cuba showed an impressive level of development in successive stages.

1960. Creation of the National Health System. Creation of rural medical services. Creation of health areas and polyclinics. Vaccination with the involvement of the population.

1970. Decentralisation of teaching and of the health sector, delegation of responsibility to the provinces. Initiation of Mother and Child Programme

1980. Creation of the Family Doctor Programme. Introduction of advanced technologies. Fast track development of the medico-pharmaceutical industry.

1990 Introduction and development of science and technology's achievements. Withstanding the double whammy of the U.S. blockade and the collapse of socialism in eastern Europe and the USSR.

2000 The stage when the system was consolidated, reformed and modernised. Increased participation by the community in health measures and actions.

2002 to date. New programmes to put advances in medical care into practice. Development of polyclinics as centres of the highest quality primary medical care. Repairs to doctors offices and to polyclinics. Fast track training course for nurses.

Cuba's achievement in the field of health mean that ever since 1983 it has more than met the requirements of *Health for Everyone* agreed to in the context of the World Health Organisation (WHO).

However, currently far reaching transformations to health services are underway in order to go beyond what we have already achieved. One of the most important of these is a programme to bring services closer to the population, the extensive retraining programmes for medical personnel —at the beginning of 2003 there were 34,451 people registered in this— and the continued development of pharmaceutical drug production.

In order to be able to execute these transformations and to continue improving the quality of medical services, the state budget allocated 2,270 million pesos for this key area.

Some of the Cuban public health's achievements in the last ten years can be summarised as follows:

- 67% of the medicines the country need are domestically produced
- Programme for pre-natal diagnosis of congenital diseases. This has helped to prevent the birth of more than four thousand children with congenital deformities
- Medical genetics programme to reduce Down Syndrome and other diseases
- Improvement of intensive pre-natal, paediatric and adults therapies
- Increase in the number of organ transplants performed
- Discovery of the group B anti-meningococcus vaccine, the only one of its kind in the world
- Production of Hepatitis B Vaccine
- Discovery of PPG (atheromix), first choice therapy for treating high cholesterol, the major contributing factor to coronary risk
- Decrease in the number of cases of cancer in the advanced stage and an increase in the survival rate. Production of monoclonal antibodies for cancer treatment.
- Manufacture of vaccines against the disease.
- More exact classification of leukaemia and its treatment
- Cure or control of retinitis pigmentosa
- Production of melagenina, a pharmaceutical obtained for human placenta and used for treating vitiligo.
- Production of high-quality, low-cost medicines.
- Manufacture of equipment such as Neuronica (used for monitoring during operations), the Medicid (digital electroencephalogram), the Ozomed (for ozone therapy treatment) and SUMA (Unilateral Micro-Analytic System)

MAIN STRATEGIES USED IN HEALTH CARE FIELD

1. Reorienting the health system towards primary health care and the cornerstone of this, the family doctor and nurse

Cuba today has 381 health areas which are fully covered by the family doctor programme, of whom there are more than 30,000 spread throughout the country. More than 97% of the Cuban population is covered by a family doctor and a nurse and it is expected that this will increase to 100% in the next few years. Continuing to give priority status to care for the population's health has been a strategic challenge and goal for the state and society as a whole.

There are also the polyclinic, the first link the Cuban public health chain, which since 1997 is considered to be among the 28 most complete health services in the world, according to an assessment done by the World Health Organisation (WHO).

2. Revitalisation of hospital care

During the 80s the country made a huge effort to extend and modernise its hospital services network, which meant improving coverage, accessibility, capacity and comfort and incorporating the most up-to-date technology into the services offered. Although substantial progress was made, the programme was interrupted by the special period but it is today once again underway with new enthusiasm and more ambitious goals. In 2002, the country had 265 hospitals and 55,864 beds.

3. Cutting-edge technology programmes and research institutes

Cuba has developed a series of top class medical care programmes to protect the population's health. Some of the most noteworthy of these are the programmes for preventing diagnosing and treating cancer, treatment for those with renal insufficiency, the cardiocentres, the early diagnosis of congenital complaints, comprehensive pre-natal services, blood donor programmes and the production of blood products.

4. Medical education and internationalist aid

Compared to 1959 when there was only one medical faculty in Cuba and one dentistry faculty, Cuba today has four higher institutions of medical science, 24 faculties of medicine and four of dentistry and more than 50 health and nursing polytechnics. Most of the hospitals are also teaching institutions or medical science faculties. As a result of the development of this educational structure, in 2002 there were 67,079 doctors in the country compared to the 3000 that the Revolution had

when it emerged victorious —another 3000 emigrated in the first few years after the Revolution in response to the incentives offered for this very purpose by the United States government whose aim was to dismantle the Cuban health service.

By 2005 the Latin American School of Medical Sciences (ELAM) expects registration to rise to 10,000 with Latin American students whose numbers include representatives of 66 ethnic groups and indigenous peoples from very isolated places where there is no health care. That same year the first doctors will graduate from ELAM; they are committed to return to their own countries once they have completed their studies. Hundreds more young people from the Caribbean and Africa are also studying medicine in Cuba.

Cuba's solidarity in the health field is not limited to education foreign students here. Currently, 14 thousand 732 Cubans collaborate in areas of health in 65 different countries. Cuba has implemented the Comprehensive Health Programme (PIS) which is welcomed by Governments and by the populations that benefit directly from it alike. Under the programme 3117 Cuban cooperators are serving in 22 countries, of whom 2412 are doctors.¹⁹ Another 10,000 Cuban doctors have recently joined these numbers. They are carrying out important medical services in the Plan Barrio Adentro (Into the Neighbourhoods Plan) all over Venezuela.

Under the Comprehensive Health Programme tripartite cooperation projects have been developed with several countries. The programme is supported by 95 non-governmental organisations from various parts of the world and by international bodies such as the WHO/PHO, the UNDP and UNICEF whose financial contributions, medical equipment and supplies are sent directly to the countries or places where the Cuban health cooperants are working.

Based on Cuba's experience in the epidemiological control of HIV/AIDS and on the fact that our country has the human resources necessary to deal with this pandemic, Cuba, in the special period of sessions of the UN Assembly General on HIV/AIDS held in New York from 25 to 27 June 2001 proposed :

Providing 4,000 doctors and health professionals to create an infrastructure to supply the population in countries in need with the medicines prescribed and the necessary follow-up. These same doctors, etc. could educate and train very many specialists, nurses and health technicians.

Providing the professors needed to set up 20 medical faculties in several of the world's countries, many of whom could be selected from among the doctors who are

¹⁹ Data from July 2003.

already working as part of the Comprehensive Health Programme. 1000 doctors could be trained every year in the countries that most need them.

Sending the doctors, educators, psychologists and other experts needed to advise and collaborate with the AIDS and other disease prevention campaigns.

Supplying the equipment and kits needed for the basic prevention programmes

Anti-retrovirus treatment for 30,000 patients.

All that would be needed is that the international community contribute the raw materials for the medicines, equipment and material resources for these goods and services. Cuba would make no profit and would contribute the salaries of the Cubans in its domestic currency, salaries being the most expensive component for international health cooperation bodies. Cuba would also supply what is most difficult to find, trained people willing to carry out this mission in the most isolated areas.

Subsequently, in the Summit of Caribbean Heads of State held in Havana on 8 December 2002 to commemorate the 30th anniversary of the re-establishment of diplomatic relations between Cuba and the CARICOM countries, Cuba offered a programme supporting the regional strategy designed for fighting the HIV/AIDS epidemic in the Caribbean area. The programme proposed:

Sending 1000 health workers whose salaries would be paid by the Cuban State.

Sending the instructors and technicians needed to set up, in a country designated by CARICOM, a Technical Education Centre to teach nursing and other medical sciences at that level. Every year this institution could turn out up to two hundred young people from CARICOM countries who would be especially trained to treat patients with HIV/AIDS.

To provide free of charge no less than 30% of the value of the equipment and diagnostic kits produced in our country so that SUMA laboratories could be set up since this would it easier to carry out mass testing of the population. The cooperation offered would include installing, starting-up and technical assistance for the equipment and training local staff to use the aforementioned technology.

Cuba would be willing to share with other donors up to 40% of the value of these diagnostic kits and equipment in the case of Haiti.

Since its inception to date a total of 7,506 cooperators have served and are serving under the Comprehensive Health Programme.

Other aspects of the development of the Cuban Health System.

a) **Mother and Child Programme.** One of the most noteworthy aspects is the infant mortality rate which at the close of 2003 was 6.3 per 1000 live births.

b) **The National Vaccination Programme.** Cuba's vaccination programme is one of those with the widest coverage in the world. Today all Cuban children are vaccinated against 13 infectious diseases and there is a broad range of projects to use other kinds of preventative and therapeutic vaccines for adults.

In 2004 the health service began to use the first Cuban tetravalent vaccine to protect children against four diseases (diphtheria, tetanus, whooping cough and hepatitis). Encouraging results have been obtained in the search for a pentavalent compound which would include antigens against haemophilus Influenzae type B. If the outcome is successful, this would be the first vaccine in the world against those five illnesses.

Also heartening are the advances in a therapeutic test vaccine against the human immunodeficiency virus (HIV) and in four therapeutic anti-cancer vaccines which are in the clinical trial stage in Cuba and other countries.

b) **Chronic non-communicable diseases.** Cuba's epidemiological profile is characterised by the preponderance of death due to chronic non-communicable diseases. Heart diseases, malignant tumours, cerebrovascular illnesses and accidents cause almost two thirds of the deaths in the country. Diabetes mellitus, hepatic cirrhosis, asthma and high blood pressure should also be mentioned as significant causes of death.

c) **Communicable diseases.** This programme's main objective is to control communicable diseases to continue reducing morbidity and to control risk factors to prevent outbreaks and epidemics. Infectious disease are the main cause of death in the world: many of these diseases can be controlled with vaccines. In Cuba, a significant number of such diseases has been eliminated.²⁰

d) **Care for the elderly.** There is a National Programme for Care for the Elderly.

Major causes of death

When the Revolution emerged victorious, 14.2% of deaths was caused by infectious diseases. Today the proportion of deaths from infectious diseases and parasites has fallen so greatly it has all but disappeared. The major causes of death are heart and cerebrovascular diseases, malignant tumours, etc.

²⁰ See Appendices.

Although HIV/AIDS is a veritable threat to the continuing existence of the human race in other parts of the world, Cuba, thanks to the early adoption of strategies and to a government group for coordinating the national response to the epidemic, has managed to keep slow the spread of the disease.

To date²¹ 4,979 people infected with the virus have been detected, of these 2,221 have become ill and 1084 of the latter have died from AIDS.

The epidemic is considered to be at a low level, there being a prevalence of 0.05 of people between the ages of 15 and 49 infected with the disease; this is the lowest in the Americas and one of the lowest in the world.

Under the National Programme for the Prevention and Control of Sexually Transmitted Diseases and AIDS people living with HIV and AIDS are provided with training, social and job security, specialised medical attention, which includes free anti-retroviral treatment and treatment for opportunistic diseases for 100% of those infected. An educational programme is being developed, which plans to offer sex education in schools, educational programmes specially designed for vulnerable groups, adolescents and the population in general. The programme's main focus is on prevention.

Cuba has managed to contain this pandemic in spite of having limited access to 50% of the new drugs which are produced by U.S. companies or subsidiaries because of the severe economic, trade and financial blockade imposed on our country by the United States.

D.- Education: A Revolution within the Revolution.

The Government of the Republic of Cuba places the greatest importance on its citizens full enjoyment of the human right to education. Quality education which totally respects cultural identity and which includes values and principles that foster solidarity, social justice, mutual respect, patriotism and a profound knowledge of humanity's historic, cultural and artist heritage and of its peoples' customs have been the clear guidelines followed in developing Cuba's educational system, from the triumph of the Revolution on.

In 1953 Cuba had only about 6.5 million inhabitants; more than half a million children had no school and more than 2 million people were completely or functionally illiterate. Only half of the school population went on to secondary school; there were 10,000 unemployed teachers; about 550,000 children aged between 6 and 14, almost

²¹ Data brought up to date by the Hygiene and Epidemiology Branch as of August 2003.

half the total number, did not go to school. The population over the age of 15 had an average educational level of less than three years of primary school.

One of the first measures taken by the Revolutionary government was the eradication of illiteracy and the creation of the conditions to ensure free, good quality universal education at all levels, the results of which are clearly seen in Cuba's achievements in this field.

If one takes the advances in the educational field into account, the goals set out by UNESCO for 2015 have already been met.

These results notwithstanding, and in order to continue improving the Cuban educational system, new educational strategies have been developed which have further empowered administrators, teachers and students to act as the protagonists of educational changes.

In order to continue developing education and implementing these new strategies, the Cuban State has allocated 3,825 million pesos to education in the 2004 budget.

As far as it has been able, the Cuban people has collaborated with other developing countries in the educational field. More than 17,000 young people from more than 110 countries are studying various subjects in Cuba, most of them at the higher level.

Cuba proposed a project to provide UNESCO with 20 scholarships a year which has been approved and is now in the revision and implementation phase. The project should begin in 2004 and is for countries in Africa but could possibly be extended to other regions.

Cuba has also offered its support for a universal literacy programme. Cuba would contribute a large part of the technology and specialist human resources needed. All that would have to be done is to mobilise an infinitesimal portion of the financial resources which float about the world every year and which would not exceed 0.01% of the GDP of OECD countries. If the programme proposed were put into practice, 1,500 million illiterate and semi-illiterate people all over the world could learn to read and write and study up to the sixth year of primary school.

1.-.The basic principles of Cuban education

a) **The principle of mass education with equal access for all:** Education is a right and a duty of all Cuban citizens. We have an educational system which covers all educational levels without distinction on the grounds of age, sex, race religious or

place of residence. Special benefits exist so that children from low income families have equal opportunities to study and to education; these include boarding schools.

b) **The principle of establishing links between work and study:** This is the unity of theory and practice, with the aim of creating an awareness of being a producer, a creator in children and young people, by eliminating the prejudices that derive from the division between manual and intellectual labour.

c) **The principle of the democratic participation of society in the task of education:** This recognises that society is a huge school and education is a process that lasts a lifetime. It ensures that all grassroot, social and other non-governmental organisations participate in education, in designing educational strategies, in supervising education and in taking decisions about it, and that this participation is by all levels of society.

d) **The principle of coeducation and of schools open to diversity:** Guarantees that men and women have access to educational centres in any of the subject areas and professions which the aforementioned system offers. There are no distinctions made nor discrimination practiced on the grounds of skin colour, family income, the political ideas or opinion of the person being educated or of his or her relatives, etc.

e) **Gender approach** This ensures the elementary right of girls and women to have access to the educational system, given that the mother's educational level is important for the education of her children.

f) **The Principle of Differentiated Education and Assimilation into Public Schools:** The attention given is tailored to the needs and potentialities of each person.

g) **The Principle of Free Education:** Education at all levels is free.

2.- The New Educational Revolution.

Even though Cuba has made enormous progress in making possible the human right to education, everything that we are planning and doing today will imply radical changes, the results of which will be seen in 10 years time. Moreover, given that these changes are all part of the revolutionary process, they will bear the solidarity-filled, altruistic, internationalist seal stamped on them by a society that engenders high values and a humanist ethics.

a) The Universalisation of Higher Education

Higher education in Cuba has undergone transformations so that it may serve the population's interests. At this level the results of scientific research have increased as have post graduate studies.

In the last few months, there has been a far-reaching revolution at this level of education, bringing the universities ever closer to each and every Cuban. Every municipality in the country now has university classrooms, in which a growing number of subjects is taught. The municipalisation of higher education has allowed us to increase registration to 300,000 students who study on 732 campuses. This has provided new opportunities for any young person or adult to take university courses.

b) The University of the Future: The Digital City.

The University of Information Sciences, a new university which brings the number of institutions of higher education in the country to 46, has been given the task of educating professional to have a high level of scientific and technological knowledge. It is thought of as providing support for increasing the use of computers in the country, for producing software and for industrial services.

Currently there are 4,000 scholarship students registered. The new university has a faculty of more than 300 highly qualified instructors, who were recruited from 27 of the other universities.

The projected capacity of this Digital City is 10,000, with 2,000 students registering every year.

c) A Qualitative Leap in Primary Education

A programme has been put in place in Cuba to ensure than there are no more than 20 pupils per classroom. This is so we may be able to offer differentiated education, the foundation for the qualitative leap we envisage for Cuban schools.

This goal has been made possible through the repair of existing schools and building of new ones; the prioritization of university training of primary and early childhood education teachers; the creation of 30 pre-university vocational colleges for teacher training around the country; intensive training of new teachers; the introduction of audiovisual technology in all classrooms; and the introduction of computer instruction beginning at the early childhood education level. All of the country's schools are now equipped with one television per classroom and a VCR for every 100 students, while there are 24,000 computers distributed among the primary schools.

d) The challenge of secondary education

Major steps have been taken in secondary education to foster a closer link between teachers and students, promoting more individualized attention for students during the difficult period of adolescence.

A significant advance has been made in this direction through the concept of a comprehensive teacher for the seventh, eighth and ninth grades, able to teach all of the subjects corresponding to these grade levels —except for languages and physical education— and moving up with the same group of students through these three years of study, with a student/teacher ratio of 15 to one.

Other steps taken include the introduction of a full day of classes for junior secondary students (who formerly attended class for only half the day), the training of new teachers, and the use of audiovisual technology.

As a means of supporting this program, 567 new classrooms have been built in 98 schools, 4,000 new teachers have graduated from the Schools for the Intensive Training of General Comprehensive Junior Secondary Teachers, and 33,281 teachers have been retrained under this new concept of junior secondary education throughout the country.

As for senior secondary education —grades 10, 11 and 12— in both academic and vocational programs, new ideas are being developed that will inevitably include a combination of specialized teachers, incorporating the principle of individualized attention.

e) Special Education

Special education was initiated in Cuba 40 years ago, through the creation in 1962 of the Department of Special Education, aimed at attending to children with special educational needs, to the greatest extent possible and in accordance with their individual capacities. The goal of this program is not only to help these children to grow into self-sufficient adults, but to allow them to play an active part in society. No program of this kind existed previously.

Since 1962, special education in Cuba has developed into a whole system guaranteeing integrated educational, psychological, physical and medical attention for 100% of Cuban children with special educational needs, who currently number over 55,000.

Cuba has made significant progress in the study and research of genetically transmitted disorders, with the goal of diagnosing them from an early age, providing support for carriers and victims, and seeking ways to halt the transmission of some of the 80 disorders of this kind.

Cuba has produced a wide range of equipment, including Video-Voice, Medicid, Neuronica, and more recently Audic, which constitute an important means of support for special education. The effectiveness of the Audic technology has been demonstrated in Colombia, Mexico and China, where laboratories have been set up for the early detection of impaired hearing.

The audiovisual and computer programs have also been incorporated into this field of education, and have proven to be excellent tools to enhance learning.

The Latin American Special Education Reference Center was established in Cuba in 1990. The country's universities also offer a degree program in special education, from which over 10,000 professionals have graduated. There are over 400 special education schools, at which the principle of 20 or less students per teacher is also applied, in addition to daycare centers, special classrooms and classrooms in hospitals. More than 1000 students receive classes in their homes, provided by visiting teachers.

E.- Culture: the nation's heritage and a guarantee of its sovereignty in a globalized world

The cultural work undertaken in Cuba since 1959 represents one of the most eloquent expressions of the humanistic, universal and democratic spirit of the Cuban Revolution.

The Constitution of the Republic of Cuba establishes that the state "orients, foments and promotes education, culture and science in all their manifestations," and specifically espouses the freedom of artistic creation, the defense of Cuban cultural identity, and the conservation of the nation's cultural heritage and artistic and historic wealth.

In Cuba, culture is the domain of the masses, with equal opportunity for the development of the potential of every citizen. For the Cuban government, culture is an essential foundation of development, in light of its spiritual, creative, affective, moral and ethical contribution to society and the tangible and intangible heritage of the nation.

Based on this conviction, the Cuban state promotes the most varied expressions of artistic, cultural and intellectual activity, and this sector has been given particular priority over recent years through the development of programs aimed at fostering a higher degree of general, comprehensive culture and learning in every Cuban citizen.

After the National Literacy Campaign, in the earliest years of the Revolution, the foundations were laid for profound cultural development, through the establishment of important institutions with this goal. These included, among others, a national publishing system, bringing books and reading to the masses; an art education system of the highest standards yet accessible to all; a system of local cultural institutions; and national institutes and other agencies responsible for promoting the various fields of the arts.

The progressive growth in state funding of culture reflects the priority placed on the development of this sector, with an increase from 102 million pesos in 1997 to 552 million pesos in 2004.

The Ministry of Culture and its provincial and municipal departments are currently concentrating on the following priorities:

The creation and promotion of art and literature throughout the country and the active participation of artists in the nation's cultural institutions.

The development and implementation of multifaceted, high-quality cultural programming, with close coordination among national, provincial and municipal institutions, aimed at meeting the growing public demand.

The enrichment, preservation and dissemination of cultural heritage.

Community work on the part of cultural institutions, with the participation of the different social forces that support community cultural work.

Increased emphasis on the art education system, and the development of human resources in general.

The introduction and application of new information and communication technologies for the development and dissemination of culture.

Closer ties with the media, as one of the fundamental means of informing the public and influencing tastes.

The international promotion of Cuban culture.

Fostering the production and marketing of cultural goods and services.

1.- Municipal cultural institutions

Cuba has developed a wide network of local community cultural institutions, spread throughout the country and numbering 2050 in all, including 368 bookstores, 21 traditional music clubs, 178 video theaters and two circus tents.

The amateur artist movement, promoted through community cultural centers, has grown significantly in recent years, with a current membership of 98,762.

There are over 2,200 professional cultural promoters currently working in local people's councils, districts and settlements. Between 1995 and 2002, 410 new cultural promoters were trained in courses specially designed for this purpose. The enrollment for the 2003-2004 course is 3654 students, of whom 1874 were participants in the comprehensive upgrading courses for unemployed youth.

In conjunction with the Ministry of Education, special priority has been placed on the new schools for art instructors, which are staffed by instructors recruited from cultural institutions and groups throughout the country. There are 15 of these schools in all, one in each of the 14 provinces and one on the Isle of Youth. There are currently 15,482 students enrolled, specializing in various artistic fields. The first group of graduates, numbering 3,353 in all, will complete their studies in 2004.

2.-Art education

The founding of the National School of Art in 1962 marked the initiation of one of the most transcendental and beautiful works of the Revolution: the creation of an art education system. This system has earned considerable international recognition and prestige, owing to the quality of its graduates and to its design, curricula, faculty and high technical and artistic standards.

There are currently 20 basic art education schools and 29 junior college level professional art schools throughout the country, a reflection of the emphasis placed on this field of education. The successes achieved in Cuban culture are undoubtedly the fruit of this art education system, crowned by the prestigious Higher Institute of Arts (ISA).

During the year 2003, work continued in the training of the 16,000 students enrolled in the country's schools for art instructors. The annual Book Fair was expanded to encompass 30 venues throughout the country, and was attended by 3.5 million people; millions of books were sold.

3.-The use of information technologies for sociocultural development

Cuba, whose cultural development efforts are founded on the pillars of people's participation and equity, has begun to implement strategies that will help convert information and communication technologies into instruments serving sociocultural transformation.

In all of the country's school, including those in remote rural areas, audiovisual technology and computers are used as part of the teaching and learning process. A total of 30,000 students are currently enrolled in programs for training as programmers and in other fields of computer sciences at the junior college level. The use of the Internet and new information and communication technologies is being handled creatively so as to ensure the greatest possible social benefit.

The late arrival of the Internet to Cuba owes to the fact that up until May of 1994, Cuban access to Internet websites was blocked by the United States. The Torricelli Act, adopted in 1992 to reinforce the blockade, identified communications with Cuba as a means of weakening the Cuban Revolution.²²

In a world where access to the Internet is for only a small minority,²³ where millions of people have never even seen a telephone, and have no hope of ever being able to use the Internet, because many of them cannot read or write, the only possible path for the underdeveloped countries, the most democratic and wide-reaching under the conditions of the blockade and the limited resources faced by Cuba, is the path that we are following. Through social, educational, cultural, academic, artistic and other centers, in specialized fields or in the community in general, access to the Internet is provided for artists, intellectuals, writers and other creators.

Despite the efforts made, Cuba's connection to the so-called worldwide web does not offer the sufficient bandwidth to meet the country's demand. The U.S. blockade obliges Cuba to use a bandwidth and satellite connection that is costly and slow. The problem could be solved by a fiber optic cable connecting Cuba and the state of Florida, but the U.S. authorities prohibit this.

Cuba's ability to connect to the Internet with the speed it would like, or with as many channels or independent providers as it may choose, does not depend on Cuba. Every time that Cuba attempts to add a new channel to the Internet, the U.S. counterpart must obtain the corresponding license from the U.S. Treasury

²² As a result of the blockade, the Cuban telecommunications sector has suffered millions of dollars in losses in such areas as conventional and wireless telephone communications, alarm systems, electronic commerce and postal communications. In the year 2002, losses totaled 21.7 million dollars in the telephone sector alone.

²³ The United States is clearly predominant not only in the administration but also in the use of the Internet, being home to around 60% of the more than 43 million computers in the world directly connected (hosts or servers). Northamericans, with 4,995 users per 10,000 inhabitants, constitute one third of all Internet users in the world. The United States and Canada alone account for 57% of the total of users worldwide. Some specialists believe that the technological gap between the United States and the rest of the world is not demonstrated anywhere else as clearly as it is in the area of information and communication technologies, and especially in the use of the Internet.

Department. Likewise, if a U.S. company wants to open a new channel to Cuba or decides to increase the speed of connection, a license must be issued.

F.- Sports: the people's right

The guarantee of the enjoyment of sports as a right of all Cuban citizens is one of the Cuban Revolution's most significant achievements in the field of human rights.

Sports and physical education have been made widely available to the entire population, largely through the work of 36,775 specialized instructors. This breaks down to one physical education instructor for every 83 inhabitants, as compared to one for every 10,000 in 1959.

The concept of sports as the people's right has been made a reality in the country's 169 municipalities, where all citizens have the opportunity to participate in sports activities at no cost. Cuba is the only country in the world with specialized physical education instructors for grades one to four.

The sports and physical education system includes a university-level School of Physical Education in every province, a national Institute of Physical Education, numerous junior college-level schools for physical education instructors, and the International School of Physical Education and Sports.

The International School of Physical Education and Sports, a concrete reflection of Cuba's selfless solidarity with the peoples of the Third World, was founded in 2001. There are currently 1,372 young people from 72 countries in Africa, Asia, Latin America and the Caribbean enrolled in this center of higher learning.

Over the last 10 years, more than 10,000 Cuban sports specialists have provided their services in 97 countries. At the Sydney Olympic Games, to offer just one example, there were 36 Cuban trainers working with teams from other countries.

Cuba has come to occupy a high standing internationally, with outstanding performances at the Olympics and in international and regional championships. It is worth mentioning that during the 1990s, Cuba maintained a spot among the top ten countries in the Olympic Games. These results have placed Cuba among the 30 countries that have won the most Olympic medals per inhabitant in the entire history of the Olympics.

G.- Cuban women: a leading role in the Revolutionary project

Cuba was the first country to sign and the second country to ratify the Convention on the Elimination of all Forms of Discrimination against Women (on March 6, 1980 and July 17, 1980, respectively). From the very moment of the triumph of the Revolution, policies have been developed and programs implemented not only to eliminate discrimination on the basis of gender, but also to make women direct participants, on an equal footing, in the project to transform Cuban society.

The Republic of Cuba's National Action Plan for Follow-Up to the Fourth World Conference on Women, adopted by the Council of State in April of 1997, has effectively and increasingly contributed to fostering government policies aimed at the support and promotion of women, guaranteeing their participation in the development process under the same conditions and with the same opportunities as men.

Cuban legislation includes a number of provisions that guarantee the rights of women, such as the right to health care, particularly with regard to sexual and reproductive rights; to education, social security and assistance, housing, employment, equal pay for work of equal value, and access and promotion to management positions, without discrimination.

Some indicators reflecting the results achieved:

The maternal mortality rate in Cuba has decreased from 70.4 per 100,000 live births in 1970 to 34.3 per 100,000 in October of 2003.

In the year 2003, women made up 44.9% of the workforce in the civilian public sector. They represent 66.4% of all junior college and university graduates, 72% of the workforce in the educational sector, 67% in the health care sector and 44.6% in the scientific sector.

Women currently occupy 31% of management positions, which is double the figure registered in 1975.

The participation of women in the bodies of the People's Power and in successive electoral processes has gradually increased. There are currently 219 women deputies in the Cuban National Assembly. Cuba is one of the top ten countries in the world in terms of the percentage of women in Parliament, with a rate of 35.94%

H.- Children and adolescents

In Cuba, children and adolescents are given special priority by the family, community, civil society and the state, including essential legal protection and the guarantee of the necessary conditions for the exercise of their rights.

The state regulates the rights of children and adolescents through the Constitution of the Republic and various codes, laws and decree-laws, including the Child and Youth Code, the Family Code, the Civil Code and the Penal Code.

The rights of Cuban children and adolescents are also protected through a system of social policies, programs and projects in the areas of health care, education, social security, the environment, and others.²⁴

Cuba was one of the first countries to ratify the Convention on the Rights of the Child (on August 21, 1991) and submitted its initial report to the Committee in May of 1997.

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was signed by our country in October of 2000 and ratified in September of 2001. Cuba has also signed the Optional Protocol to this Convention on involvement of children in armed conflicts (October 13, 2000).

In Cuba, the implementation and monitoring of the Convention and its Protocols are integrated in a multisectoral and multidisciplinary system, which involves government agencies, non-governmental organizations and the general public, including children and adolescents themselves.

The Constitution of the Republic grants all Cuban citizens the right to study until 16 years of age. The national education system is universal and free of charge for all levels of education, including university education. Child labor has been eliminated throughout the country since the 1960s.

In response to the agreements adopted at the World Summit for Children in 1990, Cuba formulated its National Action Plan that very year. Every year Cuba compiles a report on its fulfillment of the goals of the World Summit for Children, at both the provincial and national level. Reports are regularly submitted to UNICEF on the fulfillment of the National Action Plan; all of the goals set have been surpassed by Cuba.

Following the UN General Assembly Special Session on Children, held as a follow-up 10 years after the Summit itself, a new revised National Action plan was drafted in 2003.

Some of the results achieved:

²⁴ See Annexes.

Cuba's infant mortality rate is the lowest in Latin America (6.3 per 1000 live births).

Children are vaccinated against 13 diseases, through a vaccination program that covers 99.5% of the country's children.

In Cuba there are no differences in levels of literacy within the country. A full 100% of children complete primary education.

CONCLUSIONS

The policy of hostility, blockade and aggression adopted by successive U.S. administrations against the self-determination and sovereignty of the Cuban nation — a policy that includes the unjust anti-Cuban campaign in the Commission on Human Rights— did not begin with the triumph of the Cuban Revolution in 1959, nor with the proclamation of the socialist nature of the Revolution in 1961. This hostility and aggression have been consistent patterns of conduct for over 200 years, the result of the imperialist appetites that have determined policies towards the island from within the power circles of the superpower. The United States' economic, commercial and financial blockade against Cuba is one of the most significant massive, flagrant and systematic violations of the human rights of the Cuban people generated by the policy of hostility towards the Cuban nation, but it is not the only one.

The Cuban people have been victims of mercenary invasions, biological warfare, radio and television aggression, outside encouragement of illegal and violent emigration, assassination plots against its top leaders, and acts of sabotage and terrorism that have caused material damages totaling 54 billion dollars, the deaths of 3,478 Cuban citizens, and permanent disability for 2099 more.

The resolution against Cuba in the Commission on Human Rights is a manipulative maneuver on the part of the United States. It does not matter if responsibility for authorship is publicly assumed by some other government; the facts demonstrate that the texts of successive anti-Cuban draft resolutions have been conceived in Washington, and the adoption of these resolutions has only been made possible through the pressures exerted directly by the superpower.

The Bush Administration's aggressive actions, hostile measures, provocations and threatening statements against Cuba over the last three years have seriously intensified over the course of 2003 and the first months of 2004. The possibility of a military attack on the island is very much a reality today; it has been demonstrated in this report. Those who have joined in the support of the anti-Cuban campaign in the CHR are acting in complicity with the unjust fabrication of pretexts to set the stage for a military attack on Cuba.

The measures sovereignly adopted by Cuba in the trial and sentencing of mercenaries in the service of the superpower or of terrorists – measures implemented for the legitimate defense of the nation, with full respect for the law and as an urgent requirement of national security – cannot be judged without taking into account the unprecedented rise in U.S. hostility towards the Cuban people and the imminent threat of a military attack that would end its very existence as an independent nation.

The media campaign orchestrated by Washington to present the sentenced mercenaries as alleged "journalists, trade unionists and peaceful political opponents" is an insult to the just cause of human rights and outrageously untrue. No one was sentenced for expressing opinions or ideas, or for exercising any of the rights recognized in the Universal Declaration of Human Rights. All were tried with full respect for the procedures of due process and all of those sentenced were provided with evidence of the serious charges that determined the decisions adopted by the courts. They are now serving their sentences in the conditions of dignity, proper care and respect that are guaranteed to all Cubans and foreigners sentenced to jail terms in Cuba.

Cuba has fully cooperated and will continue to cooperate with all of the non-discriminatory and universally applied procedures and mechanisms of the United Nations human rights machinery. However, it cannot recognize or cooperate with the implementation of the spurious anti-Cuban resolutions imposed in the Commission by the superpower, the basis for the mandate of the so-called "Personal Representative" of the High Commissioner for Cuba. As was the case in the past with the so-called Special Rapporteur, this new procedure will disappear one day when justice is able to prevail once again, and the person assigned this illegitimate mandate will never exercise it on Cuban territory.

The Cuban people's resistance and determination to fight until victorious are continuously subjected to arduous tests. Five young men who fought terrorism and defended the human rights of the Cuban people are being arbitrarily held in U.S. prisons and subjected, along with their families, to the cruelest forms of psychological torture. The Cuban people, with the solidarity of a great many honorable people from around the world, including the United States itself, are demanding their release and their right to return to their homeland.

Despite the inherited conditions of underdevelopment and the asphyxiating blockade imposed by the government of the United States, the Cuban people have been able to make significant advances in the revolutionary transformations aimed at building a society that is ever more just and equitable, one that guarantees ample possibility for the exercise of democratic participation by all citizens. The institutions and components of a state that recognizes the power of the masses of workers, intellectuals, professionals and artists work together with a large and active civil society, giving every Cuban citizen effective and systematic participation in the decisions that affect their present and will determine their future.

The Cuban people will continue to fight to defend their rights to self-determination, development, peace and a more just and equitable international order, in which the

goal of All Human Rights for All can finally become a reality. To achieve these just demands, they are willing to offer up all of their talent, sweat and blood, if necessary.

ANNEXES

I. SOME IMPORTANT STATISTICS AND INFORMATION ON THE SOCIAL, CULTURAL AND ECONOMIC DEVELOPMENT OF CUBA IN THE FACE OF THE RESTRICTIONS OF THE TIGHT AND ILLEGAL BLOCKADE IMPOSED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

EMPLOYMENT

A comparative table of unemployment rates in Cuba and in a number of industrialized countries and Latin America.

	1995	2000	2001	2002*	2003*
CUBA	8.3	5.4	4.1	3.3	2.3***
Australia	8.2	6.3	6.7	6.6	6.1
Austria	3.9	4.7	3.6	5.6	6.3
Belgium	9.7	6.9	6.6	6.7	11.7
Canada	9.4	6.8	7.2	7.6	8.0
Denmark	6.8	4.4	4.3	4.3	6.2
Finland	15.2	9.8	9.1	9.4	9.9
France	11.4	9.4	8.6	9.2	
Germany	8.2	7.5	7.9	7.8	12.0
Greece	10.5	11.2	7.6	10.3	
Ireland	12.3	4.3	3.8	4.9	
Iceland		1.4	2.3	2.5	4.0
Israel	6.9	8.3		10.3	10.5
Italy	11.5	10.7	9.5	9.1	
Japan	3.1	4.7	5.1	5.8	5.3
Luxemburg	2.9	2.6	2.4	2.9	3.6
Netherlands	6.6	2.6	2.4	2.7	
New Zealand	6.3	6.0	5.3	5.7	
Norway	5.0	3.4	3.6	3.6	
Portugal	7.3	4.0	4.1	4.4	
Spain	22.7	11.4	13.0	10.7	11.7
Sweden	8.8	4.7	5.1	4.2	4.6
Switzerland	3.5	2.0	2.6	2.5	3.9
Turkey		6.4	10.9	9.2	
United Kingdom	8.5	5.5	5.0	5.3	
United States	5.6	4.0	4.8	5.6	6.0
European Union	10.5	7.8	7.4	7.6	
Latin America		9.7	18.9	9.2	11.0

* Estimated figures ** Second half 2003 ***End of November 2003 Source: ILO Statistics

Jobs created through Social Programs:

Course	2001	2002	2003	Total
Social workers	1,079	6,881	6,885	14,845
Nursing		741	1,972	2,713
Health care technicians			1,055	1,055
Computer instructors	541	11,849	761	13,151
Physical education instructors			1,053	1,053
Intensively-trained primary teachers	1,000	5,325	2,028	8,353
Television and video theaters		1,231	1,911	3,142
Univ. of Information Sciences			250	250
Residences for teachers			685	685
TOTAL	2,620	26,027	16,600	45,247

CULTURE

1.- Special programs currently prioritized

Extension of the Havana International Book Fair to the entire country. This program, one with an extraordinary cultural, social and political impact, allowed for this event to be extended to 19 cities throughout the country during the 11th Book Fair and to 30 cities for the 12th Book Fair. Attendance grew from 200,000 in the year 2000 to over 3.5 million in 2003, with a total of 2,892,566 books sold.

Family Library Collection. This publishing program allows the general public to acquire, at very economical prices, a sampling of the best in Cuban and international literature, in such genres as short stories, plays, poetry, novels, biographies, non-fiction, and children's and young people's literature. The habit of reading has been fostered and promoted, particularly among the youngest generations. The first collection was made up of 25 works of Cuban and international literature, with a total of 100,000 sets published.

Libertad Publishing Program. This program has provided 6,789 public and school libraries with collections of reference books including encyclopedias, atlases and dictionaries, which have had a significant social impact.

Training Schools for Art Instructors. The official inauguration on February 18, 2000 of the 15 new training schools for art instructors, one in each of the country's 14 provinces and another in the special municipality of the Isle of Youth, with a total annual intake of 4000 students, will provide the country with 30,000 new art instructors in a period of 10 years. The first group of graduates, who will complete their studies in 2004, will serve as an initial response to the need for workers in this specialized area in schools and the community, as a means of promoting a higher degree of comprehensive general culture in the population.

National Ballet School. The inauguration of the newly remodeled headquarters of the National Ballet School, with capacity for 300 students and new facilities for the expansion of enrollment with students from all of the country's provinces, has been a major advance. In addition, the children's vocational workshops being offered by the school in the capital, with a total enrollment of 4,050 children from all of the city's municipalities, are also having a significant social impact.

Camagüey School of Ballet and Visual Arts. Repairs have now been completed on this important teaching center, with full remodeling of the facilities and the installation of new equipment that will allow for expanded enrollment.

New visual arts schools at the junior college level. New schools of this kind have been created in Guantánamo, Manzanillo, Bayamo, Ciego de Ávila, Morón and Havana, while another in Matanzas is in the process of construction. Repairs have also been made to the existing schools in Trinidad and San Alejandro, and there are now a total of 17 in all throughout the country. Numerous well-known artists have lent their services as instructors at these schools.

Bayamo Basic and Junior college level School of Music, Dance and Performing Arts. With an enrollment capacity for 500 students, this new school, along with the above-mentioned schools of visual arts, will help to satisfy the previously unmet need for arts education in the province of Granma.

Animation studios. With the purpose of creating animated productions for children and young people, new facilities are being completed at the country's animation studios, which are also being equipped with new, more modern technology, allowing for the production of over 500 minutes of animated film a year.

Cubanacán Art School Complex. The full reconstruction of the national schools and Higher Institute of Arts will mark the completion of an unfinished project, which constitutes one of the most outstanding and original examples of Cuban architecture.

University for All Program. This program encompasses a series of courses on a diverse range of subjects taught by television. A large number of well-known intellectuals and artists have collaborated as instructors in this unprecedented program, which has had a remarkable cultural and social impact.

2.- Main aspects of the Cuban Computerization Program

All of the country's general education schools are equipped with a TV set in every classroom and VCRs for the use of educational videotapes, acquired from a network of municipal educational videotape libraries established for this purpose.

2,368 schools in rural areas without electrical power have been equipped with solar panels to permit the use of TVs, VCRs and computers.

An Educational TV Channel has been created, reaching over 85% of the country's population and broadcasting over 15 hours of programming a day on average.

The television program University for All offers courses in four main subject areas: Sciences, Basic Subjects, Languages and Art Appreciation.

By the beginning of the 2003-2004 school, a total of 46,290 computers had been distributed among the country's primary and secondary schools, guaranteeing computers for every school, including 93 attended by just one student.

32 new educational software products have been developed for primary schools, along with 10 for the junior secondary level.

13,805 new jobs have been created for computer instructors.

There are 301 Young Computer and Electronics Clubs distributed among the country's 169 municipalities.

Universities, scientific centers, press and media organizations, and other medical, academic, cultural, social and community institutions are connected to the Internet.

Creation of the University of Information Sciences.

Development of a system to teach literacy by radio, with materials in five languages: Creole, Portuguese, French, English and Spanish. The system is currently being used in a number of countries.

Development of a Health Care Information Computer Network (Infomed), which links together hospitals, polyclinics, teaching centers, libraries and other institutions in all of the country's provinces, through a system encompassing over 6000 computers.

There are more than 270,000 computers in the country, of which 65% are hooked up to a network. Some 1,100 .cu domains have been created, along with 750 Internet websites and over 480,000 e-mail accounts.

All of the local and national media have regularly updated digital versions on the Internet. Numerous radio stations broadcast over the Internet in real time. The Cubavisión International TV network also broadcasts over the Internet.

A Cuban IT industry is being promoted and developed.

Work is underway to extend the benefits of computerization to services for the public. Some examples are the simplification, streamlining and integration of official paperwork and procedures through computers designed for the public basically under the concept of single window; the establishment of e-mail access facilities and computer rooms in libraries and other public institutions; and specific programs for the disabled (special telephone equipment, educational materials, closed captioning, etc.).

SPORTS

1.- Development of the sports and physical education sector in Cuba

Physical education, sports and recreation instructors	36,775
Graduates of physical education teacher training programs	49,879
Students in physical education bachelor's degree programs	18,900
Physical education, sports and recreation instructors per capita	1 per 249
Physical education teachers per student	1 per 83.3
High performance athletes per one million inhabitants	2,328
Olympic gold medals per one million inhabitants (Sydney 2000)	0.8
Participants in physical education programs for the disabled	Over 60,000
Enrollment in sports schools	55,500 students
Students who receive physical education classes in regular schools	1,950,000
Sports facilities	Over 11,000
Enrollment in the International School of Physical Education and Sports	1,372 from 72 countries

CHILDREN AND ADOLESCENTS

1.- Main programs

National Program for Mother and Child Health Care
 Program for the Promotion of Breastfeeding
 Program for the Reduction of Low Birth Weight

Program for the Development of Perinatology
 Program to Combat Acute Diarrheic Diseases and Acute Respiratory Infections
 National Immunization Program
 Program for the Prevention and Early Diagnosis of Genetic Disorders
 National Action Program for Accident Victims Under 20
 Parental Awareness Program
 Program for the Prevention and Control of Infectious Neurological Syndromes
 Program to Monitor the Growth of Children Under Five
 National Program for Drinking Water and Sanitation
 "For Life" Community Education Program
 "Educate Your Child" Program
 Program for Education on Responsible Sexual Conduct and related projects aimed at adolescents
 Integrated Family Health Care Program, within the Primary Health Care System
 Program for the Integrated Care of Adolescents (under development)

The "Educate Your Child" and "For Life" Programs are supported by UNICEF.

II. INFORMATION ON THE FIVE CUBANS UNJUSTLY IMPRISONED IN THE UNITED STATES FOR FIGHTING TERRORISM AND DEFENDING HUMAN RIGHTS

Gerardo Hernández Nordelo



He was 33 years old at the time of his arrest in 1998. He is a graduate of the Raúl Roa García Institute of International Relations.

SENTENCE: Two life sentences plus 15 years in prison

PRISON: Lompoc, California

Postal address USP LOMPOC

P.O. 3901 Klein Boulevard

Lompoc, CA. 93436

Phone #: 805 – 735 – 2771 Fax #: 805 – 735 – 0295

Ramón Labañino Salazar



He was 35 years old at the time of his arrest in 1998. He is a graduate in Economics from the University of Havana.

SENTENCE: One life sentence

PRISON: Beaumont, Texas
No. 58734-004
Postal address USP BEAUMONT
PO BOX 26035 Beaumont, TX 77720
Phone #: 409 – 727 – 8188 Fax #: 409 – 626 – 3700

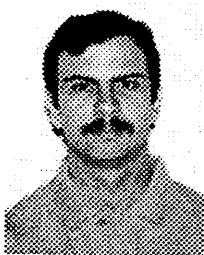
Antonio Guerrero Rodríguez



He was 40 years old at the time of his arrest in 1998. He is a graduate in Engineering from the Kiev Institute in Ukraine. He is also a poet.

SENTENCE: One life sentence
PRISON: Florence, Colorado
No. 58741 - 004
Postal address USP FLORENCE
5880 State HWY 67
South Florence, CO. 81226
Phone #: 719 – 784 – 9454 Fax #: 719 – 784 - 5157

Fernando González Llort



He was 35 years old at the time of his arrest. He is a graduate of the Raúl Roa García Institute of International Relations.

SENTENCE: 19 years in prison

PRISON: Oxford, Wisconsin

No. 58733 - 004

Postal address FCI Oxford

PO BOX 500 Oxford, WI 53952 – 0500

Phone #: 608 – 585 – 5411 Fax #: 608 – 585 - 6371

René González Sehwerert



SENTENCE: 15 years in prison

PRISON: Edgefield, South Carolina

No. 58738 - 004

Postal address FCI Edgefield

PO BOX 725

Edgefield, South Carolina 29824

III. SOME OF THE RELATIVES OF THE FIVE CUBAN ANTI-TERRORIST FIGHTERS, WHOSE MOST ELEMENTARY OF HUMAN RIGHTS ARE BEING VIOLATED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

Ivette González Salanueva (little girl) and Olga Salanueva



Ivette González, 5 years old. She has never met her father, René González Sehwerert. The government of the United States prevents this. Next to her, Olga Salanueva, wife of René and mother of Ivette. She has not been able to visit her husband. The government of the United States prevents this from happening.

Adriana Pérez O'Connor



Wife of Gerardo Hernández Nordelo. She has not been able to visit her husband. The government of the United States prevents this from happening.

Related web sites:

<http://www.freethethefive.org>

<http://www.radiohc.cu/heroes/heroesing.htm>

<http://www.irebelde.cubaweb/cu/inocentes/index.html>

<http://www.antiterroristas/cu/>

<http://www.escambray.islagrande.cu/Patriotas1/html>

Map of the locations and states where the Cuban five are imprisoned.

