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CONSIDERATION OF THE REPORT OF THE MISSION WHICH TOOK PLACE
IN CUBA IN ACCORDANCE WITH COMMISSION DECISION 1988/106

Note by the Secretariat

Attached is the note verbale, dated 28 February 1989, addressed by the Permanent Mission of Cuba to the United Nations Office at Geneva to the Chairman of the Group established under decision 1988/106 and circulated in accordance with the request made by the Representative of Cuba on 28 February 1989, during the Commission's forty-fifth session.

Annex

NOTE VERBALE, DATED 28 FEBRUARY 1989, ADDRESSED BY THE
PERMANENT MISSION OF CUBA TO THE UNITED NATIONS OFFICE AT
GENEVA TO THE CHAIRMAN OF THE GROUP ESTABLISHED UNDER
DECISION 1988/106

The Deputy Minister for Foreign Affairs of the Republic of Cuba, Raúl Roa Kourí, presents his compliments to the Chairman of the mission of the Commission on Human Rights which visited Cuba under Commission decision 1988/106 and has the honour to transmit herewith the preliminary comments by the Ministry of the Interior on the complaints submitted to the Secretariat by a number of private individuals during the visit to Cuba.

During the consideration of the complaints, problems such as the repetition of names, the failure to include enough information so that the complaints could be investigated and the illegibility of the complaints made the task more difficult.

With a view to organizing, classifying and shedding light on the allegations made in the complaints, assessing their objectivity, conducting investigations and determining the possible responsibility of Government officials, the working group arrived at the following general results:

1. The list prepared by the Secretariat refers to 1,684 persons, but, since 47 persons are mentioned more than once, there are in fact only 1,637.
2. The 1,637 persons include 49 families about whom the Chairman of the mission which visited Cuba, Mr. Alioune Sene, made a request for information to which we replied in writing with all the necessary details on 14 November 1988.
3. The cases cannot all be commented on because complaints are illegible, not fully explained and do not always contain information that would facilitate investigation, such as the date and place of the incidents and the addresses of the persons referred to; in such cases, any further verification or response was therefore impossible. There are also cases which are not complaints, but, rather, favourable assessments of the work of the Revolution.

As a result of the work carried out, the following preliminary conclusions were reached with regard to each of the headings:

1. Right to leave the country or to return

Total cases	1,075
Already emigrated	26
Persons authorized to leave the country as soon as the country of destination authorizes them to enter its territory	488
Not included in emigration records, so that there is no proof that they have made any application	463

Persons who have withdrawn their emigration applications in writing	14
Persons who have tacitly decided not to leave the country because they have failed to comply with the requirements	18
Persons who are unable to leave at present because they are recent graduates who are subject to active military service or because they are in possession of State secrets. As explained to the mission, emigration is delayed in such cases only for as long as necessary	63
Complaints which do not contain enough information on which to base a reply	3

2. Right to life

Nine complaints are referred to below.

1. Luis Rodríguez. The case will be fully investigated at greater length by the competent authorities in order to identify the persons responsible.
2. Jesús Pedro Acosta Morales. Complains that three persons were machine-gunned to death. These persons tried to force their way into a diplomatic mission in the capital and were killed in a clash with the police.
3. Carlos Arias Acosta. The incident he complains of is not as he describes it. What really happened was a mutiny, with a mass prison escape attempt in which one prisoner died.
4. Juan Espinosa Valdés. The investigation revealed that the father of Juan Espinosa Valdés died in an exchange of fire with the security forces that occurred when he was caught trying to leave the country clandestinely and offered resistance.
5. Ernesto Haza Tejera. His complaint is incomplete because it does not even indicate the name of the person who was allegedly shot or the date and place of the alleged incident.
6. Mariano López Ponce. His complaint does not contain enough information to warrant an investigation.
7. Ramón Santos Bazáin. Idem.
8. Maria Betancourt. Her complaint refers to testimony that was not transmitted to us.
9. Maria de los A. Leyva Alarcón. She reports that her son was deliberately shot by a schoolmate. This case relates to a regrettable matter to be dealt with by the ordinary courts, but it is not linked to the human rights problem.

3. Right to physical integrity

Total complaints	56
Complaints containing insufficient information	4
Cases wrongly classified under this heading	1
Cases which will be further investigated	8
Complaints which distort the facts or are completely untrue. For example, the complaints by Migual A. Aldana Ruiz, Daniel Azpillaga Lombar, Juan Enrique García Cruz, Segundo González Alonso, etc. concerning alleged beatings, torture and other physical attacks really involved assaults by the complainants on a prison official who was trying to make them show the necessary obedience; many of them, including Mustelier Nuevo and González Alonso, have made this type of untrue complaints before	43

4. Disappearances

There were seven complaints in this category.

Three complaints relate to three brothers named Cabrera González (Luis, Sandalio and Braulio) and to the same incident, the alleged disappearance of another brother, who in fact committed suicide, as shown by expert testimony in the case.

The three complaints made by Heriberto Cruz Ramírez, Lourdes Basilea Sosa Morffi and Luis Rodríguez will be further investigated by the Cuban authorities, since the records contain no information on alleged disappearances.

The complaint submitted by Esperanza Herrera Salazar does not contain information that makes it possible to conduct an investigation.

5. Illegal or arbitrary arrests

Total cases:	91
Complaints which are untrue because they refer to incidents which did not occur or misrepresent the way in which incidents really did occur	51
Complaints made as a result of ignorance of criminal procedures	32
Insufficient information to conduct an investigation	5
The competent authorities will conduct a thorough investigation	3

6.	<u>Right to due process</u>	
	Total cases	78
	Cases which will be further investigated	7
	Complaints groundless under the legislation in force	48
	Cases which are inconsistent with the provisions of criminal procedural law	19
	Insufficient information for an investigation	4
7.	<u>Right to security</u>	
	Total cases	155
	Under investigation	36
	Insufficient information for an investigation	55
	Complaints groundless under the legislation in force	64
8.	<u>Right to work</u>	
	Total cases	212
	Competent authorities conducting the necessary investigations	56
	Insufficient information for an investigation (date, place)	47
	Complainants making demands to which they are not entitled under labour legislation	78
	Distortion of the facts	31
9.	<u>Economic, social and cultural rights</u>	
	Total cases	111
	Relevant investigations in progress	24
	Cases where the investigation has shown that the complaint is not consistent with the facts	63
	Persons misinterpreting their rights, as in the case of the "evictions", which were actually carried out to restore legality	24
10.	<u>Religious freedom</u>	
	Total complaints	66
	Under investigation	5

Cases which do not actually involve any complaint	10
Allegations which investigation has shown to be untrue	7
Cases in which the authorities have taken action for violations of labour or other legislation, rather than for the profession of a given faith or belief	15
Insufficient information	29
11. <u>Freedom of expression and information</u>	
Total cases	52
Insufficient information to permit verification	19
Investigation shows the allegation to be lacking in certainty and objectivity	23
Under investigation	10
12. <u>Freedom of association</u>	
Total cases	26
Concerning alleged prohibitions of meetings which were never substantiated	14
Action taken against those concerned for disturbing the peace in the vicinity of diplomatic missions	6
Wrongly classified under this heading	6
13. <u>Others</u>	
Total cases	46
Complaints concerning the United States economic blockade of Cuba	1
Ill-treatment received by a brother imprisoned outside the country	1
Complaints of not receiving a reply to applications to the Section for United States Interests in Cuba	1
Individual needs regarding housing and other public services	13
Complaint to an artistic commission by a singer for having been placed in a lower category	1
Cases falling under other headings and dealt with accordingly	17
Complaints shown by investigation to be untrue	1

Cases under investigation	2
Insufficient information for investigation	7
Complaints of parental negligence	1
Complaint of having received no correspondence from a son living in the United States	1
14. <u>Right to medical assistance</u>	
Total cases	10
To be investigated more thoroughly	2
Complaints which investigation has shown to be untrue	5
Wrongly classified under this heading	2
Cases involving disagreement with the treatment of AIDS patients, regarding which the mission received an explanation of the policy followed by Cuba	1
15. <u>General complaints</u>	
Total cases	45
Wrongly classified under this heading and repetitions of specific complaints dealt with under other headings	45
These cases include:	

Complaint of parental negligence, need for housing, condemnations of the imperialist policy applied against Cuba, complaint of an arrest. Complaints which are not borne out by the facts and seven cases where information is insufficient for investigation.

General assessment

In short, although the list prepared by the secretariat includes 1,648 cases, the fact that some of these cases are submitted more than once under separate headings means that the total number of investigations conducted was much higher. This total includes:

Complaints which could not be verified because of lack of information	178
Cases where investigation has shown that the complainants lied or distorted the facts, or that they were ignorant of the law	529
Under investigation by the competent authorities	157

Cases not involving alleged violations of human rights in Cuba	20
Cases not involving any complaint	10

It is significant that 65.7 per cent, or two out of every three, of the reports received concern entry into and departure from the country, rather than other alleged violations. Of the 1,075 cases in this category, 1,009 do not qualify as complaints.

The Deputy Minister for Foreign Affairs of Cuba takes this opportunity to renew to you the assurances of his highest consideration.

Geneva, 28 February 1989
