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Held at the Palais des Nations, Geneva,
on Tuesday, 28 February 1989, at 10 a.m.

Chairman: Mr. BOSSUYT (Belgium)

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The meeting was called to order at 10.05 a.m.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 22) (continued) (E/CN.4/1989/44, E/CN.4/1989/67)

1. Mr. HAWKES (Observer for Ireland) said that freedom of religion was a universal right, recognized as such in various international instruments. Those instruments, like the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, left no doubt as to the obligations of States in the matter. It was extremely alarming to note, therefore, in reading the report of Mr. d'Almeida Ribeiro (E/CN.4/1989/44), that that right was far from universally respected and that manifestations of religious intolerance continued to persist in many parts of the world in various forms, the worst being discrimination against members of minority religions or dissident members of the same religion. Religious fanaticism was at the origin of violations of some of the most fundamental human rights and gravely imperilled the cause of religious freedom.
2. It was essential that all Governments should co-operate with the Special Rapporteur in his vital task, in the same way as the Irish Government, which had responded to requests for clarification by the Special Rapporteur regarding alleged discrimination against non-believers in the fields of education and health. In addition, the Commission should concentrate its efforts on the way in which all States were complying with their obligations under the various international human rights instruments. The Special Rapporteur had an important role to play in that regard, and the Commission should therefore do nothing that might undermine his work. His Government therefore urged the Commission to await the report it had requested from the Sub-Commission by its resolution 1988/55 before embarking on the elaboration of a legally binding convention on freedom of religion or belief. Such an initiative could damage what should be the common objective, namely, to vindicate the right of every individual to freedom in all areas.
3. Mr. NASSERI (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said it was important to place the scandal caused by Mr. Rushdie's book in proper perspective.
4. First, it should not be forgotten that the position of the Imam Khomeini was purely doctrinal and ideological, and was grounded in the principles, values and traditions of Islam, and that it was approved by all Muslims. Non-believers were not in a good position to make a judgement about a decision that was essentially ideological in nature. Second, the political aspect of the affair must not be ignored. It was clear that freedom of expression was not something absolute and could not be exercised without limitations. How was it possible, in the name of that liberty, to flout, trample underfoot and insult deliberately and openly the values and principles to which Muslims were so profoundly attached? In deciding to support Mr. Rushdie and his work, some Western countries had encouraged the publication of that book, thereby paving the way to bloodletting. Those countries had clearly adopted a selective attitude and would not have behaved in the same way if the subject had been a religion other than Islam. They were, in fact, using the affair for political ends and making it into a conflict between the West and the Islamic Republic of Iran. The whole matter would serve to show that Islamic values must not be treated lightly. The West might well prove ultimately not to be the winner.

5. Mr. DOLGU (Observer for Romania), speaking in exercise of the right of reply, said that none of the many speakers - some with political responsibilities in their countries - who had denigrated Romania since the start of the session of the Commission had had direct contact with the real situation in Romania. They merely quoted foreign sources, so-called public opinion and press articles, and repeated the slanderous comments originating from persons who had betrayed their country or from quarters which were critical of Romania's domestic and foreign policies.

6. Hungary's aims were numerous and well known to the Romanian people for centuries. Hungary was, among other things, seeking to eliminate the Romanian minority of that country, to sow discord between peoples and prevent the Hungarian people from turning its attention to the serious and complex problems which that country was now experiencing.

7. All Romanian citizens enjoyed equal rights, without distinction of any kind, and the right to work, health, education, culture and housing was guaranteed to all. Romania was also endeavouring to maintain full employment, and in particular the State guaranteed each student or pupil, on completion of his studies, a job corresponding to his professional training. The salaries of all categories of workers, as well as social insurance benefits and family allowances, were rising steadily. Since 1965 Romania had undertaken a vast programme of housing construction as a result of which more than 80 per cent of the population now lived in new homes. New hospitals, clinics and dispensaries had been opened, and the number of medical staff had also increased; there was now 1 doctor per 472 inhabitants and more than 135,000 medical auxiliaries. The management of the economy and of political life in the country had a profoundly democratic basis. All citizens - workers, peasants and intellectuals - participated in the administration of enterprises and the formulation of policies in various fields, as well as in the adoption and implementation of decisions. It would be desirable that the fundamental human rights to life, work and education were realized in all countries and that, as in Romania, employment and educational opportunities for young people were guaranteed everywhere.

8. Romania was ready to welcome all those who wished to know the truth and to appreciate the real situation in Romania and the results of the work of the Romanian people. It was in favour of dialogue and co-operation with everyone who showed good faith but it rejected, as it had always done and would continue to do, any interference in its internal affairs. Romania was working actively to establish good relations with all States, on condition that that was done on the basis of respect for the principles of national independence and sovereignty, equality of rights and non-interference in internal affairs.

9. Mr. YAVUZALP (Observer for Turkey) said that the report prepared by Mr. d'Almeida Ribeiro (E/CN.4/1989/44) was the outcome of painstaking work and represented a positive contribution to the elimination of religious intolerance and discrimination. His delegation nevertheless regretted the fact that the Special Rapporteur had not made a clearer distinction, in terms of their degree of seriousness, between the various cases of intolerance noted in the 23 countries mentioned in chapter II of the report, with the result that too much attention might be given to the less serious cases and not enough to the most serious ones.

10. The latter included persecution of the Turkish Muslim minority in Bulgaria. The signing of a protocol between Turkey and Bulgaria in February 1988 had raised hopes that the process of bilateral negotiations would contribute to restoring that minority's legitimate cultural and religious rights and thus to resolving that humanitarian problem, which had been a source of concern at both the national and international level and had jeopardized relations between the two countries. Unfortunately, Bulgaria had not changed its policy and the Turks were continuing to be persecuted in that country. The problem confronting them was a much more serious question than that of religious intolerance or deprivation of religious rights. It was the negation of the ethnic, cultural and religious identity of a whole people. That anachronous situation must be a matter of concern for all those defending the cause of human rights and especially the Commission. Everything indicated that, for the Bulgarian Government, the dialogue begun after the signature of the protocol was a means of preventing the attention of the international community from being brought to bear on the problem rather than a means of resolving it. The representatives of Bulgaria in the Commission and in other bodies had always refused to discuss the subject or give reasons for their inadmissible behaviour, except to deny history outright, and they had preferred to make false allegations against Turkey. It was to be hoped that one day Bulgaria would understand that, even if those allegations had been founded, nothing that might happen in Turkey could justify those acts, for which it would always bear responsibility before the international community.

11. His delegation once again invited the Bulgarian Government to respect its bilateral and multilateral undertakings with regard to the Turkish minority and its international commitments concerning minorities in general, including its obligations under the final document of the last Vienna session of the Conference on Security and Co-operation in Europe.

12. Mr. LOAIZA (Observer for Bolivia) said that his delegation had studied with interest the report prepared by Mr. d'Almeida Ribeiro (E/CN.4/1989/44).

13. In his delegation's view, the very importance acquired in international law by the international covenants on human rights and other similar instruments suggested that the adoption of new international standards would have the effect of further strengthening human rights, particularly in the area of freedom of religion. For that reason, his delegation supported the proposal to set up a working group to draft an international convention on the elimination of all forms of intolerance and of discrimination based on religion or belief. All the various religious cultures of the world would have to be taken into account in order to formulate a set of standards which could be accepted by consensus. Freedom of religion was a very delicate question. Although throughout the world there was an increasing awareness of the need to respect, protect and promote human rights and fundamental freedoms and of the fact that those rights should be embodied in various international instruments, religious intolerance persisted in various parts of the world.

14. Mr. GYURIS (Observer for Hungary) said that, in Hungary, relations between the State and the various churches and religious denominations were based on recognition of the equality of rights of all citizens and on the need to eliminate all forms of discrimination and to ensure respect for each person's inalienable rights. The signature in 1984 of a convention between Hungary and the Holy See had made it possible to resolve a very large number of the outstanding problems and had encouraged the development of friendly and

fruitful relations between the Catholic Church of Hungary and the Holy See on the one hand and between the Hungarian Government and the Vatican on the other. The next visit of His Holiness the Pope to Hungary would further strengthen those relations, which presupposed a common position on all the major problems of the contemporary world. It should be pointed out in that regard that, in commenting on the message issued by John Paul II on 1 January 1989 setting out the position of the Roman Catholic Church on national and religious minorities, the Hungarian National Assembly had stated that respect for the rights of ethnic, national and religious minorities was a sine qua non for the maintenance of peace and that the individual and collective rights of minorities formed a particularly important element of human rights.

15. The Hungarian Government maintained cordial relations not only with the Catholic Church of Hungary but also with the Protestant Church and other denominations. Furthermore, the constructive dialogue which had been established between believers and atheists during the previous few years had assumed international dimensions. The churches could make a positive contribution to the life of society in all fields. Thus, the Hungarian churches were actively concerned with the refugee problem and also played an important role in the area of health by participating in programmes for the handicapped, drug addicts and alcoholics. They also co-operated in the efforts made by the State to protect the nation's cultural heritage - especially through the conservation and maintenance of historical monuments - and to propagate the spiritual values embodied in various kinds of works of art.

16. The attitude of the Commission at the current session showed that the international community was determined to take action against all manifestations of intolerance and all kinds of violations of human rights and fundamental freedoms. His delegation wished to emphasize the paramount importance of tolerance of the views and beliefs of others. A State that did not respect the cultural and spiritual values of the various ethnic and religious minorities living within its territory and failed to benefit from that diversity was, as St. Stephen, the founder of the Hungarian State, had once said, a weak and fragile State incapable of ensuring the well-being of all members of society.

17. Mr. OMAR (Observer for the Libyan Arab Jamahiriya) felt that the problem created by the publication of the "Satanic Verses" had to be brought before the United Nations, and in particular the Commission. His delegation would nevertheless have preferred the matter to be discussed under an agenda item other than item 22. It should be emphasized that Islam was essentially a religion of tolerance by virtue of its very origin, since it had originated in a region which had also given rise to two other major religions. Some people had invoked the right to freedom of thought and expression with respect to the publication of the "Satanic Verses" but without taking into account the feelings of millions of Muslims. Freedom of opinion and expression was not an absolute freedom existing in a vacuum and had to be considered from the legislative and practical standpoint.

18. The Universal Declaration of Human Rights guaranteed that freedom in article 19, but article 29 provided a general framework for its exercise which took into account other requirements, such as the freedom of others and public

order. He recalled also that article 20, paragraph 2 of the International Covenant on Civil and Political Rights stated that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law".

19. The general principles of law imposed limitations on freedom of opinion and expression, even in the most liberal States; thus, some States had prohibited the publication of books dealing with questions of security or espionage. Freedom of expression, therefore, could not be total. Some people had accused the Muslims who protested against the publication of the "Satanic Verses" of intolerance, but he wondered which side was really showing intolerance. The "Satanic Verses" could not be regarded as an objective and scientific work. It was known that the life of the prophet Mahomet had been recorded with great precision. The book in question, however, did not take account of that historical basis. On the contrary, it contained insults against the Prophet, and its obscenity went beyond anything that had hitherto been published against Islam. It was for that reason that all the Islamic communities had rejected it.

20. No one was forced to adhere to Islam, but anyone who did must not insult that religion and its Prophet. Furthermore, no one could insult Muslims without expecting a reaction on their part. Intolerance, therefore, was being shown by those who insulted Islam. It was significant in that regard that the "Satanic Verses" had been defended before the Commission by the representative of a non-governmental organization (NGO) whose hostility towards Islam and the Muslim countries was well known.

21. The international community, therefore, must now understand the danger of such a publication. He noted that Canada had decided to prohibit the importation of copies of the book in order to determine, first of all, whether or not it was insulting; he hoped that other countries would act in the same way. It might be recalled in that regard that not very long ago Muslims had expressed their solidarity with Christians shocked by the showing of a film insulting to Jesus Christ. Now, at the time of the publication of a book like the "Satanic Verses", punishable under the Shariah, any support for that publication must be understood as a manifestation of intolerance towards Islam. He would like to see the truth on that matter reflected in the documents of the Commission.

CONSIDERATION OF THE REPORT OF THE MISSION WHICH TOOK PLACE IN CUBA IN ACCORDANCE WITH COMMISSION DECISION 1988/106 (agenda item 11 bis) (E/CN.4/1989/46 and Corr.1)

22. Mr. SENE (Chairman of the Group which had visited Cuba in accordance with Commission decision 1988/106) said that by its consensus decision the Commission on Human Rights, having regard to the invitation of the Government of Cuba, had appointed its Chairman and five of its members representing the regional groups to visit Cuba in order to observe the human rights situation. In addition to Mr. Sene himself, Ambassador of Senegal and Chairman of the forty-fourth session of the Commission, the Group had comprised Mrs. Attah, Ambassador of Nigeria, representing Africa; Mr. Dichev, Ambassador of Bulgaria, representing Eastern Europe; Mr. Ingles, Under-Secretary for Foreign Affairs of the Philippines, representing Asia; Mr. Lillis, Ambassador of Ireland, representing Western Europe and North America; and Mr. Rivas Posada, Ambassador of Colombia, representing Latin America.

23. The Group had carried out its mandate with humility, in keeping with the spirit of consensus that had been the basis of Commission decision 1988/106. It had constituted an original but coherent mechanism whose action had marked a new stage in the multilateral dialogue on human rights.

24. The report issued as document E/CN.4/1989/46, which contained 4 chapters and 33 annexes, was voluminous; it was the sum of a vast amount of documentation and information which it had been necessary to sift, analyse and consolidate on the basis of consensus. The first chapter reviewed the preliminary contacts he had had, as Chairman of the Group, especially those with Mr. Lechuga, Permanent Representative of Cuba to the United Nations Office at Geneva, and with Mr. Raul Roa Kouri, Deputy Minister for External Relations of Cuba. Non-governmental organizations, including some based in Miami or Madrid, one diplomatic mission and a number of private individuals had submitted a vast amount of documentation, notably concerning individual cases (see annexes III and V). With regard to the individual cases, he had made humanitarian approaches to the Government of Cuba through its Permanent Representative at Geneva and favourable consideration had been given to several cases, as indicated in the annexes.

25. The Group had also received useful documents from the Permanent Mission of Cuba: the Constitution, Penal Code (annexes XIX and XX), codes of procedure and a list of international human rights instruments ratified by Cuba. At the first meeting of the Group, all the documentation had been examined and some of it had been transmitted to the Government of Cuba for opinion, together with a list of 2,000 individual cases. The Group had also sent the Government of Cuba a communiqué for publication to announce its visit (see annex V).

26. At its second meeting, from 12 to 15 September 1988, the Group had had a meeting with Cuba's Deputy Minister for External Relations and had heard statements by representatives of Amnesty International and the New York City Bar Association on the working visits to Cuba by those two NGOs. He (Mr. Sene) had, furthermore, been received by the President of ICRC, who had visited Cuba. The Group had also gathered testimony from representatives of the Task Force for Human Rights, based in Miami, the association Women for Human Rights Inc., and the Spanish section of the Cuban Committee for Human Rights, based in Madrid.

27. At the very beginning of its visit, which had taken place from 16 to 25 September, the Group had met Mr. Isidoro Malmierca, Minister for External Relations, in the afternoon following its arrival. During the visit, the Group had met Mr. Fidel Castro, President of the Council of State, and had been received by the Vice-President, Mr. Carlos Rafael Rodriguez, as well as by other senior officials, including the Minister for Foreign Relations, the Minister of the Interior, the Minister of Health, the Minister of Education, the Minister of Justice, the Minister of Higher Education and their principal advisers. The Group had also had a long meeting with the Secretary-General of the National Assembly of People's Power, together with several members of the Legislature. It had also met the President and members of the National Committee of Workers and Social Security and the Chairman of the Instituto (Office) of Housing. It had, moreover, been received by the senior officials of the Central Committee of the Cuban Communist Party responsible for information and religious affairs, and by officials of the Committees for the Defence of the Revolution. It had then exchanged views with journalists and

heads of the information media. It had also met members of the Union of Jurists, the Union of Writers and Artists, the Federation of Students and the Union of Communist Youth.

28. The Group had travelled to prisons, where it had met detainees, and had visited schools and hospitals. In the province of Pinar del Rio, it had met directors of agricultural co-operatives and social welfare institutions, as well as members of the Federation of Cuban Women. It had been received by more than 30 representatives of NGOs, in particular the Cuban Committee for Human Rights, the Commission for Human Rights and National Reconstruction, the Allied Human Rights and National Reconciliation Organizations, the Naturista Vida Association and the Pro-Arte Libre Association. It had had meetings with the Cuban Ecumenical Council and the Catholic Episcopal Conference. Lastly, it had gathered testimony from 87 persons directly and from another 1,600 persons through the secretariat. The list of those persons, together with the allegations and complaints submitted, were to be found in annex VII.

29. It could therefore be seen that the Group, in co-operation with the Government and people of Cuba, had been able to carry out its task in all the socio-cultural sectors of national life and had thus been able to observe the implementation of human rights in Cuba. The Group had taken the Universal Declaration of Human Rights as its terms of reference, and in that light had begun by analysing the constitutional and legislative aspects of the legal standards applied in Cuba. Chapter II of its report contained the questions which had been raised with the Government of Cuba concerning the provisions of the Constitution and Penal Code (see also annexes XVI, XIX and XX). That chapter also reproduced the substantive points made by Cuba's Minister of Justice. The Minister had stated in particular that the Cuban legal system was based on a Constitution adopted by referendum on 15 February 1976 with the support of 97.2 per cent of the 5,700,000 voters.

30. He did not wish to deal with matters of substance in his introduction, nor with the historical and geopolitical background, and would confine himself to the report, which was a synthesis document carefully prepared to achieve consensus, and would simply draw attention to its main features.

31. First, he wished to enumerate the questions on which the Cuban authorities had given replies, indicating the corresponding articles of the Universal Declaration of Human Rights: administration of justice (article 10); freedom of movement and right of asylum (articles 13 and 14); right of citizenship (article 15); religious freedom, freedom of opinion and expression and of the press (articles 2, 18 and 19); freedom of assembly, expression and association (article 20); right to education (article 26); and limitation of rights and freedoms by the Constitution (articles 29 and 30).

32. Annex XVII reproduced the opinions which the legal section of the Cuban Committee for Human Rights had communicated in writing with regard to the Constitution and the Penal Code.

33. In Chapter III of the report, which concerned civil and political rights, the Group reported official comments on the following rights and freedoms (with the corresponding articles of the Universal Declaration): right to life (article 3); right to physical integrity (article 5); right to privacy (article 12); freedom to enter and leave the country of which one is a

national (article 13, para. 2); freedom of conscience and religion (article 18); freedom of opinion and expression, including freedom of information (article 19); freedom of assembly and association, including trade union freedom (article 20); and right to political participation (article 21). Chapter III concluded with an examination of judicial protection in respect of the lawfulness of administrative or constitutional acts. Chapter IV dealt with economic, social and cultural rights, and in particular with the social security system (articles 22, 23 and 24 of the Universal Declaration), health (article 25) and education (article 26).

34. He thanked the Government and the people of Cuba for their valuable co-operation with the Group in the fulfilment of its mandate. He also expressed gratitude to the Secretary-General of the United Nations, who had followed the Group's mission with interest and attention, assisted by the Under-Secretary-General for Human Rights and by the Secretariat staff who had accompanied the Group and worked to the limit of their ability. The Group felt that it was time to increase the resources of the Centre for Human Rights to enable it to execute its vast programme for the protection and promotion of human rights.

35. One of the report's conclusions was that the spirit of international co-operation which had led to decision 1988/106 had been actively maintained between the Group and the Cuban authorities during the mission and had enabled a consensus to be preserved for the presentation of the report. He hoped that the spirit of multilateral co-operation, mutual respect, comprehension and tolerance which had inspired the Group would be preserved in the discussion now beginning.

36. Lastly, the Group hoped it had made a contribution to the action carried out by the United Nations, in the Americas and elsewhere in the world to establish peace and brotherhood, respect for human dignity and better conditions of life for men, women and children of every race, colour, origin and religion.

37. Mr. ROA KOURI (Cuba), presenting his delegation's comments on the report of the mission which had taken place in Cuba in accordance with Commission decision 1988/106 (E/CN.4/1989/46), pointed out first of all that, since the triumph of the Cuban Revolution on 1 January 1959, his country had been the target of hostility, pressure and aggression from eight successive United States Governments, which had sought to isolate Cuba diplomatically, stifle it economically and rob it of its best specialists (more than 3,000 doctors and thousands of technicians had left the country as a result). Then there had been the air, sea and land attack on Playa Girón, the bombing of the Havana airports by United States planes with Cuban markings and the attempt to assassinate President Fidel Castro and other leaders. A large-scale invasion of Cuba by United States forces had finally aborted at the time of the October 1962 crisis and since then Cuba had been subjected to an economic blockade which was an obstacle to free trade with the United States, as well as with its allies. As indicated in annex XVIII of the report under consideration, the Cuban economy had also been the victim of particularly immoral bacteriological aggression by the United States which had resulted in loss of human life and serious damage.

38. During the first years of the Reagan Administration, the military threat had resurfaced; President Reagan had sought to tighten the economic blockade, by exercising pressure on the United States' allies, to limit contacts of any kind with Cuba and to launch a campaign of defamation against that country and the leaders of the Revolution by accusing them of being involved in drug trafficking and of committing mass and flagrant violations of human rights. Never had such a militarily and economically powerful country as the United States been seen to make such an all-out effort to crush and denigrate one nation. For more than four years, that powerful neighbour had been heaping abuse on the Cuban Revolution as part of a massive propaganda campaign involving the creation in Latin America and Europe of so-called groups for the protection of human rights in Cuba, the publication of articles and "information" in controlled North American and international press organs, declarations by United States leaders, the promotion of anti-Cuban motions in the parliaments of other countries and the use of counter-revolutionary and anti-socialist elements in Cuba itself to foment acts of provocation and create disorder.

39. During the months preceding the arrival of the Commission's mission to Cuba, those activities had been stepped up: every day and at any time, both before the mission's arrival and during its stay, various radio stations located in United States territory but easily picked up in Cuba had been calling on Cubans to meet the mission at the Havana airport, hold public demonstrations to show their "discontent" and submit complaints about the situation of "thousands of political prisoners" by telephoning UNDP - in other words, to execute the plan developed by the CIA's psychological warfare specialists aimed at "destabilizing and crushing" the Revolution. The anti-Cuban campaign had cost United States taxpayers millions of dollars.

40. With the deployment of that force, it was hardly surprising that the United States had succeeded in mobilizing a small group of persons ready to pour out an incessant stream of lies to the members of the mission, gross slanders which could already be found in the "white paper" issued by the State Department before the invasion of Playa Girón and which had been repeated, for example, in the Commission by United States Ambassador Vernon Walters in 1988. Those people claimed that the mission chaired by Mr. Sene had not been invited by the Government of Cuba but had been sent thanks to the efforts of the United States, and that the mission's task had been to "investigate" and not observe the human rights situation in Cuba. However, in the actual terms of its decision 1988/106, the Commission had "decided to accept the invitation" of the Government of Cuba.

41. Moreover, in its report, the mission completely disproved the accusations of Ambassador Vernon Walters that torture and clandestine executions were continuing in Cuba and that there were between 10,000 and 15,000 political prisoners in prisons and labour camps. On the contrary, the mission had received reliable information from the authorities and for intellectuals, workers and the population in general that in Cuba today there were no missing persons, no cases of torture or clandestine execution, no "death squads", and no political repression with dogs, batons or tear gas, as used in fact by many so-called "democracies" in the West. According to the information provided by the population, the treatment of prisoners was anything but "cruel, humiliating or degrading" and, in general, Cuban prisons met the minimum standards required of penitentiary establishments.

42. In June 1988, an International Committee of the Red Cross (ICRC) team had visited Cuba for one month, during which time it had without difficulty interviewed 406 persons detained for offences against the security of the State and had visited 13 prisons throughout the country. The number of persons detained for counter-revolutionary offences, which had stood at 458 in March 1988, was now less than 100, and not 10,000 as had been claimed at a recent press conference by the representative of the United States.

43. The unprecedented nature of the Commission's mission to Cuba should be emphasized. The Government of Cuba had in fact requested a mission comprising the Chairman of the Commission and five members, one from each of the regional groups; that mission had been carefully prepared with the full co-operation of the Cuban Government; it had been announced in advance to the entire population, which had been given the telephone numbers on which UNDP could be called to request interviews or to supply information; the stay of the members of the Commission had been extended from 5 to 10 days, and they had enjoyed all the facilities and all the necessary guarantees to visit the places and prisons and meet the persons they had wished; and, lastly, the Cuban authorities had allowed the mission to study closely the Constitution and domestic laws in conditions which had certainly not been enjoyed by any special rapporteur to date. In fact, Cuba had inaugurated a new form of multilateral co-operation in the field of human rights which should be considered by other States members as a new means of contributing to the promotion of those rights.

44. In his delegation's view, the weakness of the report was that the mission had gathered testimony and allegations concerning alleged facts dating back 20 or 30 years, an approach that was not only contrary to the spirit and letter of the mandate set out in decision 1988/106 (to observe the human rights situation during the mission's stay) but also implied a historical judgement on the political and social process, something which no Government could accept. It should also be pointed out that the mission had received information in Geneva from organizations based in Miami (United States of America), Madrid (Spain), the United Kingdom and Geneva itself. That did not appear to be consistent with the mandate which the mission had received to observe the situation locally. Yet that mandate had been clearly stated on several occasions by the Government of Cuba and had been accepted by the Chairman of the Commission during the meeting held between the members of the mission and the Cuban Minister for External Relations. Furthermore, his delegation wished to emphasize the undeniable fact that, in 65.7 per cent of cases, testimony relating to alleged violations of human rights dealt exclusively with problems of entering or leaving the country.

45. The Group visiting Cuba had given the Cuban authorities a comprehensive list, drawn up by the Secretariat, concerning allegations made by 1,684 persons; however, since the names of 47 persons appeared twice, a total of 1,637 persons were ultimately concerned, among whom there were members of 49 families whose cases had been considered as humanitarian ones by the Chairman of the Group and had been resolved in the letter from Cuba's Minister of the Interior dated 14 November 1988 (see annex IX to the report). Consequently, the questions raised in the body of the report actually concerned 1,588 persons. Lastly, it should be pointed out that annex VII,

which contained the list of "allegations" presented by "more than 1,600 persons" - according to the terms of the report - merely repeated what was already to be found in the body of the report itself and added nothing new. Therefore, of the 325 pages of annexes in the Spanish version of the report, there were only 86 pages concerning supposed "violations", the great majority of which related to the right to leave or return to the country and also appeared in the report itself.

46. The representative of the United States had recently claimed that the Government of Cuba had carried out reprisals against some persons simply because they had met the members of the Group during its stay. However, nothing could be further from reality or from the habitual practice of the Cuban Revolution. He indicated the names of the persons arrested in Cuba allegedly for purposes of reprisals and reasons for their arrest. Gustavo Venta Pérez had been arrested on 22 September 1988 for disturbing the peace near the Hotel Commodore and for resisting authority; the competent court had sentenced him to six months' imprisonment (case No. 2 333 of 1988). Francisco Benitez Ferrer had attacked a police officer on 27 September 1988 in front of the Hotel Commodore and had been sentenced to six months of imprisonment (case No. 3 063 of 1988). His brother Alejandro Benitez Ferrer had been sentenced for the same offence. Lázaro Linares Etchevarría, who had been sentenced for a misdemeanour and then released on 22 August 1988, had caused a serious breach of the peace on 28 September 1988 and the decision regarding his release had been reversed by the same court.

47. On 19 October 1988, several provocateurs had physically and verbally attacked passers-by attempting to restrain them and had been sentenced to terms of imprisonment ranging from one year to six months. The persons concerned were members of the so-called "Asociación Pro Arte Libre" group, although none were well-known artists, and belonged to the small group led by Ricardo Bofil.

48. Other members of "Pro Arte Libre" had devised a provocation involving the organization of a so-called art exhibition, which had later been the target of an armed attack orchestrated by themselves, the responsibility for which had then been laid on the Cuban authorities. After a preliminary inquiry, five persons had been arrested between 18 and 20 October 1988 and had been found in possession of arms which, according to their admissions, they had intended to use for that "self-aggression". All, moreover, had previously served prison sentences for various offences. Investigation and committal proceedings were now in progress and the persons concerned were to appear before the competent court. Tania Diaz Castro, the ex-wife of a counter-revolutionary prisoner and self-styled "objector", had gone to the Combinado del Este prison on 29 November 1988 supposedly to visit another counter-revolutionary prisoner with whom she had a relationship. Being neither the wife of the former nor having any conjugal relationship with the latter, she had been refused entry to the penitentiary establishment and, together with other members of her family, had attacked a member of the prison staff, who had been thrown to the ground and beaten. Tania Diaz Castro had been sentenced to deprivation of liberty for one year (case No. 1 346 of 1988). It was therefore clear that none of those persons had been subjected to reprisals for having met the members of the Commission's mission. It should be pointed out, however, that the fact of having met the Group did not guarantee the immunity of any person or exempt him from the requirement to abide by the law.

49. He then provided clarification of certain passages in the report (E/CN.4/1989/46) which, in his view, were either confused or inexact. First, it was stated in paragraph 69 that the Group had informed the Cuban authorities that it wished to visit the prisons of El Morro, La Cabaña and Quivicán and that the Minister for External Relations had told it that the "three prisons were closed". His delegation, like the Secretariat, possessed a recording of that conversation and wished to indicate that the Minister had said that the prisons of El Morro and La Cabaña were "tourist centres" and not that they had been closed. The Secretariat official who had arrived at Havana before the mission had, furthermore, corroborated that statement. The Minister had stated that he had not received requests to visit the detention centre of Villa Marista but the prison of Quivicán. The mission had finally decided to visit Villa Marista, as indicated in the report, but it had not included Quivicán in its programme. At any rate, the Cuban authorities had clearly indicated to the mission that it could go to the prisons and places it had wished to see.

50. Second, in paragraph 33, the Minister of Justice was reported to have said that: "... the harshness and severity of penalties had been maintained as a deterrent, and that it was not a legal phenomenon but rather a political position". It should be made clear that the Minister had meant that the severity of penalties for offences against the security of the State had been due to the political considerations explained in the same paragraph 33, which in no way signified that the said penalties were applied unlawfully. In fact, the offenders in question had been tried by competent courts, in accordance with procedures established by law and in strict compliance with the principle that there could be no offence or penalty except as already laid down by law.

51. He noted that the changes made to the Penal Code of 1979, as incorporated in the new Code approved by the National Assembly in 1987, covered more than 62 per cent of the articles of the previous code and significantly reduced the penalties laid down, notably by providing alternatives to deprivation of liberty for 80 per cent of offences. The new Penal Code was the result of the new economic, political and social conditions that had been created in Cuba, as well as of the legal work carried out over a period of 10 years, and not the result of any outside pressure or of the Group's visit.

52. Paragraph 59 of the report noted briefly the reply given by the Minister of Justice to the questions raised by the Group regarding the Associations Act of 1986. In that regard, it should be noted to note that in Cuba the right of association had previously been governed, from November 1976, by Act No. 1 320, which had been replaced by the current Act No. 54 of December 1985. Analysis of that Act and of its rules of application, as set forth in decision No. 53 of the Minister of Justice, provided a clear answer to the Group's questions: freedom of assembly, demonstration and association was not confined to that exercised within the framework of mass organizations and social organizations governed by the Constitution, since Act No. 54 stipulated that such organizations were not covered by its provisions and concerned the action of any association that might be constituted in the public interest. An association must obtain the approval of the head of the department responsible for associations in the Ministry of Justice, and the Act, as well as its rules of application, specified the cases in which approval could be refused, i.e. almost exclusively when the formalities were not complied with. In fact, article 5 of the Act authorized the establishment of associations comprising only 30 members and provided that the Minister could authorize

associations with even fewer members. In the event of a refusal, the persons concerned could appeal to the Minister of Justice and, if he rendered a negative decision, they could avail themselves of the normal judicial remedies (article 91 of the regulations of Act No. 54). It could therefore be said that the Associations Act offered very broad scope, and a large number of associations had been constituted in Cuba under its provisions.

53. Paragraph 122 of the report summarized certain remarks by a representative of the "Cuban Committee for Human Rights" which called for clarification. The absence of a tribunal of constitutional guarantees of the kind that had existed before the revolution did not mean, as the "witness" claimed, that the rights and freedoms proclaimed in the Constitution were not properly guaranteed. That "witness" did not appear to know the most elementary principles of the doctrine on that subject or the Cuban legal system. The constitutional protection afforded by judicial machinery - such as the tribunals - of constitutional guarantees was only one of the universally-accepted ways of guaranteeing the primacy of the Constitution. Others included the ordinary judicial channels, whether or not including special remedies, the institution of the ombudsman, as in the Nordic countries, or that of the procurator as in the socialist countries. In Cuba, remedies were available through the legislative organ, governed by the regulations of the National Assembly of People's Power, a fact which the "witness" cited did not seem to know.

54. The same person stated that, in view of articles 105, 160, 161, 245 and 248 (of the Penal Code), there could be no fair and impartial judicial proceedings in Cuba. That suggested the existence of confusion between the Penal Code and the Penal Procedure Act. The articles of the Penal Procedure Act referred to specifically guaranteed the legality and fairness of proceedings. Article 105 stated that the preparatory phase of penal proceedings were the responsibility of the Attorney-General, to whom any police official investigating a case was answerable; under article 160, an accused person appearing before an investigating officer must provide his name and particulars, but article 161 offered an important safeguard and protected a fundamental right by stipulating that no accused person was required to testify against himself and that the investigating officer should inform him of what he was being accused, by whom, what charges were being preferred and that he had the right to indicate witnesses in his defence. Thus, from the preparatory phase onwards, the principle of the adversary system was respected. Article 248 defined offences of extreme gravity for which conditional release on bail could not be granted. However, the penal procedure regulations allowed for conditional release when there was no risk that the accused person might attempt to evade justice and when the offence was not so serious that it required society to protect itself by preventive means.

55. Lastly, the same person declared that in Cuba there were many restrictions on the exercise of the right to habeas corpus and referred to the provisions of article 467 of the Penal Procedure Act under which that remedy was not applicable in cases of detention on the basis of a court order or arrest warrant. That was hardly surprising since habeas corpus was an exceptional procedure which allowed for the release of a person detained in violation of the formal requirements and guarantees laid down by the Constitution and domestic legislation, and that procedure could not be used against the principle of res judicata or when imprisonment had been decided by a competent authority and in accordance with procedure.

56. According to paragraph 126 of the report, it appeared from testimony received that the fact of requesting permission to leave the country was the main reason in Cuba for loss of employment or employment category. His delegation wished to point out that in the non-socialist countries an employer could, either lawfully or by unscrupulous means, dismiss or demote an employee who did not conform perfectly to his limited and narrow interests, but that since those were acts by private individuals and not the State they were not treated in those countries as violations of human rights. On the other hand in Cuba, where the only employer was the State, any arbitrary act committed in the field of employment could be interpreted as a violation of human rights. The possibility could not be excluded that some officials might act unlawfully in their capacity of employer and infringe the rights of workers, yet such acts in no way constituted official State employment policy. Furthermore, the employee concerned was not deprived of remedies in such cases and could avail himself of the machinery laid down by law to enforce his rights and obtain compensation: labour councils and legal action in the competent courts, including not only municipal people's courts but also the provincial people's courts and the Supreme People's Court in appeal cases.

57. With regard to annex XVI of the report and questions dealing with individual liberty as well as articles 71, 73, 74 and 75 of the Penal Code, which defined the notion of "dangerous state", he wished to point out first of all that so-called "pre-criminal security measures" (annex XVI, (d)) were to be found in the legislation of many countries and had already appeared in Cuban domestic legislation of the 1930s, i.e. well before 1959. The Group sent by the Commission had asked what were the standards of the socialist morality that were departed from by a person who, through his conduct, was considered as demonstrating a dangerous state, and who was responsible for establishing them. The precept in question, like all those of a legal nature, must be interpreted in the light, and as a function, of the other precepts preceding and following it. It was therefore clear from reading article 73 of the Penal Code that a dangerous state was produced by habitual drunkenness, drug addiction or anti-social behaviour. Anti-social behaviour, according to the same article, meant violence, provocation, disturbance of the peace, parasitism, exploitation of the work of others, etc. It was the legislator and he alone who defined what Cubans understood by socialist morality and the rules of life in society, values which were protected in the interest of all and for the protection of human rights.

58. With regard to the offence of enemy propaganda, referred to by the Group of the Commission in annex XVI, he indicated that the offence in question consisted in inciting action against the social order, international solidarity or the socialist State, and not only in taking a theoretical position against the State or the economic and social order. Since it raised the question as to whether the article of the Penal Code in question could be used to prevent the free exercise of the right to criticize the Government, the Group showed that it had not had the time to observe that citizens were free to express their positions in the Cuban press, and did not fail to do so, thereby significantly enriching public discussion. Furthermore, Cubans had never been a people that could be reduced to silence; they were a people "with an inclination to protest", as the writer Eduardo Galeano had said, and could in no way be prevented from expressing any criticism they wished. Likewise, regarding the question raised by the Group on the subject of acts designed to cause alarm or spread false information likely to disrupt international peace or endanger the prestige of the Cuban State or its good relations with another

State, it should be borne in mind that a large number of penal codes contained similar provisions, in view of the need to prevent irresponsible or ill-intentioned acts that might threaten social peace and peace in general, especially by the dissemination of false information likely to endanger international co-existence.

59. Annex XVII and, in particular, the comments made by the Group of the Commission on article 16 of the Penal Code to the effect that criminal responsibility could be attributed to someone not old enough to work or to contract marriage constituted a statement that was surprising to say the least. In Cuba, a country where the right to vote was granted to every citizen above the age of 16, the penalties imposed under the Penal Code on persons aged 16 to 18 were reduced. The reasons for the legislative provisions under discussion were much more complex than those referred to in annex XVII. There was no contradiction, for example, between the age of criminal responsibility and the legal working age. The latter was fixed in Cuba at 17 years, because Cuban society had the means to ensure the maintenance and studies of any minor aged 17.

60. According to paragraph 36 of the mission's report, the Minister of Justice had stated that "the Party did not give orders to judges but, through the National Assembly, approved the laws which judges were required to enforce". However, the Minister had never made such a statement since, being fully conversant with the provisions of the Constitution and domestic legislation, he knew perfectly well that the Party played no role in the drafting and approval of laws.

61. In paragraph 68 of its report, the Group referred to a letter in which it had been claimed that 13 counter-revolutionaries had been executed by firing squad between 1980 and 1987. The Cuban Penal Code did, indeed, provide for capital punishment for serious offences such as those committed by the 13 persons in question, of whom two had led a counter-revolutionary group guilty of numerous acts of sabotage and terrorism and had been found in illegal possession of arms, munitions, uniforms and explosives, 3 had been found guilty of acts of sabotage committed in agro-industrial centres, 5 had been former detainees under ordinary law who had been recruited in the United States by the ALFA-66 terrorist organization and given the task of carrying out acts of sabotage in Cuba aimed at destroying centres of strategic importance to the national economy, and 3 had led the group which had attacked the Mission of the Holy See in Havana, kidnapped the principal officials of that Mission and killed one of the employees. The persons in question, therefore, were in no way conscientious objectors or political dissidents. If the Minister of Justice, in his official meetings with the members of the Mission, had mentioned the existence of certain "draconian" provisions in the Cuban Penal Code, it must be pointed out that the reason why those provisions had been adopted was that the methods employed by the imperialist forces against the Revolution had left no other alternative.

62. In order for the members of the Commission to know what "political prisoners" had addressed letters to the Group and to be informed as to the grounds on which those persons had been convicted, it was important to provide the following details: Ernesto Díaz Rodríguez had in 1961 emigrated secretly to the United States, where he had joined the ALFA-66 terrorist organization; he had been sentenced to 15 years' imprisonment for his terrorist activities; Luis M. de la Caridad Zúñiga Rey, who was attending the current session of the

Commission under the name of Lino Hernández, had left the country illegally and had collaborated, in the United States, with counter-revolutionary organizations and with United States special services; he had been arrested in July 1974 when attempting to smuggle two persons into the country and had been found in possession of various arms and munitions; sentenced to 25 years' imprisonment (up to 1993), he had been released and had gone to the United States in December 1988; Angel Argüelles Garrido had emigrated illegally in 1963 and had collaborated with the MRR (Movimiento Recuperación Revolucionaria) counter-revolutionary organization, which had trained him for mercenary activities against Cuba; arrested in 1965 by the Navy, he had been sentenced to 25 years' imprisonment (up to 1990), but had been released and had emigrated in January 1989; Guillermo Quintero Valdés, a member of the ALFA-66 organization, had admitted responsibility for sabotage on a coffee plantation and had been sentenced to a prison term of 15 years which would expire in March 1997; Roberto Calveiro León had been sentenced to 30 years' imprisonment for attempting to hijack a motor launch at the mouth of the River Canimar and causing the death of seven persons. Jacinto Fernández González had been sentenced to 20 years' imprisonment after being charged with espionage for a foreign power. Ramón Hernández Páez had been sentenced to 18 months' imprisonment for the offence of enemy propaganda, and had received a further sentence for armed robbery; Rafael Nuñez Cuesta, a former official of the Ministry of Foreign Trade, had been sentenced to 29 years' imprisonment (up to 2005) on being convicted of espionage for the CIA, but had been released in 1988; Billy Sánchez Rodríguez, a common criminal, had been arrested in August 1988 when attempting to leave the country illegally; he had not yet been tried when the Group had visited Cuba.

63. The 22 prisoners referred to many times in the report and known as "plantados" because they were refusing to comply with the regulations in force in the penitentiary system were among the detainees who had been sentenced for attempting to assassinate President Fidel Castro, as well as for espionage, sabotage, complicity in assassination, offences against the integrity and stability of the nation, infiltration of enemy agents, armed attacks, etc. Like all detainees, whether common-law criminals or counter-revolutionaries, they had been treated properly in the Cuban prisons and no medical expert, Cuban or foreign, had been able to prove that they had been subjected to torture, as had been reported to the Group.

64. The Group, according to the report, had met seven organizations or associations, but the statements of six of them were dealt with in only two paragraphs of the report, emphasis being given to statements by the "Pro Derechos Humanos" Committee, which claimed to have several thousand members but, in reality had scarcely more than 70. The "Pro Derechos Humanos y Reconciliación Nacional" Committee comprised between 35 and 40 members, and the head of the "Reconciliación Nacional Pro Derechos Humanos" Committee recognized that he was the only member of that organization. The association entitled "Naturista Vida", which had in fact become a real estate operation, was composed solely of one couple and three other persons, and the "Pro Arte Libre" Association, consisting of 20 to 25 individuals, in fact had no relationship with the world of art. The Commission could therefore judge the unrepresentative nature of those groups as compared with the millions of Cubans who took part in the social, political, economic and cultural work of the Revolution.

65. Referring to the observation made by the Group that there had been a considerable number of blacks detained in the prison of Combinado del Este, he noted first of all that the Vice-President of the Council of State had also pointed out that, before the Revolution, racial discrimination in the country had been particularly intolerable and that the Revolution had helped the blacks to free themselves from that discrimination and from poverty. On that question, the Minister of the Interior had told the Group that the composition of the prison population had been 47 per cent white, 34 per cent black and 19 per cent Mestizos, which showed that the Combinado del Este prison was not representative of the situation nation-wide. However, the relevant statistical tables communicated to the Secretariat did not appear at all in the Group's report. Also on the subject of the racial problem, he pointed out not only that that problem did not arise in Cuba but that the Cuban people had not hesitated to spill its blood to help the African peoples who were victims of apartheid and racial discrimination.

66. With regard to the "pueblos cautivos" of Pinar del Rio, a locality which everyone in Cuba except the counter-revolutionaries called Ciudad Sandino, it should be made clear that only one place was involved, since Briones Montoto and López Peña were simply districts of Ciudad Sandino and that the Group could freely have visited those places had it had the time. Moreover, the inhabitants of Sandino belonged to families which had been evacuated from regions forming part of the war zone in the 1960s and which had supported the counter-revolution. The restrictions on the freedom of movement of the inhabitants had been lifted several months previously, precisely because the majority of inhabitants had chosen to participate in the Revolution and because a large number of young people now belonged to the Communist Youth Union of Cuba and were satisfied with their new life. As for other restrictions on freedom of movement, it was true that they had been imposed in the region of Guantánamo, but that was due to the presence of a United States naval base which since 1959 had provoked clashes in which one Cuban border guard had lost his life. Furthermore, the obligation to carry an identity card in no way constituted an impediment to freedom of movement. As in a great number of countries, citizens were required to give notification of any change of address. Also, if they took up residence elsewhere for more than 30 days, they must so inform the authorities. Those provisions were in no way discriminatory and did not hamper freedom of movement. The fact of leaving the country illegally, which had been considered a counter-revolutionary offence in the years of the worst confrontations with the United States, had since 1979 been treated as an ordinary offence under the Penal Code and as a breach of the foreign travel regulations that existed in all countries.

67. The Cuban authorities had clearly indicated that anyone who made the appropriate application was free to leave the country, subject to certain perfectly justified restrictions that the Group noted in its report. Other countries, however, must grant the necessary visas. There had, moreover, been no expulsion procedure in Cuba since 1959. If a couple left the country, the children were allowed to keep their home provided they had lived there with their parents; if not, the dwelling and furniture became the property of the State. If the dwelling itself belonged to the family, the children could retain ownership of it.

68. The statement in paragraph 104 of the report that believers could not be members of the Party and were thus excluded from the decision-making process in Cuban society was entirely false: any citizen, whatever his belief, enjoyed all civil and political rights, could vote and stand for election and thus participated in decision-making, responsibility for which rested not with the Party but with the organs of people's power.

69. With regard to the sentencing of a Jehovah's Witness, referred to in paragraph 106 of the report, he pointed out that the court had tried that person not because he had owned a copy of the Bible but because he had been found in possession of the review "Atalaya", which had a counter-revolutionary bias and was banned in Cuba. As in a large number of countries, the sect had not been recognized by law since its adherents refused to comply with the legislative and constitutional provisions. On the other hand, copies of the Bible and various religious publications, for example those of the Presbyterian Church, the Ecumenical Council of Cuba, the Episcopalian Church and the Ecumenical Information Centre circulated freely on the island. In a letter dated 22 December 1988 addressed to President Fidel Castro, the Archbishop of Havana had stated on behalf of all Cuban bishops that he had shared the hopes, difficulties and moments of enthusiasm experienced over the past 30 years, and that the Church had welcomed the progress achieved in the field of education, health care and the struggle against poverty and injustice. He had added that the Church had welcomed the opportunities it had now been given to provide spiritual assistance to detainees and the fact that its relations with the State had gradually become normalized.

70. With regard to the assertions contained in paragraph 111 of the report concerning the Military Production Assistance Units and the group called "Microfracción", he noted that the situations described had occurred 20 years earlier and obviously could not have been observed by the Group. Furthermore, it was incorrect to state that Dr. Aramis Tabuada had died in prison, since his own brothers, in a letter addressed recently to Mr. Sene, maintained on the contrary that he had died in hospital, where he had received the necessary medical treatment, as the representative of Cuba himself had informed the Commission at its 1988 session.

71. The claim in paragraph 115 of the report that "on ideological, political or religious grounds" the creators and "exponents of Cuban culture in exile" had been marginalized was entirely unfounded. All Catholic authors, whether or not members of the Communist Party, were free to publish their works. They were in no way regarded as enemies of the Revolution and contributed greatly, like the vast majority of the population, to building the new society. Similarly, Cuban artists living abroad had on many occasions been given the opportunity of exhibiting their works in the country and personalities of Cuban origin belonging to university, literary and cinematographic circles who lived in the United States were widely welcomed in Cuba. They in no way rejected their national origin and were not considered as enemies of the Cuban people.

72. With regard to freedom of education, the Commission might refer to the statements of the five members of the Executive Committee of the Ecumenical Council, as reproduced in the last two sentences of paragraph 105 of the report. For lack of time, however, he would refrain from commenting on the allegations made by the representatives of the insignificant movement of counter-revolutionaries with whom the Group had met or who had made submissions to the Secretariat.

73. Referring to the way in which the Group had referred to the Universal Declaration of Human Rights to formulate its comments on the situation in Cuba, he pointed out that it was impossible to maintain a priori, given the diversity of the forms of existing social organizations, that the State in a Socialist system necessarily applied principles contrary to the universally accepted standards of human rights. Indeed, the United Nations specifically recognized the existence in the world of different social régimes and the principle of the sovereign equality of all States. Furthermore, article 29 of the Universal Declaration stipulated that in addition to individual rights there were corresponding duties to the community, given that everyone was subject only to such limitations as were determined by law. It was clear, therefore, that the legislator was not authorized to invoke the principle of national sovereignty in order to establish a régime contrary to the respect for human rights and to the principles of international law, as was the case in South Africa. Cuban legislation did not allow for situations of that kind. On the other hand, it was consistent with the Socialist institutional régime, which the population had chosen to adopt when it had approved the Constitution of 1976 by 97.7 per cent of votes. Cuban legislation included all the machinery required to ensure that any citizen considering himself prevented from exercising his rights and fundamental freedoms could avail himself of remedies and seek compensation; furthermore, at the international level, there existed procedures, to which Cuba adhered, for the protection of rights and freedoms.

74. No one could therefore be misled into concluding, on the basis of the accusations gathered in the report, that flagrant and mass violations of human rights and fundamental freedoms were taking place in Cuba. The Group of the Commission had observed no situation of that kind. The very small number of persons who repeated the lies proffered in Washington could not contradict the truth affirmed by the overwhelming majority of the Cuban people, which proclaimed its faith in the Revolution. Nor could isolated cases be used to describe a general situation. Popular support over the past 30 years explained how, despite the hostile attitude, blockade, acts of aggression and defamatory campaigns attributable to the largest Western power, Cuba, a Socialist country, was steadfastly continuing on its path.

The meeting rose at 12.55 p.m.