



Security Council

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Letter dated 9 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Cuba, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

Annex

[Original: Spanish]

Note verbale dated 27 December 2001 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of Cuba to the United Nations presents his respects to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) of 28 September 2001 and has the honour to transmit herewith the report prepared by the Government of the Republic of Cuba pursuant to paragraph 6 of the abovementioned resolution (see enclosure).

New York, 27 December 2001

Enclosure**Report of the Republic of Cuba submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001)****Preamble**

This report is presented pursuant to paragraph 6 of resolution 1373 (2001), adopted by the United Nations Security Council on 28 September 2001. The report follows the guidelines established by the Security Council Committee established pursuant to the aforementioned resolution, bearing in mind the special characteristics of the Republic of Cuba and its legal system.

The report covers the entire range of aspects mentioned in Security Council resolution 1373 (2001). It includes the measures, legislative or otherwise, taken by Cuba before and after the adoption of the Security Council resolution with a view to preventing and repressing all terrorist acts and activities, as well as other measures related directly or indirectly with them, including those relating to the financing of terrorism, protection and surveillance of borders, arms traffic, judicial cooperation, accession to international legal instruments designed to prevent and suppress international terrorism, and the enactment of new anti-terrorism legislation (the text of which is included in the report). The new law was adopted in compliance with the obligations undertaken by Cuba by virtue of its accession to all the international conventions and protocols on the subject and its continuing commitment to the fight against terrorism.

The points raised in Security Council resolution 1373 (2001) regarding the prevention and suppression of the financing of terrorism are covered in full in the section on legislative measures adopted, including the new anti-terrorism law, and measures taken by the Central Bank of Cuba, both before and after the adoption of resolution 1373 (2001).

The existing legislation provides for the prosecution of anyone who participates in any way in terrorist acts or anyone who supports such acts. All acts of terrorism are defined as serious offences under Cuban legislation and are subject to harsh punishment based on the seriousness of the offence.

The border controls implemented by the Republic of Cuba are not only efficient, they are based on specialized knowledge of how to fight terrorism, given that Cuba has been a victim of terrorist attacks for over 40 years. It has managed to prevent many such attacks precisely because of the strict border controls that are in force; as noted in the report, these measures have been reinforced since the adoption of Security Council resolution 1373 (2001).

It is especially important to point out that Cuba responded quickly to the appeal made by the Secretary-General of the United Nations, and that it has adhered to all existing conventions and protocols relating to terrorism. Accordingly, it has deposited all the requisite instruments.

By the same token, Cuba has always been willing to cooperate in the judicial sphere, and will now increase its cooperation, with every country in the world, with a view to developing a cooperation mechanism, centred in the United Nations, or entering into bilateral agreements for that purpose, so as to allow for concerted action to eradicate terrorism.

The anti-terrorism law enacted on 20 December 2001 by the National Assembly of People's Power of the Republic of Cuba is especially worthy of note. This law defines acts of international terrorism as offences, listing all those terrorism-related offences that are punishable under the law and specifies the scope of the punishment in each case, which is commensurate with the seriousness of the offence.

Cuba's position on the subject of international terrorism is also based on an ethical principle: the unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever, by whomever and for whatever reason they may be committed. Cuba also categorically condemns any act or action, independently of who promotes it or carries it out, that may be intended to encourage, support, finance or cover up any terrorist act, method or practice. Thus, Cuba's legal system enables it to prevent and suppress terrorism and prosecute and punish anyone who commits terrorist acts or is associated with such acts.

Cuba has a long history of condemnation of and action against all terrorist acts, methods and practices. It has always advocated and continues to advocate the establishment of internationally acceptable standards for establishing a clear distinction between terrorism, which must be condemned and combated, and the legitimate right of peoples to fight, including through armed struggle, against aggression, occupation and foreign domination, colonialism or foreign hegemony, in order to achieve their liberation and self-determination.

The Cuban people have been victims of terrorism probably more than any other people. For over 40 years, they have been subjected to innumerable terrorist acts and attacks promoted from abroad. These actions have caused substantial loss of property and lives and incalculable suffering to Cuban citizens.

For over four decades, Cuba has been the victim of the most ruthless State terrorism aimed at destroying, through terror, destabilization and uncertainty, the political and social system that the Cuban people freely chose for themselves in the full exercise of their right to self-determination. In these attempts, the territory of a foreign State has been used, systematically and constantly, to finance terrorist acts against Cuba, organize such actions and train those who carry them out.

As noted in the complaints lodged by the Cuban people in respect of the human and economic damages caused by the terrorist acts and actions committed against Cuba for over 40 years, the Cuban people have suffered irreparable losses, given that 3,478 of its citizens were killed and 2,099 were wounded.

For all these reasons, the Cuban State and its people are firmly committed to confronting and combating international terrorism in all its forms and manifestations, based on their conviction that all acts of terrorism are reprehensible and must be combated.

Cuba holds the view that all terrorist acts and actions affect the lives, health, property and safety of innocent people. They infringe on the sovereignty and the territorial integrity of States, endanger the operation and stability of national institutions, cause serious damage to the productive infrastructure and economic activities of States and exacerbate international instability, creating new foci of tension and sometimes giving rise to international conflicts.

Consequently, Cuba advocates truly effective international cooperation that will make it possible to prevent and combat all acts of terrorism and eliminate its causes. It is essential to ensure that the perpetrators, organizers and sponsors of terrorist acts and actions, as well as all those who support or finance it, are arrested, prosecuted and extradited.

International cooperation against international terrorism must be implemented within a framework of international legitimacy, full respect for the principles of international law, the purposes and principles enshrined in the Charter of the United Nations, and human rights, in particular, the right to life and due process.

Cuba holds the view that the United Nations has a fundamental role to play in preventing and combating international terrorism.

The United Nations and, in particular, the General Assembly, as the most democratic and representative body of the Organization, provide the appropriate framework for designing and developing a comprehensive strategy, without double standards, for genuine international cooperation in the struggle against international terrorism.

In this regard, Cuba wishes to stress that it is committed and has the political will to continue participating actively in negotiations on the drafting, in the framework of the General Assembly, of a general convention on international terrorism that will contribute towards strengthening the existing legal framework for dealing with this phenomenon. Only a coordinated, comprehensive and effective response against all forms of terrorism, independently of their origin, cause or purpose, will make it possible to free present and future generations from the unpredictable consequences of a scourge that knows no boundary.

Cuba supports the convening, under the auspices of the United Nations, of a high-level conference to prepare an organized and joint response in the fight against international terrorism in all its forms and manifestations.

Now as never before, it has become obvious that neither terrorism nor any of the other serious problems that threaten the very survival of the human race can be resolved by the use of force. Violence only generates more violence; intolerance begets more intolerance. When extreme measures are used to instil fear, all that does is create hatred, regardless of what the ultimate purpose of such actions may be.

PART ONE

LAWS ENACTED AND MEASURES AND ACTIONS TAKEN BY CUBA, IN THE STRUGGLE AGAINST INTERNATIONAL TERRORISM, BEFORE THE ADOPTION OF SECURITY COUNCIL RESOLUTION 1373 (2001)

I. Criminal legislation enacted after 1 January 1959

At the beginning of 1959, it became evident that the penal legislation needed to be changed in order to allow for a more efficient response, inter alia, to the terrorist actions against the Cuban people that the more aggressive circles of the United States Government had begun to organize.

Although the entire Social Defence Code (fundamental penal law) that was in force at the time clearly needed to be replaced, the prevailing social situation was such that the most effective and appropriate solution was to enact only a partial reform, i.e., to make only those changes that seemed strictly necessary. This was done, particularly in the case of offences involving terrorism and terrorist acts, in order to enable the criminal justice system to contribute to the struggle against terrorist acts, which were seriously hurting the Cuban people, causing damage against individuals and to their material wealth.

As a result, a number of laws were passed. Some of these new laws changed the fundamental penal legislation, and others replaced it, particularly as regards the suppression of terrorist acts.

The laws in question were the following:

- Law No. 425 of 7 July 1959, adding new offences to the existing code (Social Defence Code), including offences that intrinsically constituted terrorist acts; it also increased penalties for other felonies also related to such acts.
- Law No. 923 of 4 January 1961, amending the so-called offences of destruction (*estragos*), in order to establish harsh penalties for saboteurs and terrorists who in association with criminal bands financed by the United States Government were perpetrating acts that affected the life or physical integrity of persons or destroyed the material resources of the national economy.
- Law No. 988 of 29 November 1961, which defined and set penalties for new modalities of terrorism, including attacks against national leaders, sabotage and destruction of national assets with intent to create social unrest.
- Law No. 1226 of 16 September 1969, which defined and set penalties for the offence of air or maritime piracy, including hijacking or diversion of vessels or aircraft.
- Law No. 1246 of 14 May 1973, which also amended the Social Defence Code in force at the time by increasing the penalties for offences relating to the disclosure of confidential information of an economic, military, scientific or technical nature.
- Law No. 21 of 15 February 1979, which set down the new Penal Code which replaced the former Social Defence Code, which was thereby repealed. This new Penal Code included the offences covered by the laws mentioned above.
- Law No. 62 of 29 December 1987, containing the new Penal Code which replaced the Penal Code of 1979. Like the 1979 Code, the new one included all the legislation referred to above, including the provisions relating to penalties for terrorist acts. (Articles 106-109 of the new Code, as well as articles 117, 118, 122 and 123, on terrorism, were repealed by the new anti-terrorism law of 20 December 2001, discussed in the relevant chapter below).

II. Non-criminal legal rules adopted by different State agencies and institutions after 1 January 1959

(a) Non-criminal legal rules adopted by the Central Bank of Cuba

Resolution No. 91 of 9 March 1997. This resolution provides for the application of “Guidelines for members of the national banking system relating to the detection and prevention of movements of illicit capital”. All members of the national banking system are required to comply with the Guidelines, which empower the Auditor General to issue such instructions as may be necessary to implement and monitor compliance with them.

The Guidelines lay down a uniform set of rules that allow for common action to be taken throughout the entire financial sector so as to prevent the improper use of banking services. They also clearly define the specific responsibilities of financial institutions in this regard, with a view to preventing their services from being used for illicit purposes, especially money laundering transactions involving the proceeds of drug trafficking offences, tax evasion, etc. This set of rules must be observed by all members of the national banking system. Likewise, non-compliance or failure to follow suitable policies and procedures for dealing with money laundering is among the criteria applied in deciding whether to maintain or revoke the licences granted for conducting banking and financial activities in Cuba.

The Guidelines include the following sections:

- I. Basis and objectives of the Guidelines
- II. Definitions and stages of money laundering
- III. Policies, procedures and controls
- IV. Procedures for identifying money laundering activities
- V. Protecting information
- VI. Recognizing and reporting suspicious financial transactions
- VII. Cooperating with the authorities
- VIII. Training staff to comply with the rules set out above

An Appendix to the Guidelines explains how to identify suspicious money laundering activities relating to:

- A. Cash transactions
- B. Keeping an eye on clients
- C. Complex transactions and movements of funds

Resolution No. 27 of 7 December 1997. This resolution provides for creation of the Central Risk Information Office (CIR), which compiles and processes information on suspected or actual instances of money laundering.

The resolution requires all banks and non-bank financial institutions to report such information to CIR on a monthly basis.

Instruction No. 1 of 20 February 1998, signed by the Auditor General of the Central Bank of Cuba (BCC). This instruction supplements the implementation and monitoring measures set forth in the Guidelines, and outlines 19 steps to be followed, bearing in mind the special characteristics of the institution concerned, as follows:

Know the client. The “know your clients” policy is primarily designed to enable financial institutions to predict with a fair degree of certainty what type of transaction the client intends to carry out.

Identify the client. Outlines procedures to be followed in order to determine the true identity of clients and their activities when opening accounts for them or providing some other service.

Obtain valid client references. Stresses the importance of obtaining information, from reliable sources, on the client's banking record, coordinating procedures as necessary in order to verify the identity and activities of the client.

Transactions with companies. Company accounts are the vehicles most likely to be used in money laundering, especially when the front used is a legally established business. It is therefore important to ascertain who are the directors and the staff members having the power to sign legal documents, as well as what type of business is involved and the history of the company.

Opening and management of accounts according to type of account. Employees whose duties include the opening of accounts should receive training on the verification procedures required in that process. In order to be able to discover unusual transactions, a procedure should be developed for reviewing account movements.

Cash deposits and withdrawals. A system should be established for monitoring situations when high-denomination bills are received or paid out and when large cash transfers are made to other financial institutions.

Loans guaranteed by deposits. Banks must be especially careful with loan transactions which are guaranteed by deposits in other institutions within or outside the country.

Payment instruments. Banks must be especially careful about accepting checks that have several endorsements when the identity of the primary payee is unknown or cannot be verified. The same care should be taken with groups of payment authorizations or bank drafts, postal money orders, travellers' cheques, cashier's cheques or other payment instruments.

Transactions with securities. Banks must pay special attention to the potential for the laundering of assets through transactions involving securities.

Numbered accounts. Where such accounts exist, banks are instructed to comply with rules relating to identification and familiarity with the client, client references and account management.

Safe deposit boxes. Precautions must be taken when dealing with requests for safe deposit boxes and other types of custodial services, since boxes can be used to deposit money, securities and other assets obtained by unlawful means.

Transfers. When repeated transfers are made or they involve high amounts, and the bank is not able to verify on its own the legitimacy of the source of funds, the issuing bank should be asked to supply information on the identity and activities of the client.

Familiarity with employees. Banks must keep an eye on their employees, especially those in positions involving contact with clients, handling money and record-keeping. Suitable rules and controls must be applied.

Training staff to comply with rules. Staff should receive training regularly in connection with institutional procedures for the application of mechanisms, controls and legal obligations.

Evaluating compliance with rules. The auditing system should make it possible to ensure compliance with the rules and to conduct regular evaluations, so as to review all relevant aspects.

Administrative and legal liability of directors, officials and general staff for non-compliance with rules. All staff concerned should be fully aware of the policies and procedures they should follow in order to prevent money laundering. They should understand the criminal liability they would incur should the institution's services be used for money laundering.

Identification of suspected money laundering transactions and application of internal measures in the bank. Those concerned must be familiar enough with the client's business dealings to recognize any unusual transaction or series of transactions.

Prevention Compliance Official. Every financial institution has a designated official who reports to the top executive of the institution. This official is responsible for identifying and taking such steps as may be necessary in connection with suspected money laundering activities, whether he or she discovers them or they are reported to him or her by the staff. This official must collaborate and report to the Ministry of the Interior (MININT) and the Central Risk Information Office (CIR) of the Bank Oversight Office of the Central Bank of Cuba.

This official must also take into account the existing regulations on bank secrecy and the delivery of documents that have been or may be issued by the institution or by the Central Bank of Cuba.

This official has the following duties:

- Draws up policies, programmes or instructions on the prevention of money laundering.
- Compiles documentation on money laundering.
- Detects suspected money laundering activities proposed to the financial institution.
- Prepares reports for management.
- Supervises the work of other employees carrying out prevention-related duties.
- Reviews compliance with the institution's rules on prevention.
- Applies within the institution prevention-related measures developed as a result of situations in other institutions.
- Prepares reports on suspicious transactions which the institutions are required to submit to the Ministry of the Interior (MININT) and the Central Risk Information Office (CIR) of the Bank Oversight Office of the Central Bank of Cuba.

Useful reports for identifying suspected money laundering transactions and cooperating with the judicial authorities

Financial institutions are required to set up adequate controls and records for gathering information on all suspicious transactions. These records are then submitted to the auditors, the Bank Oversight Office of the Central Bank of Cuba and other officials concerned with such activities.

Instruction No. 2 of 26 April 2000, signed by the Auditor General of the Central Bank of Cuba. This instruction supplements the implementation and monitoring measures set forth in the Guidelines, and is applicable specifically to illicit activities involving collections and payments within the national territory, including the following:

1. Withdrawals of money for payroll or other items not covered by the stipulated terms, in greater amounts and/or more frequently than usual.
2. Transactions that have no relationship with the company's normal activity.
3. Cash withdrawals by persons other than those who normally make withdrawals, even though they may appear to be authorized.
4. Relationships with individuals who have nothing to do with the company's normal operations.

(b) Non-criminal rules adopted by the Civil Aeronautics Institute of Cuba

Bilateral agreements against acts of unlawful interference (hijacking of aircraft) were signed with Venezuela, Canada, Colombia and Mexico.

An agreement was signed with the United States (1973) which was denounced in 1976, following the sabotage of a Cubana Airlines aircraft off the coast of Barbados.

On 28 September 1998, Cuba ratified article 3(bis) of the Convention on International Civil Aviation, in which the contracting States agree not to use civil aviation improperly and recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. (The article entered into effect on 1 October 1998).

On 12 February 2001, Cuba ratified the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo in 1963.

As a member of the International Civil Aviation Organization (ICAO) and a signatory of the Convention on International Civil Aviation, Cuba complies with the standards and practices recommended by ICAO and with annex 17 to the Convention, on safeguarding international civil aviation against acts of unlawful interference.

Resolution DJ 2/99 provided for the application of the National Regulations on the Safety and Protection of Civil Aviation, which establishes standards for the safety and protection of civil aviation.

(c) Non-criminal rules adopted by the Ministry of Science, Technology and the Environment (CITMA) in the chemical, biological and nuclear spheres

I. Chemical sphere

Cuba signed the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, on 13 January 1993. The instrument of ratification was deposited on 29 April 1997.

A. Rules for the application in Cuba of the Convention on Chemical Weapons

Decision 3150/97, Executive Committee of the Council of Ministers: decision to ratify the Convention.

Resolution 52, National Statistical Office: amends the nomenclature of the Harmonized Product Classification System, adding secondary headings corresponding to the chemical substances listed in the Convention.

Decree-Law 202/99 (24/12/99) on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. This decree-law lays down the rules for complying with the obligations Cuba has undertaken as a State Party to the Convention on Chemical Weapons.

This Decree-Law includes the following provisions:

- The Ministry of Science, Technology and the Environment is designated as the National Authority under the Convention.
- An executive centre is set up to carry out the responsibilities assigned to the Ministry as National Authority, in accordance with this Decree-Law.
- A national system is established to implement controls in respect of the chemical substances covered by the Convention.
- Regulations for national and international inspections under the Convention are drawn up.

Prohibitions applying to individuals or companies in the national territory or under the jurisdiction of the Cuban State are spelled out.

Resolution 35/98, CITMA: Creates the Executive Centre of the National Authority on the Prohibition of Chemical Weapons.

In addition, a number of legal rules to supplement Decree-Law 202 are currently under review. These include regulations pertaining to national and international inspections and regulations on the granting of licences and permits, the application of controls on chemical substances as mandated by the Convention, and the handling of information.

B. Other national rules in the chemical sphere:

- Decree-Law No. 107/88. Controls on industrial explosives. Munitions and explosive or toxic chemical substances.
- Decree-Law No. 154/94. Regulations for controlling industrial explosives. Munitions and explosive or toxic chemical substances.
- Resolution No. 268/90, Ministry of Public Health (MINSAP). Prohibits the entry into the country of certain pesticides and chemicals.
- Resolution No. 181/95, MINSAP. Prohibits the entry of certain pesticides and chemicals.
- Resolution No. 1/96, Ministry of Transport (MITRANS) - Ministry of the Interior (MININT). Regulations for the transport of industrial explosives. Munitions and explosive or toxic chemical substances.
- Resolution No. 159/95, CITMA. National Registry of Information on Toxic Chemical Products. Reporting and prior consent procedures in respect of industrial chemicals.
- Resolution No. 67/96, MINSAP. Regulations for controlling precursors of basic or essential chemical substances.
- Resolution No. 1/98, MININT. Regulations for using halogenated fire-fighting substances.
- Resolution No. 87/99, CITMA. Establishes requirements for the transport, storage and destruction of dangerous substances. Repeals CITMA resolution No. 15/96.
- Resolution No. 53/2000, CITMA. Completes the listing of hazardous waste mentioned in CITMA resolution 87/99.
- Resolution No. 67/96, MINSAP. Regulations for controlling precursors of chemical substances.

II. Biological sphere

Biosafety activities in Cuba were begun in 1984 and were taken to the institutional level in 1993. They were further enhanced in 1996 with the creation of the National Biological Safety Centre (CNSB) as part of the Ministry of Science, Technology and the Environment (CITMA). As a central State agency, CITMA is responsible – under Law 81, on the Environment – for proposing and implementing national policy in the area of biological safety.

Cuba is a Party to the following international instruments in the biological sphere:

- Convention on Biological and Toxin Weapons. Signed in 1972 and ratified in 1976.
- Convention on Biological Diversity. Signed in 1992 and ratified in 1994.

Our country is currently in the process of ratifying the Cartagena Protocol on Biosafety, signed in May 2000, which supplements the Convention on Biological Diversity.

In the framework of the Convention on Biological Weapons, Cuba has participated since 1992 in data exchanges by submitting confidence-building forms every year. In these, it reports on the activities of the following national institutions:

- Civil Defence Laboratory (because it is a BL-3 containment laboratory).
- Centre for Laboratory Animals (CENPALAB) (BL-3 containment laboratories and production of vaccines for animals).
- Pedro Kouri Institute for Tropical Medicine (because it participates in the development of vaccines and has a BL-3 containment laboratory).
- Genetic Engineering and Biotechnology Centre (because it conducts genetic manipulation, has BL-3 containment laboratories and produces vaccines).
- National Centre for Biological Preparations (BIOCEN) (vaccine production).
- Pharmaceutical Laboratory (LABIOFAM) (vaccine production).
- Directorate for Hygiene and Epidemiology, MINSAP (to report on outbreaks in humans).
- Veterinary Medicine Institute (to report on outbreak in animals).
- Directorate for Plant Health (to report on outbreaks of diseases and appearance of pests).
- Finlay Institute (vaccine production).
- National Animal Health Centre (production of veterinary vaccines).
- Carlos J. Finlay biological products company (production of vaccines for humans and for animals).

Domestic legislation currently in force:

Resolution No. 67/96, CITMA. Sets up the National Biosafety Centre (CNSB) to organize, direct, execute, supervise and monitor the National Biosafety System, and to organize, direct and monitor measures for complying with the obligations undertaken by the country as a party to international legal instruments in this field.

Decree-Law No. 190, on Biosafety, of 28 January 1999. The main instrument in the sphere of biological safety. Establishes broad principles for organizing activities in this field.

Resolution No. 42 (1999), CITMA. Official list of biological agents that affect humans, animals and plants. Classifies risk groups and provides the basis for determining safety risks involved in handling them.

Resolution No. 8 (2000), CITMA. General biosafety rules for facilities that handle biological agents and related products, organisms and fragments containing genetic information. Establishes principles for organizing biosafety in facilities.

Resolution No. 76. Regulations for granting biosafety licenses. Lays down requirements for submitting applications and for the granting of licences and permits relating to biosafety.

Work is currently underway on the drafting of other regulations that will complete the legislative pyramid, including regulations on accounting and on the control of biological agents.

III. Nuclear sphere

Cuba has been a member of the International Atomic Energy Agency (IAEA) since 1957.

Cuba has been a Party to the 1980 Convention on the Physical Protection of Nuclear Material since 26 October 1997.

Cuba has had a nuclear programme since the late 1970s. As part of that programme and to demonstrate its peaceful nature, in 1980 Cuba signed IAEA safeguards agreements for each of its nuclear facilities, as follows: INFCIRC/281, for the Juraguá nuclear plant; INFCIRC/298, for the research reactor, and INFCIRC/311 for the zero power reactor (ZPR).

The second of the above agreements was cancelled in May 2001, as the project was ended.

Since 1992, yearly safeguards inspections have been conducted by IAEA inspectors. Inspectors from the National Nuclear Safety Centre (CNSN) also conduct annual inspections of those facilities that are subject to safeguards. In all cases, the inspections conducted by both IAEA and CNSN have not shown any deviation from the Agreements.

Cuba signed the Protocol Additional to Nuclear Safeguards Agreements in October 1999, becoming the first country – and so far, the only one – to have partial safeguards agreements. This has definitely represented a step forward towards strengthening the safeguards programme and hence, the prestige of the IAEA verification mechanism.

In March 1995, Cuba signed the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), in which Latin America and the Caribbean are declared to be free from nuclear weapons.

Domestic legislation currently in force:

Decree-Law No. 207 (14/2/2000), on the use of nuclear energy. Repeals the earlier Decree-Law No. 56 (1982), the first set of basic legal rules for the proper use of nuclear energy. This decree-law takes into account the importance of safeguards, as well as of related measures and controls to be applied through the National System for Accounting and Control of Nuclear Material (SNCC).

This system focuses on granting licences and permits, as well as for accounting, controls and enforcement. SNCC inspectors have absolute authority. In cases of unauthorized use of nuclear materials or violations of accounting practices and other controls, if the management of the facility does not take corrective measures straightaway, an order to stop all operations with nuclear materials immediately is issued. This legislation also includes an appeals mechanism.

Resolution No. 1/96, CITMA. Creates the National Nuclear Safety Centre to oversee the implementation of SNCC.

Decree No. 208 (24/5/96). Lays out the general provisions governing the National System for Accounting and Control of Nuclear Materials (SNCC).

Resolution No. 62/92 (12/7/96). Regulations on Accounting and Control of Nuclear Material. Establishes rules for SNCC.

(d) Other rules and measures adopted in recent years by different national agencies and institutions to strengthen the country's anti-terrorist systems

The constant terrorist threat Cuba has lived under for the last 40 years has forced it to continually enhance the anti-terrorist system. Thus, measures have been taken to adjust the system to the prevailing situation and to the specific characteristics of terrorist actions and acts carried out against our people and our territory.

Following are some of the most important measures adopted during the last five years.

Strengthening of discovery systems at borders (ports, airports, tourist marinas and coast)

An in-depth study was made of the weak spots on our borders, and a plan was drawn up to strengthen them. State funding requirements amounted to several million dollars.

- An centralized command mechanism was set up at the main international airports so as to guarantee consistency in the operations of the different bodies concerned with the borders.

- Staff and communications services of groups operating on the borders were increased.
- Explosives-detection equipment was purchased, and filming and x-ray capabilities at border crossings were improved.
- The availability and use of dogs trained to detect explosives was increased.
- Cuban personnel abroad who work with air and maritime operations were instructed on how to detect signs of terrorist activity.
- Specialized training was provided to crew of aircraft travelling abroad, as well as to staff at the country's airports. On some occasions, when justified by the operational situation, specialists in explosives or operational techniques were added to the crews.
- The capacity to monitor suspicious individuals from the moment they enter the airport terminal was strengthened.
- Discovery systems were set up at border points in the main international marinas.
- Security and protection systems on the coastlines were strengthened.
- Patrolling capacity and protection of troops along the borders were strengthened.
- Security, protection and monitoring systems at tourist facilities and at the main economic sites of the country were reorganized.
- An agency (TEDAX) specializing in the detection and deactivation of explosives was created.
- A methodology for dealing with terrorist acts or the discovery of explosive devices was developed and disseminated among the professional forces.
- Priority was giving to training personnel involved in discovery activities. Evidence charts were drawn up, the procedures to be followed in discovery operations were demonstrated, and staff were instructed on how to use sophisticated explosives-detection equipment.

III. Court proceedings in connection with terrorist acts and actions

It would be difficult to list the entire universe of terrorist acts and actions that have been carried out or detected during the preparatory stage over a period of more than 40 years against the people of Cuba by organizations financed by the United States and operating from the territory of that country.

The figures and the examples set out in this report are not exhaustive but reflect most of the actions that were carried out with the intent to destabilize the Cuban State, to create terror among the people and to destroy the national economy. Just the lawsuits brought for **SETTING FIRE TO SUGAR CANE FIELDS** show that the Cuban economy has suffered losses amounting to more than two billion *arrobas* of sugar cane, mainly in the provinces of Havana and Matanzas. This is not to mention the cases of sabotage on poultry farms that caused uncountable losses of foodstuffs that had been earmarked for the basic food basket of the population and to supply food for educational and health centres.

A review of such incidents shows that more than 18 different offences are involved in terrorist activity, including the following:

TERRORIST ACTS

PROVINCE (For practical reasons, we shall use the former names of provinces, i.e., those used prior to the new administrative and political divisions that went into effect in 1976).

Oriente (includes the current provinces of Las Tunas, Granma, Santiago de Cuba, Holguín and Guantánamo)

- Broken equipment in factories
- Damage to machinery
- Destruction of storehouses
- Setting fires in towns

- Setting fires in sugar cane fields
 - Destruction of electrical wiring system
 - Setting fire to primary schools
 - Sabotage of electric power plants
 - Attacks with firearms against fishermen and peasants
 - Placing of bombs in social gathering places
 - Assassination of civilians and military personnel
-

Las Villas (includes the current provinces of Villa Clara, Cienfuegos and Sancti Spiritus)

- Putting ground glass and nails in bread for human consumption
 - Placing explosive devices in workplaces and social gathering places
 - Armed bands setting fire to peasant homes
 - Setting fire to sugar cane fields
 - Trafficking in arms and explosives
 - Assassination of civilians and military personnel
 - Sabotaging railroads
 - Sabotaging stores that sell industrial products
 - Throwing toxic chemical substances in streams
 - Putting shoe tacks in bread dough for human consumption
 - Setting fire to stores
 - Illegal infiltration into national territory
 - Throwing bottles containing flammable liquids into peasant homes
 - Throwing gasoline at primary schools
 - Assassination of civilians and military personnel
-

Camagüey (includes the current provinces of Camagüey and Ciego de Ávila)

- Setting fire to urban transport vehicles
 - Damaging industrial transport systems
 - Placing bombs and explosives in theatres
 - Damaging thermoelectric machinery
 - Setting fire to storehouses
 - Setting fire to public health centres
 - Setting fire to primary schools
 - Placing explosives in grocery stores
 - Destruction of peasant homes
 - Setting fire to dairy farms
 - Assassination of civilians and military personnel
 - Hijacking of aircraft on commercial flights
 - Hijacking of crop-dusting aircraft
 - Derailing of trains
 - Setting fire to sugar cane fields
-

Havana (includes the current provinces of Havana City, Havana and the special municipality of Isla de la Juventud)

- Promoting armed uprisings
- Armed attacks on towns

- Sabotage with explosives
 - Setting fire to boats in factories
 - Setting fire to sugar cane fields
 - Placing bombs in theatres
 - Destruction of electrical wiring posts
 - Preparing to carry out attacks against the life of President Fidel Castro
 - Infiltration by armed individuals into the country
 - Setting fire to tobacco curing plants
 - Collecting weapons for bands
 - Setting fire to plant storehouses
 - Sabotaging sugar mills with explosives
 - Placing bombs in hotels
-

These are just some of the acts that were either committed or prevented as a result of their having been discovered during the preparatory stage, which were brought before the courts of the country.

It should be noted that the former province of Havana has suffered the most from such attacks, with a total of **580** cases having been tried by its courts. In addition, it is the territory where most actions were carried out with the intent of physically eliminating President Fidel Castro and other national leaders.

Havana and Matanzas provinces have withstood the greatest economic losses as a result of terrorist acts and actions, including fires in sugar cane fields and damage done to industrial plants. In such instances alone, **394** cases were tried in Matanzas Province.

In a total of 2,004 cases brought before our courts, a total of **5,116 defendants** have been tried and sentenced.

TERRORIST ACTS BROUGHT BEFORE THE COURTS (For practical reasons, we shall use the former names of provinces, i.e., those used prior to the new administrative and political divisions that went into effect in 1976).

PROVINCE	NUMBER OF CASES TRIED AND SENTENCED
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- Havana	580
- Matanzas	394
- Oriente	300
- Las Villas	296
- Camagüey	275
- Pinar del Río	159

Cuban law covers the different types of offences that constitute terrorism. Therefore, as mentioned in the Preamble, it is possible to prevent, prosecute, repress and punish those who commit or participate in terrorist acts.

Law No. 62 (Penal Code), in Book II of the Special Part includes four chapters containing 33 articles on terrorism. These articles provide for very harsh maximum sentences. (The parts of this Code that deal with terrorism and related offences were repealed with the enactment by the National Assembly of People's Power, on 20 December 2001, of the Law against terrorist acts).

The Cuban legal system envisages, inter alia, the following **OFFENCES AGAINST STATE SECURITY**:

PENAL LEGISLATION

BOOK II

SPECIAL PART

OFFENCES AGAINST STATE SECURITY

OFFENCES AGAINST THE EXTERNAL SECURITY OF THE STATE

- Bearing arms against the State
- Disclosure of secrets concerning State security

OFFENCES AGAINST THE INTERNAL SECURITY OF THE STATE

- Sabotage
- Terrorism

OFFENCES AGAINST PEACE AND INTERNATIONAL LAW

- Hostile acts against a foreign State
- Violation of the sovereignty of a foreign State
- Acts against heads and diplomatic representatives of foreign States
- Incitement to war
- Spreading false news against international peace
- Genocide
- Piracy
- Mercenarism
- Crime of apartheid

IV. Request for extradition of terrorists of Cuban descent detained in the Republic of Panama

On 20 November 2000, Dr. Juan Escalona Reguera, Attorney General of the Republic, requested the President of the People's Supreme Court to process, through the Ministry for Foreign Affairs, the extradition from the Republic of Panama of the infamous terrorists LUIS CLEMENTE FAUSTINO POSADA CARRILES, GUILLERMO NOVO SAMPOLL, GASPAR EUGENIO JIMÉNEZ ESCOBEDO and PEDRO CRISPIN REMON RODRÍGUEZ, given that they had been arrested in that country and there were grounds for trying them in criminal court for terrorism and related offences.

The extradition request was submitted because these individuals had participated in the following acts:

LUIS CLEMENTE FAUSTINO POSADA CARRILES, from Cienfuegos, Cuba, son of Luis and Dolores, born on 15 February 1928, white complexion, also known as Ignacio Medina, Ramón Medina, Juan Ramón Medina, Ramón Medina Rodríguez, José Ramón Medina, Rivas López, Julio César Dumas, Franco Rodríguez, "Benzaquen", "Bambi", "Comisario Basilio", "Lupo", "El Solo", "El hombre del tío" and "el Bebé", among many other aliases. He took part, among many other acts, in the following:

1. 6 October 1976 – Sabotaged a Cubana Airlines flight from Barbados, placing an explosive device inside the aircraft and causing it to explode in mid-air.
2. 24 November 1994 – Trained Guatemalan citizen Percy Francisco Alvarado Godoy and supplied him with explosive devices with which to carry out terrorist acts in Cuba.

3. 12 April 1997 – Arranged for an explosive device to detonate in the bathroom of the Aché Discotheque in the Meliá Cohíba Hotel, in Havana.
4. 30 April 1997 – Arranged for an explosive device to be placed on the 15th floor of the Meliá Cohíba Hotel.
5. 24 May 1997 – Arranged for an explosive device to be placed at the entrance to the office of CUBANACAN in Mexico.
6. 12 July 1997 – Arranged for two explosive devices to detonate in the Capri and National hotels in Havana.
7. November 2000 – Organized and participated in an assassination attempt against President Fidel Castro Ruz in Panama, while he was participating in the Ibero-American Summit. This attempt was to be carried out in the auditorium of the Central University of Panama and would have killed a large number of university students and professors.

GASPAR EUGENIO JIMÉNEZ ESCOBEDO, from Camagüey, Cuba, son of Hipólito and Ángela, born on 6 October 1935, of white complexion. He participated, among others, in the following acts:

1. July 1975 – Participated in a plot to assassinate the President of the Republic of Cuba, Fidel Castro Ruz, during his visit to Jamaica.
2. 23 July 1976 – Attempted to kidnap the Cuban Consul in Mérida, Mexico; in the course of that action, he killed a Cuban official, Artagnán Díaz Díaz.
3. 1991 – Organized a plot to shoot down the aircraft carrying the Cuban President to the First Ibero-American Summit of Heads of State and Government, held in Mexico.
4. 1992 – Plotted to assassinate the Cuban President at the Second Ibero-American Summit of Heads of State and Government, held in Spain, by using an RPG-7 rocket.
5. 1993 – Organized a plan to physically eliminate the Cuban President in Honduras.
6. 1994 – Organized a attempt against the life of President Fidel Castro Ruz in Colombia.
7. 1995 – Took part in arranging for an explosive charge to be placed in the Sol Palmeras de Varadero Hotel and to take 51 pounds of C-4 plastic explosives into Cuba.
8. 1997 – Organized a plot against the Cuban President at the Seventh Ibero-American Summit of Heads of State and Government on Isla Margarita, Venezuela.
9. 4 August 1997 – Helped arrange for an explosive device to be placed in the lobby of the Meliá Cohíba Hotel in Havana.
10. 4 September 1997 – Arranged for explosive devices to be placed in the Copacabana, Tritón and Chateau-Miramar hotels and La Bodeguita del Medio restaurant in Havana.
11. Arranged for plastic explosives and other paraphernalia for explosive devices to be taken into Cuba.
12. 10 June 1998 – Arranged for 1,519 grams of plastic explosives and related paraphernalia to be taken into Cuba.
13. November 2000 – Helped organize and prepare an attempted assassination against the Cuban President, Fidel Castro Ruz, in Panama, during the Tenth Ibero-American Summit.

GUILLERMO NOVO SAMPOLL, from Havana, Cuba, son of Ignacio and Aurora Blanca, born on 13 September 1944, of white complexion. He participated, among others, in the following acts:

1. 1995 – Arranged for an explosive charge to be placed in the Sol Palmeras de Varadero Hotel and for 51 pounds of C-4 to be taken into Cuba.
2. 1997 – Organized a plot against President Fidel Castro Ruz in New York, United States.
3. July and August 1998 – Organized a plot against President Fidel Castro Ruz in the Dominican Republic.
4. November 2000 – Helped organize and prepare an attempt against Cuban President Fidel Castro in the Republic of Panama, during the Tenth Ibero-American Summit.

PEDRO CRISPIN REMÓN RODRÍGUEZ, from Granma, Cuba, son of César and Evangelina, born on 13 September 1944, of white complexion. He participated in the following acts:

1. November 1979 – Killed Cuban émigré Eulalio José Negrín.
2. 7 December 1979 – Placed a bomb at the Cuban Mission to the United Nations.
3. 11 December 1979 – Carried out a dynamite attack against the Permanent Mission of the Soviet Union to the United Nations.
4. 11 September 1980 – Killed Cuban diplomat Félix García Rodríguez in New York, United States.
5. November 2000 – Helped organize and prepare an attempt against Cuban President Fidel Castro Ruz in the Republic of Panama, during the Tenth Ibero-American Summit.

This extradition request was based on the 1928 Bustamante Code, which was adopted without reservations as a rule of international law by the Republics of Cuba and Panama, and on the Judicial Code of the Republic of Panama. The competent authorities were provided with documentary evidence of the offences committed by the aforementioned individuals, which appears in the dossiers for the preparatory and investigation stages in connection with each and every one of these acts.

Cuba also submitted a certificate with regard to the legal norms of the Penal Code that are applicable to the charges against these individuals, as well as the relevant provisions in the Code of Penal Procedures, which lays down the procedural rules and guarantees of defendants.

In compliance with the provisions on extradition contained in article 2508, section 8 of the Judicial Code of the Republic of Panama, and in article 378 of the Bustamante Code, the Government of the Republic of Cuba undertook not to apply the death penalty for any of the offences for which extradition was being requested.

In Opinion 397 of 11 January 2001, the Governing Council of the Supreme People's Court of the Republic of Cuba decided that in view of the commitments undertaken and the rules set forth in the Bustamante Code and the Judicial Code of the Republic of Panama, in the event that the Government of the Republic of Panama might grant the extradition of LUIS CLEMENTE FAUSTINO POSADA CARRILES, GASPAR EUGENIO JIMÉNEZ ESCOBEDO, GUILLERMO NOVO SAMPOLL and PEDRO CRISTIN REMON RODRÍGUEZ for the offences on which the request was based, the courts of the Republic of Cuba would not be able to impose the death penalty or sentence them for any offences other than those for which they were extradited.

Despite the fact that the Cuban extradition request was well grounded and that the Republic of Cuba has complied with all the requirements of the Bustamante Code and the Judicial Code of Panama, the request was denied by the Government of the Republic of Panama.

V. Claims brought by the people of Cuba for human and economic damage caused by terrorist acts and actions

CLAIM FOR HUMAN DAMAGE

The claim for human damage brought by the people of Cuba against the Government of the United States of America is set out in civil record No. 88/99 of 31 May 1999, in the Civil and Administrative Court of the People's Provincial Tribunal of the city of Havana, Republic of Cuba.

The lawsuit brought by the people of Cuba is based on the Constitution, the Civil Code, the Civil Procedures Law and the practice and doctrines of civil law. The case was brought through social and grassroots organizations covering and including almost the entire population of Cuba. Thus, a claim was brought against the Government of the United States of America for all the human damage caused by its aggression and terrorist actions over a period of more than 40 years. The claim called for civil liability compensation for damages and indemnity for the losses suffered by the people of Cuba.

In describing the events denounced, the claim:

Specified that: The triumph of the Cuban revolution on 1 January 1959 meant that for the first time in its long history of struggles, the people of Cuba obtained genuine independence and sovereignty, having lost around 20,000 dead in heroic and direct combat against the forces of a military dictatorship that was trained and armed and receive advice from the Government of the United States.

Denounced that: The war unleashed by the United States against the Cuban revolution, which was conceived as a State policy, has been demonstrated historically and can be fully proven by many different reports that have been acknowledged recently in that country. These reports make it clear that there many political, military, economic, biological, diplomatic, psychological, propagandistic, spying and terrorist actions and acts of sabotage were carried out, and there was organized logistical support for armed bands and clandestine mercenary groups, encouragement to desertion and emigration, and attempts to physically eliminate leaders of the Cuban revolutionary process. All of this is evidenced in public statements made by authorities of the United States Government, as well as by innumerable and irrefutable evidence gathered by the Cuban authorities and, in a particularly eloquent manner, by many declassified secret documents. Although not all such documents have been made public, there are more than enough to fully demonstrate the grounds for presenting this claim.

As with every claim and every civil proceeding, a copy of the claim was duly delivered to the defendant, which ignored its existence. The defendant did not even answer the communication or send a representative to the trial, as provided for under Cuban law concerning such proceedings and similar rules usually applied by most countries, including the United States of America itself.

More than 200 witnesses, experts and investigators spoke in the public proceedings held over a period of more than 20 days. Evidence was presented and statements were made by mothers, fathers, children, siblings, widows and other relatives of many of the 3,478 people who lost their lives as a result of aggressions and terrorist actions. The United States, as represented by its Government, is responsible for the unlawful acts carried out by its agencies, offices, representatives, officials and by the Government itself.

Statements were also made by many of the 2,099 people whose physical safety was threatened and who were harmed by the many unlawful acts of terrorist aggression.

As a result of the civil proceedings held in connection with this first claim, sentence No. 110, of 2 November 1999, established that the following acts had been proven:

- The policy of the United States of America of trying to overthrow the established political order of Cuba, first by orchestrating and then by implementing plans of aggression in order to reconquer the country and reimpose the system of colonial domination.
- The involvement of the Central Intelligence Agency (CIA) in supplying arms, all kinds of explosives, training and financing, in cash and in matériel, to terrorist bands operating in the country. These bands engaged in attacking and burning schools, murdering young people workers in literacy campaigns and educational programmes, stealing food and clothing, destroying economic production facilities, setting fire to sugar cane plantations and destroying other crops; their aim was to sow panic, terror and mistrust, especially in the agricultural regions of the country and among the Cuban peasants. The terrorist actions were carried out between 1959 and 1965 by 3,995 bandits, grouped in 299 bands.
- The involvement of the Government of the United States of America in the training of paramilitary forces for the purpose of attacking another State, for which the United States Government invested US\$ 45 million. In this aggressive action, 176 Cubans were killed and more than 300 were wounded.
- Encouraging, organizing and financing radio broadcasts against Cuba, which provoked and incited to terrorist actions, sabotage and armed aggression, even to the point of providing instruction on how to carry out such acts.
- Covert actions against Cuba, including attacks by air and sea, carrying out terrorist actions for the purpose of hindering the development of the country. Such acts included throwing incendiary bombs and using live phosphorus and other explosives against sugar plants and sugar cane plantations, in order to harm the sugar industry, which was the main source of traditional production during the years immediately following 1959.
- Many acts of sabotage and other terrorist actions, including by setting fires and totally destroying important industrial plants and commercial undertakings in the country. The intensity of these activities against Cuba is demonstrated by the fact that in just 14 months between 30 November 1961, when President Kennedy approved the implementation of the so-called Cuba Project, and January 1963, 5,780 terrorist actions were perpetrated against Cuba; 716 of these consisted of major acts of sabotage against industrial, commercial and service facilities. In Havana, the El Encanto store, the largest department store of the country, was burned and totally destroyed by live phosphorus. As a result of these actions, many people were killed and a significant number of Cuban citizens were disabled. One of the most significant terrorist actions was the explosion, planned from outside Cuba, of *Le Coubre*, a French ship anchored in the port of Havana. More than 100 people, mainly dock workers unloading the ship, were killed in that explosion.
- The attacks carried out by the Government of the United States of America through terrorist organizations against Cuban diplomatic and consular offices abroad, as well as against Cuban trade offices in different countries, killing and wounding many Cuban staff members in those offices. Those attacks were carried out with the assistance of the Central Intelligence Agency (CIA).
- Attacks and hijacking of fishing boats and acts of aggression against merchant ships from speedboats fitted out and equipped in Florida, United States, as well as the armed hijacking of aircraft belonging to Cuban civil aviation authorities. This method has been conceived and used by the Central Intelligence Agency (CIA) in its programme of terrorist attacks against Cuba since 1959.
- It was demonstrated and proved that the Central Intelligence Agency (CIA) participated in the most monstrous and abhorrent terrorist act committed against Cuba, which took place on 6 October 1976. A civilian aircraft belonging to Cubana Airlines, with 73 persons on board, was blown up in the air off the coast of Barbados, just a few minutes after it took off from the international airport of Barbados en route to Havana. This terrorist action was carried out by two mercenaries paid by the Central Intelligence Agency (CIA) and hired by Orlando Bosch Ávila and Luis Posada Carriles, two of the most notorious terrorists recruited by the CIA since 1960 who specialized in all kinds of sabotage. Right now, one of them is walking freely through the streets of Miami, USA. The other one is imprisoned in Panama. The Government of Panama has refused to extradite him.
- The terrorist actions planned by the Central Intelligence Agency of the United States Government, which trained terrorists to physically eliminate the President of the Republic of Cuba. There is credible evidence – which has been investigated, discovered or neutralized – of well-conceived and carefully

devised plans which are at an advanced stage of organization and execution or on the verge of being implemented. Some of the plans were not carried out because of the cowardice of individuals who had their target just a few metres away. There has been a total of 637 plots against the life of President Fidel Castro Ruz.

- Terrorist actions aimed at hurting tourism and creating a climate of uncertainty and insecurity among visitors and tourists. These actions were carried out by terrorists financed and trained by the Central Intelligence Agency and with the participation of the so-called Cuban American National Foundation, a recognized terrorist organization, with headquarters in Miami, which is protected by the Government of the United States. Some of these actions were carried out through the use of explosives placed in hotels; in other cases, machine-gun fire was shot from speedboats at hotels built near the coasts and beaches.
- The participation of CIA and other agencies of the United States Government in biological terrorism against Cuba. This was well demonstrated in the case of the introduction into the country of a number of diseases, including the hemorrhagic dengue virus which hit the Cuban people in 1981, when 344,203 people fell ill with this disease; 116,143 had to be hospitalized, and 158, including 101 children, died.
- The existence of the United States Naval Base in Guantanamo, as a military enclave that protected hundred of murderers and followers of the Batista regime and later became an active centre for subversion, provocation and aggression against our country. Between 1961 and 1994, 13,498 provocations were carried out from this base, including the killing of 8 Cubans and the disabling of 15.

Finally, the people of Cuba requested that the defendant be found civilly liable for reparations for property damage and ordered to pay a total amount of US\$ 104.34 billion as compensation for the lives of 3,478 persons, as well as US\$ 31.485 billion as compensation for unlawfully disabling 2,099 persons. The claim also requested indemnity for financial loss as compensation for services that Cuban society has had to provide and for other loss of earnings to victims and family members, as a result of the proven acts. The amounts requested were US\$ 34.78 billion for the deaths and US\$10.495 billion for the disabilities.

Thus, a lump sum of US\$ 181.1 billion was requested, and, in accordance with Cuban substantive law, the court was asked to order the defendant to publicly apologize for the moral prejudice caused to the relatives and victims of all these acts suffered by the people of Cuba.

This sentence was duly notified by means of a letter rogatory sent to the defendant, the Government of the United States of America.

CLAIM FOR ECONOMIC DAMAGES

On 3 January 2000, the people of Cuba submitted their claim for economic damages against the Government of the United States of America to the Civil and Administrative Court of the People's Provincial Tribunal of the city of Havana. This case is set forth in civil record No. 1/2000.

The legal claim of the people of Cuba was based on different articles of the Constitution, the Civil Code, the Civil Procedures Law and the practice and doctrines of civil law. The action was supported by the Cuban Workers' Central, the National Association of Small Farmers, the Federation of Cuban Women, the University Students Federation, the Secondary Students Federation, the José Martí Pioneers Organization, the Committees for the Defence of the Revolution and the Association of Combatants of the Cuban Revolution, and other social and grassroots organizations that include almost the entire Cuban population.

This claim is complementary to the one mentioned above and is aimed at seeking reparation for damages and compensation for economic losses, both direct and indirect, caused by the economic war and the North American blockade, as well as the physical acts of aggression that were organized, executed and promoted by the Government of the United States, including subversion, terrorist actions and sabotage, biological warfare, promotion of armed bands, infiltration and armed invasion against our territory, the organization of hundreds of

assassination plots against the main leaders of the country, military harassment, the threat of nuclear extermination and even direct aggression by a mercenary army.

A copy of this claim was delivered to the defendant, which did not respond to or take part in this new lawsuit.

The deposition submitted in connection with this claim consisted of 40 declassified documents of the Government of the United States of America and statements by officials of that Government, including the President, which appear in the aforementioned declassified documents; in those statements, they recognize their responsibility for the events referred to in the claim. All these documents were used to support the Cuban people's allegations and to demonstrate beyond a doubt the involvement of the leaders of the Government of the United States of America in the damages referred to in the documents submitted to the court.

The claim stipulated that the ordinary civil proceedings of case No. 88/99 (claim for human damage) must be taken into account and that sentence No. 110, of 2 November 1999, must be included as evidence, inasmuch as that case had shown that all the acts of terrorism and aggression of the Government of the United States of America against the Cuban people were a proven fact.

Other documentary evidence presented included the Torricelli and Helms-Burton Acts and a number of documents, speeches, proclamations, certifications, press releases, notices and bulletins issued by the Departments of State and of Commerce, all relating to the restrictions and actions taken by the United States of America to enforce the blockade against Cuba.

The presentation of evidence in this new trial lasted 15 days, with 96 witnesses taking part and making statements. In addition, 65 experts presented their opinions. These experts were highly qualified scientific specialists who presented well-grounded, in-depth statements relating to their specific fields (mainly health; the sugar industry; food production; light industry; basic industry; trade and food distribution; production of food crops; the fisheries industry; communications; foreign trade in nickel, foodstuffs, sugar and tobacco; science and the environment; protection against pests, vectors and bacteria in agricultural, livestock and fisheries production; the Central Bank; tourism; commercial aviation; the Ministry of Foreign Investment and the sectors of education, higher education and culture) concerning the harm caused to the country by the different acts of aggression and the measures organized by the Government of the United States of America, especially the economic blockade, the outcome of which is tantamount to genocide. This damage resulted in the use of economic terrorism, as evidenced by the Torricelli and Helms-Burton laws, in particular, and by other actions taken with the intent of overthrowing the legitimately established Government of the Republic of Cuba and frustrating the accomplishments and the prospects for the process undertaken by the country. All this was also confirmed by reports from the Armed Forces, the Ministry of the Interior and investigators from the Ministry of Economic Affairs and Planning.

The claim concludes by specifically requesting that the Government of the United States of America be declared civilly liable for unlawful acts against Cuba, and that the Government in question be sentenced to pay reparations and compensation to the people of Cuba in the amount of **US\$ 121 billion** for the damage and losses caused to the people by those acts.

By sentence No. 47, of 5 May 2000, the court accepted this request and decided that the claim was justified. Consequently, it sentenced the defendant for the unlawful acts committed to pay reparations and compensation to the Cuban people, represented by their social and grassroots organizations, in the amount of **one hundred twenty-one billion United States dollars**.

Adding up the amounts involved in the two aforementioned sentences, the debt owed by the Government of the United States of America to the Cuban people for the many forms of terrorism it has practiced amounts to US\$ 302.1 billion, plus the moral prejudice caused, for which the United States Government has yet to make a public apology.

VI. Cuba's cooperation with other States and agencies of other States in preventing the planning or execution of terrorist acts and actions

(a) Bilateral agreements with Mexico, Canada and the United States on hijacking of ships and aircraft

Mexico

Title: Agreement between the Republic of Cuba and the United Mexican States on the Unlawful Seizure of Aircraft and Vessels and Other Offences

Date of signature: 7 June 1973

Date of entry into force: 7/08/84

This Agreement stipulates that it shall be extended every five years at the wish of the Parties by means of an exchange of notes. The Agreement was last extended in August 1989, i.e., to remain in force up to 1994. There is no further documentation to indicate that it was extended beyond the expiry of the previous five years, and it is therefore no longer in force.

Canada

Title: Agreement between the Republic of Cuba and the Government of Canada on Hijacking of Aircraft and Vessels and Other Offences

Date of signature: 15 February 1973

Date of entry into force: 15 February 1973

This Agreement entered into force indefinitely as of 15 February 1993. Prior to that date, it was extended by the express wish of the Parties by means of an exchange of notes.

United States

Title: Memorandum of Agreement on Hijacking of Aircraft and Vessels and Other Offences

Date of signature: 15 February 1973 (Exchange of Notes)

Date of entry into force: 15 February 1973

This Memorandum was denounced by the Government of the Republic of Cuba as a result of the events of 6 October 1976, when a Cuban aircraft was blown up in mid-air, killing 73 persons.

As provided for in the provisions relating to final disposition of the Agreement, it expired on 15 April 1977.

Content: The aforementioned Agreements governed cooperation and reciprocity in cases of unlawful seizure of aircraft and ships, as well as other offences. They provided that the Parties were to return the individuals involved in such acts so that they could be tried by the courts in their own countries, or by the courts of the other Party pursuant to its legislation.

(b) Bilateral agreements and negotiations on the prevention of other offences related to organized transnational crime and international terrorism

List of bilateral Agreements signed by Cuba which relate to legal assistance in penal matters

No.	Country	Signed
1	Angola	18/09/90
2	Bulgaria	11/04/79
3	Cape Verde	16/04/99
4	Colombia	13/03/98
5	Congo	24/12/82
6	Czech Republic ¹	18/04/80
7	China, People's Republic of	24/11/92
8	Cyprus	27/10/84
9	France	22/09/98
10	Guinea Bissau	15/03/82
11	Hungary	27/11/81
12	Iraq	3/06/89
13	Korea, DPR	8/10/92
14	Libya	30/05/88
15	Mexico	23/04/96
16	Mongolia	16/08/89
17	Mozambique	26/04/88
18	Peru	15/02/99
19	Poland	18/11/82
20	Romania	16/06/80
21	Russia	14/12/2000
22	Sao Tome and Principe	7/11/85
23	Slovakia ¹	18/04/80
24	USSR ²	28/11/64
25	Uruguay	16/02/95
26	Venezuela	13/07/99
27	Viet Nam	11/1984
28	Yemen, Dem. ³	8/05/88

(1) The agreement was signed with the Socialist Republic of Czechoslovakia. It remains in force with the two successor States, Czech Republic and Slovakia.

(2) Remains in force with all successor States to USSR, except Russia, with which a new Agreement was signed in 2000.

(3) The Agreement was signed with Democratic Yemen. It remains in force with the successor State, the Republic of Yemen.

VII. Cuba's cooperation with the United Nations and other international organizations in the struggle against international terrorism

(a) Complaints presented by Cuba and draft resolutions submitted or co-sponsored by Cuba in the United Nations General Assembly

Cuba's position on the resolutions adopted by the General Assembly on the question of international terrorism

Even before the creation of the United Nations, as early as December 1937, Cuba had signed the Convention for the prevention and punishment of terrorism, which reaffirmed the principle of international law in virtue of which "it is the duty of every State to refrain from any act designed to encourage terrorist activities directed against another State and to prevent the acts in which such activities take shape".

Subsequently, and since the fall of 1972, when the United Nations General Assembly and the Sixth Committee resumed their analysis of the question of international terrorism, Cuba has supported all the resolutions adopted on the subject, including resolution 3034 (XXVII) of 18 December 1972, resolution 48/411 of 9 December 1993, with which the General Assembly gave new impetus to the discussion of the item, and resolution 48/122 of 20 December 1993, on Human rights and terrorism, by which the General Assembly condemned all acts, methods and practices of terrorism, urged the international community to enhance cooperation in the fight against all terrorist activity and directed its attention to practical measures for eliminating acts of terrorism. This resolution was adopted by an overwhelming majority of States Members of the United Nations.

Bearing in mind resolution 49/60 of 9 December 1994, by which the General Assembly adopted the Declaration on Measures to Eliminate International Terrorism, on 17 December 1996, Cuba unequivocally supported resolution 51/210, whereby the General Assembly established an Ad Hoc Committee to examine the scope of existing international instruments on the subject, in order to ensure the existence of a comprehensive legal framework covering all aspects of this question.

From 1996 onwards, Cuba has supported all the resolutions on the question that have been submitted by the Sixth Committee to the General Assembly, including resolutions 52/165 and 54/109, whereby the Assembly adopted the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism, respectively.

Cuba has participated actively in all the meetings of the Committee on Terrorism of the Sixth Committee of the United Nations General Assembly. During the debate on the drafting and adoption of the resolution on measures to eliminate international terrorism, Cuba made many statements, in both the Sixth Committee and the Plenary of the General Assembly, explaining its position. These statements are set forth in the records of the meetings.

In addition, Cuba has always supported and co-sponsored the resolutions on **human rights and terrorism** adopted both by the Commission on Human Rights and by the General Assembly of the United Nations.

Under these resolutions, the General Assembly unequivocally condemns all acts, methods and practices of terrorism in all its forms and manifestations and calls upon States to take all necessary and effective measures, in accordance with the relevant provisions of international law, to prevent, combat and eliminate terrorist actions wherever and by whomever they are committed, including suitable measures to refuse shelter to persons who plan, finance or execute acts of this nature, seeking their detention, prosecution or extradition.

In these resolutions, the Assembly also urges the international community to enhance regional and international cooperation in the struggle against terrorism in accordance with the relevant international instruments, with a view to eradicating it.

Cuba has maintained a high profile in regard to international cooperation in combating the use of mercenaries, bearing in mind the undeniable and close relationship that exists between this practice and terrorism. There are many cases in which mercenaries have been used to carry out terrorist actions, and our country is a clear example of such actions.

Cuba has traditionally co-sponsored the resolutions submitted to the Commission on Human Rights and to the Third Committee of the United Nations General Assembly, on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. In fact, from 1998 onward, Cuba drafted and submitted the resolution in both those forums.

Since 1987, when the Special Rapporteur was appointed, by Commission on Human Rights resolution 1987/16, Cuba has cooperated closely with him, providing all the information requested and inviting him to the country to investigate the terrorist actions perpetrated against Cuba by mercenaries.

The Special Rapporteur visited Cuba in 1999. In this regard, ample references and documentation may be found in the reports prepared by Mr. Enrique Bernales Ballesteros, issued as documents E/CN.4/2000/14/Corr.1, E/CN.4/2001/19, A/55/334 and A/56/224.

In addition, Cuba is in the process of completing the final arrangements for acceding to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by General Assembly resolution 44/34 of 1989, which has just recently entered into force.

Despite the above, Cuba considers that the definition of “mercenary” contained in article 1 of the Convention is inadequate. In our view, the fact that a person is a national of the State against which the act is directed and the amount of the material compensation received should not be factors precluding that person from being considered a mercenary. At the same time, the requirement that all the conditions set forth in this article 1 must be met in order for a person to be considered a mercenary limits the scope and effectiveness of the Convention.

Mercenarism was established as an offence in Cuba in the 1979 Penal Code. The definition of mercenarism was reproduced word for word in article 119 of the 1989 Penal Code, currently in force. Article 5(3) of the 1989 Penal Code, which is identical to the corresponding article in the 1979 Penal Code, specifies how the provisions regarding this criminal offence are to be applied.

Complaint presented by Cuba to the General Assembly in March 1996, under agenda item 140 of the fifty-first session of the United Nations General Assembly, entitled “United Nations Decade of International Law”

On 6 March 1996, at the fiftieth resumed session of the General Assembly, under agenda item 140, United Nations Decade of International Law, Cuba made a statement at the United Nations to explain its position on the incidents of 24 February 1996, when two light aircraft flying from the territory of the United States were shot down in the Cuban airspace, violating our national sovereignty and perpetrating an act that was in violation of international law.

Thus, speaking in the most democratic body of the United Nations, Cuba once again denounced the long history of terrorist actions perpetrated against our country from the territory of the United States and the long list of terrorist acts and actions perpetrated against our country since 1959, which the United States has always tried to cover up.

On that occasion, Cuba once more denounced to the world the many occasions, including the most recent one, in which Cuba’s territorial waters and its airspace were violated by organizations operating in the United States. With absolute impunity, these organizations have carried out terrorist acts against Cuba, including the burning of our crops, infiltration of armed groups, delivery of supplies and weapons to armed bands, illegal trafficking of persons to the United States and the organization of attacks against the leaders of the country.

Cuba denounced the fact that the terrorist organization Hermanos al Rescate had placed explosives and carried out espionage activities in military units and economic targets, interfering with the communications systems of our country's defence forces, and had deliberately carried out a special form of political terrorism, dropping subversive and unconstitutional propaganda over the cities of the country.

As a result of the incidents of 24 February, Cuba requested the publication as official documents of the General Assembly of numerous materials containing detailed information on the events, on the timely warnings made by the Cuban Government to the Government of the United States, and on the ongoing challenge presented by terrorist organizations operating in the United States against the will and sovereignty of the people and Government of Cuba.

In this regard, the reader may refer to documents A/50/959 of 23 May 1996, A/50/979 and A/50/980 of 19 June 1996, which contain information on the incidents; and document A/50/984 of 25 June 1996, in which the Government of Cuba submitted its views concerning the procedure followed in the investigation conducted by the International Civil Aviation Organization team on the violation of Cuba's territorial airspace and on the report of the investigation.

Subsequently, also at Cuba's request, the letter dated 5 January 2000 from Mr. Rogelio Acevedo González, Chairman of the Cuban Civil Aeronautics Institute, addressed to the President of the Council of the International Civil Aviation Organization and the appendices thereto were published as official documents of the General Assembly (A/54/715). This document refers to the provocative violation of Cuban airspace which took place on 1 January 2000 between 8.07 and 8.38 a.m., local time, when an aircraft from the United States violated the airspace of the Republic of Cuba and, more specifically, the prohibited area of the city of Havana MU-P1.

In that note, Cuba reported that the unknown aircraft, a Cessna 172 M with United States registration license, boldly and carelessly flew at very low altitude over buildings and densely populated areas of the capital city, dropping articles and endangering persons and property.

In addition, right from the creation, by General Assembly resolution 51/210, of the Ad Hoc Committee on International Terrorism, Cuba has forcefully denounced before that body the many terrorist actions and acts it has endured over the last several years, particularly the terrorist actions perpetrated in 1997 by terrorists of Salvadoran and Guatemalan descent, who entered Cuban territory in order to place four explosive devices in hotels in the country, with the intent of damaging to those facilities and creating fear and insecurity among the population and the tourists who travel to Cuba.

In an equally unequivocal manner, Cuba denounced to the Ad Hoc Committee the terrorist action carried out by that shady character hired by the United States Central Intelligence Agency, the infamous international terrorist Luis Posada Carriles, currently imprisoned in Panama. This individual was planning to set off destructive explosives to blow up the auditorium of the Central University of Panama when the President of the Councils of State and of Ministers of the Republic of Cuba met with a group of University students. If that act had been carried to completion, it would have killed all those present at that meeting.

(b) Complaints presented and draft resolutions submitted or co-sponsored by Cuba in the United Nations Security Council

Information presented and actions promoted by Cuba in the Security Council, on the question of the destruction in mid-air of a Cuban civilian aircraft near the island of Barbados, on 6 October 1976

On 21 May 1992, at 4.45 p.m., the United Nations Security Council met in response to the letter dated 27 April 1992 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (document S/23850).

At that meeting, Ambassador Ricardo Alarcón de Quesada, who at the time was the Permanent Representative of Cuba to the United Nations, drew the attention of the Council to the request made by the Government of Cuba to the effect that the Council should consider the terrorist activities against Cuba which had been promoted, encouraged or tolerated by the Government of the United States. In that connection, he also requested the Council to examine certain significant aspects of the destruction in mid-air of a Cuban civilian aircraft on 6 October 1976 off the coast of Barbados.

As Ambassador Ricardo Alarcón explained, Cuba's request did not refer to issues that were not current and relevant on the date of the Council's meeting. Nor was it asking the Council to review an issue relating to a matter which Council members had not wished to discuss in other cases.

Cuba requested that the question be examined because it was an item of unfinished business which had not yet been fully discussed. Moreover, Cuba felt that justice had not truly been served in regard to that despicable act.

Cuba asked the Council to consider and act on the matter, even though the attack had occurred 15 years earlier, because the documents submitted by our country to support its request showed that at present, even as the Cuban request was being made, certain actions were occurring which were related to the terrorist attack against the Cuban civilian aircraft. In particular, during those 15 years, the United States had not facilitated or permitted that justice be done in regard to that brutal act of terrorism.

Cuba submitted information on this matter in documents S/23846 of 24 April 1992, S/23890, S/23912 and S/23913 of 8 and 13 May 1991, in that order.

In document S/23990 of 21 May 1992, the Cuban delegation submitted a draft resolution on the question. No action was taken on the Cuban proposal.

Violations of Cuban airspace

At Cuba's request, and bearing in mind the request by the Council of the International Civil Aviation Organization (ICAO) for Member States to report any violation of the rules set forth in the Chicago Convention on International Civil Aviation, the letter dated 5 January 2000 from Rogelio Acevedo González, Chairman of the Cuban Civil Aeronautics Institute addressed to the President of the Council of the International Civil Aviation Organization (ICAO), along with its appendices, was issued as an official document of the Security Council (S/2000/44). The letter refers to the provocative violations of Cuban airspace which took place on 1 January 2000 between 8.07 and 8.38 a.m., local time, when an aircraft from the United States violated the airspace of the Republic of Cuba and, more specifically, the prohibited area of the city of Havana MU-P1.

In that note, Cuba reported that the unknown aircraft, a Cessna 172 M with United States registration license, boldly and carelessly flew at very low altitude over buildings and densely populated areas of the capital city, dropping articles and endangering persons and property.

(c) Complaints, proposals, documents and draft resolutions submitted or co-sponsored by Cuba in other international organizations

International Civil Aviation Organization

Complaint presented by Cuba with respect to the sabotage and destruction in flight of an aircraft belonging to Cubana Airlines off the coast of Barbados on 6 October 1976

As a result of the accusations and the action taken by Cuba in the context of the International Civil Aviation Organization (ICAO) following the sabotage and destruction in mid-air of a Cubana Airlines aircraft off the coast of Barbados, which caused the death of 73 passengers and crew, ICAO adopted resolution A 22-5.

In that resolution, ICAO condemns the criminal sabotage perpetrated against the Cuban aircraft and urges States to prosecute and punish with the greatest severity those criminals who committed the deed, so that the penalty might correspond to the magnitude of the crime and constitute a deterrent for the future.

This resolution is included among the items on the agenda of the Council of ICAO.

Complaint presented by Cuba in the context of the consultative mechanism of the Biological Weapons Convention regarding the aggression perpetrated against our country with the Thrips Palmi insect

On 26 December 1996, the Government of Cuba delivered to the American Interests Section in Havana a note of protest accusing the United States of deliberately dropping over Cuban territory the Thrips Palmi biological agent with the intention of damaging Cuban agriculture. In the note, Cuba asked the United States Government to explain this matter.

On 29 April 1997, the Cuban Government sent a note to all States Members of the United Nations stating the grounds for this accusation.

In May 1997, Cuba addressed a letter to the Secretary-General of the United Nations providing the technical arguments to show why the appearance of the pest in our country was an unusual occurrence, bearing in mind, *inter alia*, the way in which the agent spread throughout the country.

1. A request was made to Russia, in its capacity as a depository of the Biological Weapons Convention, to convene a consultative meeting to consider the situation created by the aggression.

2. The Consultative Meeting was finally convened on 25 August 1997, despite the efforts of the United States to hinder both the meeting and any further discussion of the case. At the meeting, the two States directly involved and other countries expressed their views on the matter. In addition, a Bureau was set up to analyse the evidence presented and the positions of all participating States, with a view to issuing a final report before 31 December 1997.

3. In its report, the Bureau stated that it was impossible to reach a definitive conclusion on the concerns presented by the Government of Cuba and stressed the importance of establishing as soon as possible an effective and legally binding verification system to strengthen the Biological Weapons Convention.

Without question, the Bureau's conclusions concerning the need to create an effective verification mechanism were entirely in agreement with the Cuban position on the weaknesses of the Biological Weapons Convention and its support for negotiations on a legal regime providing for verification methods that would resolve these weaknesses.

PART TWO

LAWS, MEASURES AND ACTIONS ADOPTED BY CUBA IN THE FIGHT AGAINST INTERNATIONAL TERRORISM, AFTER THE ADOPTION OF SECURITY COUNCIL RESOLUTION 1373 (2001)

1. Legislation enacted

- (a) **Decision on the accession by Cuba to all existing international instruments on the question of terrorism**

Decision of the Special Session of the National Assembly of People's Power, held on 4 October 2001

On 3 October 2001, as requested by the Secretary-General of the United Nations, the President of the Council of State of the Republic of Cuba requested the President of the National Assembly of People's Power (ANPP) to convene a special session of the Assembly to consider the possibility of ratifying or acceding to seven international instruments relating to terrorism which the country had not yet signed.

At the same time, the President of the Council of State and Government of Cuba informed the Secretary-General of the United Nations of the action taken by means of a letter which is reproduced in full below.

“Havana, 3 October 2001

“His Excellency Kofi Annan

“Sir,

“Allow me to express Cuba's support for your statements in defence of the principles of international law and the role to be played by the United Nations in the critical world situation following the attacks against New York and Washington, D.C., on 11 September 2001.

“I wish to inform you that in response to your appeal to the members of the international community in your statements to the General Assembly on 26 September and 1 October, the Government of the Republic of Cuba has decided to accede, as you have requested, to the 12 existing international instruments related to terrorism, three of which Cuba has already approved and ratified.

“In order to expedite the corresponding procedures, tomorrow, Thursday, 4 October, the Government will request the National Assembly of People's Power, which has been convened for a special session to pay homage to the victims of terrorism in our country, to endorse our accession to the nine instruments that are in the process of approval and ratification. Homage is being paid on the twenty-fifth anniversary of the terrorist act that blew up a Cubana aircraft in flight off Barbados, taking the lives of 73 passengers on board.

“Likewise, our country will continue its efforts towards the conclusion of a general and comprehensive agreement against terrorism that would truly define such an obnoxious practice and allow the international community to tackle it in an efficient, urgent and steadfast way, with the full support of world public opinion and without unnecessary, useless and dangerous wars that provoke greater violence and hatred among peoples.

“Accept, Sir, the assurances of my highest consideration.

(Signed) Fidel **Castro Ruz**”

On 4 October 2001, the National Assembly of People's Power of the Republic of Cuba, at the request of the President of the Council of State, adopted Decision V-63, whereby it decided that Cuba would ratify or accede to the international instruments on terrorism to which Cuba was not yet a party.

The Decision reads as follows:

“RICARDO ALARCÓN DE QUESADA, President of the National Assembly of People's Power of the Republic of Cuba

ANNOUNCES: That the National Assembly of People's Power, at the second special session of the fifth legislature, held on 4 October 2001, by a regular vote as provided in article 76 of the Constitution of the Republic, has adopted the following:

DECISION NUMBER V-63

To unanimously endorse the Government's decision to accede to the following international conventions and protocols on terrorism adopted in the framework of the United Nations and the organizations belonging to the United Nations system:

Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, deposited with the Governments of the United States, the Russian Federation and the United Kingdom. Entered into force on 14 October 1971.

International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979, deposited with the Secretary-General of the United Nations. Entered into force on 3 June 1983.

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988, deposited with the Secretary-General of the International Maritime Organization. Entered into force on 1 March 1992.

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988, deposited with the Secretary-General of the International Maritime Organization. Entered into force on 1 March 1992.

Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991, deposited with the Secretary-General of the International Civil Aviation Organization. Entered into force on 21 June 1998.

International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997, deposited with the Secretary-General of the United Nations. Not yet in force.

International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999. Not yet in force.

In addition, the Government is requested to take such practical steps as may be necessary to ensure the prompt implementation of this decision.

To be published in *Gaceta Oficial de la República* for general information.

DONE at the meeting hall of the National Assembly of People's Power, Palacio de las Convenciones, in the city of Havana, on the fourth day of October two thousand and one.”

Consequently, as of the date of this report, and as a result of the decision adopted at the Extraordinary Meeting of the National Assembly of People's Power of the Republic on 4 October 2001, Cuba has ratified or acceded to the 12 existing international conventions and protocols on the matter of terrorism, to wit:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.
2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970.
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 September 1971.
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations at its twenty-eighth session, on 14 December 1973.
5. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations at its thirty-fourth session, on 17 December 1979.
6. Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980.
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.
11. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations at its fifty-second session, on 15 December 1997.
12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations at its fifty-fourth session, on 9 December 1999.

(b) Law against acts of terrorism, adopted by the National Assembly of People's Power on 20 December 2001

The Law against Acts of Terrorism was adopted by the National Assembly of People's Power of the Republic of Cuba on 20 December 2001. The text of the Law and the introduction thereto clearly establish the acts that constitute criminal behaviour. These offences are to a large extent based on the international conventions and protocols relating to terrorism to which Cuba has acceded or which it has ratified.

Moreover, the preamble to the Law clearly states the political, legal, moral and ethical principles underlying the approach taken consistently by the Republic of Cuba to the issue of terrorism and reiterates the unswerving determination of the country to never allow Cuban territory to be used for the organization, instigation, support or execution of terrorist actions against any country, and to reaffirm the willingness of Cuba to cooperate with all

States in eradicating this phenomenon. It also clearly establishes that no one who qualifies as a terrorist under Cuban legislation shall be allowed to enter the Republic of Cuba.

In all cases, the Law provides penalties both for offences committed in Cuba and for offences involving preparations carried out in another country which have an effect within Cuba. All preparatory acts, attempts, and consummated acts of terrorism are punishable under this Law.

The Law against Acts of Terrorism clearly defines which acts shall be punishable in the struggle against terrorism. In addition to other non-penal measures taken in the country, referred to in this report, it clearly defines offences and sentences to be applied against those who finance terrorism or in any way are involved in such actions.

In this regard, the Law includes provisions regarding acts committed with explosive or deadly devices, chemical or biological agents and other means or substances; the taking of hostages; acts against internationally protected persons; acts against the safety of maritime navigation, civil aviation and airports and all other acts that threaten air and maritime safety, including those against the safety of fixed platforms located on the continental shelf or on the island; and, as a new development, it also defines as punishable offences terrorist acts committed through the use of information technology.

As noted above, the Law prescribes severe penalties for anyone who commits or is in any way involved in terrorist acts. Penalties range from five years imprisonment, for minor offences, to life imprisonment or death for the most serious offences.

The Law against Acts of Terrorism reads as follows:

“Ricardo Alarcón de Quesada, President of the National Assembly of People’s Power of the Republic of Cuba.

BE IT KNOWN: That the National Assembly of People’s Power, at the eighth regular session of the fifth legislature, held on 20 and 21 December 2001, has adopted the following.

Introduction

Law against Acts of Terrorism

This Law is founded upon the deeply held ethical and political convictions that have always inspired the Cuban Revolution, and represents an expression of our determination to reject and condemn, by means of specific legal measures, the methods and practices of terrorism.

Moreover, the people of Cuba unquestionably possess the moral authority to do so because they have been victimized by such crimes for over forty years and because, despite the high cost of the deaths and injuries suffered by thousands of Cubans, as well as the tremendous moral prejudice and property losses inflicted on the country, Cuba has always dealt with these losses with legitimate resources and not through war which, by its very nature and outcome, is also a form of terrorism which Cuba strongly repudiates.

By enacting this Law, Cuba is contributing to the implementation of the provisions contained in the international instruments recognized by the United Nations as conventions against terrorism to which our country is a party, including those which were recently ratified at a special session of the National Assembly of People’s Power.

The Law is comprised of two titles, ten chapters, 28 articles, a special provision and three final provisions.

While the text of the Law does not provide an exhaustive definition of terrorism, it does describe its general characteristics and, in particular, the various acts which constitute this criminal activity. Thus, the Law is based on the definitions of different manifestations of terrorism set forth in the aforementioned international conventions and agreements, as well as certain offences included in the Penal Code currently in force in our

country. These offences have been included in the Law in order to reaffirm that they are acts of terrorism, bearing in mind the definitions of such acts in those instruments and in order to avoid duplicating similar legal norms.

Special attention is paid to the ways in which terrorist acts are carried out, including those relating to chemical or biological weapons, which have recently given rise to special concern within the international community. Such weapons have been used against Cuba on several occasions for many years, causing loss of human life and considerable property damage among our people.

The general provisions also include certain rules which under our substantive penal law must be set down as specific offences in order to make them applicable, such as those referring to the punishment of preparatory acts and the related penalty of confiscation of goods.

Another important norm is that providing for preventive attachment or freezing of funds and other financial assets or of property or economic resources of alleged offenders, independently of the degree of participation in the offence, and of persons and entities acting on behalf of or under the control of alleged offenders.

The general section of the Penal Code and of the Law on Military Offences are to be considered complementary to this Law, in order to avoid the repetition of many provisions. This is also the case with the Law on Penal Procedures and the Law on Military Penal Procedures since, given the special nature of this legislation, it was considered necessary to reaffirm clearly the procedural rules that are applicable.

Some of the most important rules are those pertaining to the effect in space of the Law against Acts of Terrorism, given that for purposes of punishment, the Law stipulates that the offences shall be deemed to have been committed in Cuban territory both when the perpetrator prepares for or carries out the acts in Cuba, even if they produce an effect in another country, and when the preparatory acts are carried out on foreign soil but produce an effect in Cuba. In addition, Cuban courts shall recognize the validity of firm sentences and penalties handed down by foreign courts in determining the matter of recidivism or multi-recidivism.

The single special provision instructs the Government to sign agreements and conventions with States that are willing to promote international cooperation in a number of substantive aspects in the struggle to prevent, suppress and eradicate terrorism.

In establishing the penalties for the offences, the following considerations have been borne in mind:

- (a) to respect, insofar as possible, the scale of penalties established in the Penal Code and avoid creating other, different penalties, which would be unnecessary and would create inconsistencies between offences of similar gravity already existing in both legal texts;
- (b) to establish more severe penalties for offences that have very serious consequences (death, serious injury and substantial and significant damage).

The text includes terms taken from the international instruments on which it is based, as established in article 4, so that it is not necessary to reproduce them in full in the body of the Law, which would make it unduly long. Instead, the relevant details are set forth in the annexes.

Other terms used in the text which are not defined in the aforementioned international instruments, as regards meaning and scope, shall be defined as provided in the relevant legislation currently in force in our country.

This Law against acts of terrorism is adopted at this time bearing in mind the circumstances prevailing on the world scene. It represents another significant legal step in the battle of ideas in which the Cuban people are involved.

WHEREAS: The people of Cuba have been victims of numerous acts of terrorism which have caused serious harm to people, as well as moral prejudice and property damage, for over forty years.

WHEREAS: Cuba bases its protection against terrorist actions on its defence system, which is based on the invaluable participation and support of its people. Our essential premise is to prevent such acts in order to prevent their harmful consequences, both on our territory and anywhere in the world.

WHEREAS: The international community, in many different legal instruments to which Cuba is a party, has agreed to join efforts to present a more coordinated and effective front against the various manifestations of terrorism.

WHEREAS: The National Assembly of People's Power, on behalf of the people of Cuba:

- Rejects and condemns the acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed and for whatever reasons, including those which jeopardize relations among States and peoples and threaten and represent an attack against the territorial integrity, peace and security of States. Terrorism is a dangerous and ethically indefensible phenomenon which must be eradicated.
- Reaffirms its unswerving determination to never allow the territory of the Cuban State to be used to organize, instigate, support or execute terrorist actions and the firm determination to cooperate reciprocally with all countries to prevent and suppress acts of terrorism.
- Firmly stands by its decision not to allow the entry into Cuba of individuals who qualify as terrorists under the laws of our country.
- Repudiates war as a method of confrontation and combat against terrorism, as its consequences of death and destruction, rather than focusing on the terrorists themselves, seriously affect innocent and defenceless people, whose living conditions are worsened by the destruction of their economic and social infrastructure. War aggravates the causes and conditions that lead to terrorism.
- Ratifies its decision to continue its struggle for peace, as well as its determination that friendship and collaboration between all States, peoples and civilizations, set in a context of respect for the principles of sovereignty and independence and the rules of international law, shall be the basis for joining efforts and increasing cooperation between all countries in the fight against terrorism.
- Recognizes that the General Assembly of the United Nations, its competent bodies and the international instruments in this field, are the appropriate forums for coordinating, joining and leading the efforts of the international community to confront and combat terrorism anywhere and in whatever form it is manifested.

THEREFORE: By the powers vested in it by article 73(b) of the Constitution of the Republic of Cuba, the National Assembly of People's Power adopts the following:

Law No. 93
LAW AGAINST ACTS OF TERRORISM

TITLE I
GENERAL PROVISIONS

Article 1.1. The purpose of this Law is to prevent and punish the acts described in the articles below which, because of the manner in which they are executed and the means and methods used, are evidently intended to provoke states of alarm, fear or terror among the population, and which represent an imminent danger to or affect

the life or physical or mental integrity of persons, as well as to significant or important material assets, to international peace or to the security of the Cuban State.

2. For purposes of punishment, the events referred to in the above paragraph shall be deemed to have been committed on Cuban soil both if the perpetrator uses Cuban territory to carry out preparatory acts or acts related to execution, even if their effects are produced in another country, and if those acts are carried out on foreign soil and their effects are produced in Cuba.

Article 2. The provisions of the General Section of the Penal Code and of the Law on Military Offences, and in the laws relating to penal procedures and military penal procedures, as the case may be, shall be applicable to the matters governed by this Law.

Article 3. The offences envisaged in this Law shall be punishable independently of those defined in the Penal Code or, as the case may be, in the Law on Military Offences, and of crimes committed in connection with the offences referred to in such laws.

Article 4. In determining the content and scope of the concepts referred to in the text of this Law, the relevant definitions established by relevant international treaties and conventions to which the Cuban State is a party shall apply, including the following: vessels, explosives, internationally protected person, aircraft in flight, aircraft in service, public or government facilities, infrastructure facilities, explosive device or other deadly devices, military forces of a State, place of public use, public transport system, fixed platform and funds. These expressions are defined in the annexes to this Law.

Article 5. Under this Law, preparatory acts, attempts and consummated acts of terrorism shall be punishable in connection with the offences envisaged in this Law. Likewise, under the rules established in the Penal Code for preparatory acts, the following shall be punished:

- (a) any person who, having decided to commit one of the offences envisaged in this Law, proposes to another or to other persons that they participate in carrying out the act in question;
- (b) any person who conspires with one or more persons to carry out some of the offences envisaged in this Law, and they decide to commit them;
- (c) any person who incites or induces another or other persons, by spoken word, in writing or in any other form, publicly or privately, to carry out some of the offences envisaged in this Law. If the offence is committed following such incitement or inducement, the person who provokes it shall be punished as the perpetrator of the offence committed.

Article 6. In respect of the offences referred to in this Law, the court may reduce the minimum punishment envisaged by as much as two thirds or in exceptional cases, exempt a defendant from criminal liability, when:

- (a) the defendant has voluntarily abandoned his criminal activities and appears before the authorities confessing those acts in which he has participated;
- (b) the perpetrator has abandoned his criminal contacts, has prevented or substantially decreased the danger in a situation, prevented a harmful outcome or effectively contributed to obtaining decisive evidence leading to the identification or capture of other suspects or to throwing light on the situation.

Article 7.1. A punishment that has been imposed by a definitive sentence handed down by a foreign court may be taken into account by the Cuban courts for purposes of determining recidivism or, as the case may be, multi-recidivism, with respect to defendants accused of offences envisaged in this Law.

2. The aforementioned firm sentence shall be confirmed in accordance with the relevant regulations of the Ministry of Justice.

Article 8. The pre-trial judge, the government attorney or the court, depending on the stage at which the proceedings relating to offences covered by this Law are, may issue forthwith an order for the preventive attachment or freezing of the funds and other financial assets, or of economic assets or resources of the defendants, irrespective of the degree to which they have participated in the punishable act, and of any persons or entities that have acted on behalf of the defendants and entities under the defendant's orders, including funds obtained or arising from assets belonging to or under the control, direct or indirect, of the defendants and of persons and entities associated with them.

Article 9. In respect of the offences envisaged in this Law, the court may, as an accessory penalty, order the confiscation of the defendant's assets, as provided for in article 44 of the Penal Code.

TITLE II ON ACTS OF TERRORISM

Chapter I

Acts committed with an explosive or deadly device, chemical or biological agents or other means or substances

Article 10. Anyone who manufactures, facilitates, sells, transports, remits, introduces into the country or has in his power, in any form or place, arms, munitions or flammable, asphyxiating or toxic materials, substances or instruments, plastic or any other kind of explosives or chemical or biological agents or any other element from which products of the nature described or any other similar substance or explosive or deadly substance can be developed as a result of research, design or combination, shall be subject to ten to thirty years imprisonment, life imprisonment or death.

Article 11. The same penalty shall apply to anyone who delivers, places, throws, disseminates, detonates or in any other way uses an explosive or deadly device or any other means or substance described in article 10, against:

- (a) a public gathering place;
- (b) a public or government facility;
- (c) a public transport system or any of its components;
- (d) an infrastructure facility;
- (e) crops, forests, pastures, cattle or poultry;
- (f) camps, warehouses, arms, construction sites or military facilities in general.

Article 12.1. Any person who adulterates food or other types of substances or products intended for human consumption in such a way that they could cause death or be harmful to human health shall be subject to ten to twenty years imprisonment.

2. If, as a result of the acts described in the preceding paragraph, any person is seriously injured or killed, the penalty shall be ten to thirty years imprisonment, life imprisonment or death.

Article 13.1. Any person who carries out an act against the life, physical integrity, freedom or safety of anyone who by the nature of his or her activities is well-known in society, or against that person's closest relatives, shall be subject to ten to thirty years imprisonment, life imprisonment or death.

2. If the act carried out is intended to destroy or significantly damage the assets of the individuals referred to in the preceding paragraph, the penalty shall be imprisonment of four to ten years.

Chapter II

Taking of Hostages

Article 14.1. Anyone who seizes another person or holds that person against his and her will and threatens to kill, wound or hold him or her in order to compel a State, an intergovernmental organization, an individual or a legal entity or a group of persons to perform or abstain from performing any act, as an explicit or implicit condition for the release of the hostage shall be subject to ten to twenty years imprisonment.

2. If as a result of the actions described in the preceding paragraph one or more persons are killed or seriously injured or the condition for the liberation of the hostage is complied with, the penalty shall be ten to thirty years imprisonment, life imprisonment or death.

Chapter III

Acts against Internationally Protected Persons

Article 15.1. Any person who carries out an act against the life, physical integrity, freedom or safety of an internationally protected person or of any relative belonging to that person's household shall be subject to ten to thirty years imprisonment, life imprisonment or death.

2. Anyone who carries out an act against the official premises, the private residence or means of transport of the internationally protected person and thereby endangers that person's life, physical integrity, freedom or safety shall be subject to imprisonment of four to ten years.

Chapter IV

Acts against the Safety of Maritime Navigation

Article 16.1. Any person who commits the following acts shall be subject to imprisonment of ten to thirty years:

- (a) seizes or exercises control over a vessel by force or threat thereof or any other form of intimidation;
- (b) performs an act of violence against a person on board a vessel if that act is likely to endanger the safe navigation of said vessel;
- (c) destroys a vessel or causes damage to a vessel or to its cargo which is likely to endanger the safe navigation of that vessel;
- (d) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a vessel;
- (e) communicates information which he and she knows to be false, thereby endangering the safe navigation of a vessel.

2. If, in connection with the commission of any of the acts mentioned in the preceding paragraph, one or more persons is seriously injured or killed, the penalty shall be imprisonment of fifteen to thirty years, life imprisonment or death.

Chapter V

Acts against the Safety of Civil Aviation or Airports

Article 17. Any person who, while on board an aircraft in flight, seizes or exercises control over such aircraft by force or threat thereof or any other illicit act, or who endangers the safety of the aircraft, shall be subject to imprisonment of ten to thirty years.

Article 18. The same penalty shall be applicable to any person who endangers or might endanger safety at an airport by:

- (a) performing an act of violence or intimidation against a person;
- (b) destroying or causing serious damages in the airport facilities or on an aircraft that is not in service and is located at the airport, or interfering in any way with the services provided there.

Article 19. The same penalty shall be applicable to any person who endangers or might endanger the safety of an aircraft as follows:

- (a) performs an act of violence or intimidation against a person on board an aircraft in flight;
- (b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- (c) destroys or damages air navigation facilities or services or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- (d) communicates information which he or she knows to be false, thereby endangering the safety of an aircraft in flight.

Article 20. If, as a result of the acts envisaged in articles 17, 18 and 19, one or more persons are seriously wounded or killed, the penalty shall be imprisonment of fifteen to thirty years, life imprisonment or death.

Chapter VI

Other Acts against Air and Maritime Safety

Article 21. Any person who performs the acts listed below shall be subject to imprisonment of ten to thirty years, life imprisonment or death:

1. Uses a vessel or aircraft, with or without artillery, to perform an act of violence or threat thereof or any other type of intimidation or hostility against another vessel or aircraft with the intent to:
 - (a) seize the vessel or aircraft, or the assets on board;
 - (b) damage or destroy the vessel or aircraft, divert it from its route or prevent its movement or normal activities;
 - (c) take hostages, injure or kill crew or passengers.
2. Uses a vessel or aircraft to attack, in any way, a target on land, in the air or at sea.

3. Places or causes to be placed on a vessel or aircraft, by any means whatsoever, a device or substance which is likely to destroy that vessel or aircraft, or cause damage to that vessel or aircraft which is likely to render it useless or which, by its very nature, is likely to endanger the safety of that vessel or aircraft.
4. Without being authorized to do so or in violation of the provisions in force in that respect, serves as crew or travels on vessels or aircraft within the territorial sea or airspace of Cuba.
5. Bearing arms, enters into the territorial sea or airspace of Cuba on an unarmed vessel or aircraft, with the intention of performing any of the acts described in the preceding paragraphs.

Article 22.1. The same penalty shall be applied to any person who voluntarily hands over a vessel or aircraft with the intent to perform the acts described in the preceding article, or with the knowledge that the vessel or aircraft will be used for such purposes.

2. Any person who serves as crew on a vessel or aircraft for the purpose of performing any of the acts mentioned in this chapter shall be prosecuted for any offence that may be committed with that vessel or aircraft.

Chapter VII

Acts against the Safety of Fixed Platforms Located on the Continental Shelf

Article 23.1 Any person who performs one of the following acts shall be subject to imprisonment of ten to thirty years:

- (a) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;
 - (b) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;
 - (c) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or endanger its safety.
2. If, as a result of the acts mentioned above, a fixed platform is destroyed or substantially and considerably damaged or if any person is seriously injured or killed, the penalty shall be fifteen to thirty years imprisonment, life imprisonment or death.

Chapter VIII

Acts Performed in connection with the Use of Information Technology

Article 24. Any person who performs the following acts in order to facilitate any of the acts envisaged in this Law shall be subject to five to twenty years imprisonment:

- (a) uses computer equipment, means, programmes, networks or any other computer application to intercept, interfere with, use, alter, damage, render useless or destroy data, information, electronic documents, software support systems, information, communication or telematic programmes or systems of public, social, administrative, emergency, national security or any other type of services of national or international entities or entities of another country;
- (b) uses or allows the use of electronic mail, other Internet services or protocols or any telecommunications terminal equipment;

- (c) creates, distributes, trades in or has in his or her power programmes capable of producing the effects referred to in subparagraph (a).

Chapter IX

Financing of Terrorism

Article 25.1. Any person who by any means, directly or indirectly, collects, transports, provides or has in his power financial or material funds or resources with the intention that they should be used or in the knowledge that they are to be used in order to carry out any of the offences envisaged in this Law, shall be subject to imprisonment of ten to thirty years.

2. The same penalty shall apply to any person who, directly or indirectly, makes funds, financial or material resources or financial or related services of any other kind available to any person or entity who uses them to carry out any of the offences envisaged in this Law.

Chapter X

Other Acts of Terrorism

Article 26. Any person who carries out any other act that is not punished more severely by law but which, because of the manner, means or place or time in which it is carried out, leads to accomplishing the ends referred to in article 1 shall be subject to imprisonment of four to ten years.

Article 27. Any person who has knowledge that a person has participated in the commission of an offence or that the person is accused of such an offence, and without being an accomplice himself or herself, conceals or enables the person to be concealed, to flee or to alter or eliminate evidence or proof that might be damaging to the person or in any other way helps the person evade investigation and avoid criminal prosecution, shall be subject to the same punishment as that established for the offence that was covered up, reduced by one third with respect to the minimum and maximum penalties.

Article 28. Any person who has knowledge of the preparation or execution of any offence envisaged in this Law who does not report it, without prejudice to having done everything in his or her power to prevent it by all possible means shall be subject to imprisonment of six months to three years.

SPECIAL PROVISION

SINGLE ARTICLE. The Government of the Republic is hereby instructed to enter into agreements and understandings with those States that are willing to promote international cooperation on matters relating to the exchange of information, judicial and police assistance, investigation, gathering of evidence and possible extradition of alleged offenders, for the purpose of preventing, suppressing and eradicating terrorism.

FINAL PROVISIONS

FIRST. Upon this Law's entry into force, the Council of Government of the Supreme People's Court shall determine which chambers of the people's provincial courts shall be competent to take cognizance of the offences envisaged in this Law. Where military tribunals are responsible for a case, the rules of competence established in the Law on Military Penal Procedures shall apply.

SECOND. Articles 106 through 109, 1997, 118, 122 and 123 of the Penal Code currently in force are hereby repealed, as are any other provisions that are in contradiction to the provisions of this Law.

THIRD. This Law shall enter into force on the date of its publication in the *Gaceta Oficial de la República*.

DONE at the meeting hall of the National Assembly of People's Power, Palacio de las Convenciones, in the city of Havana, on the twentieth day of December two thousand one.

2. Non-legislative measures adopted

On 13 September 2001, the President of the Civil Aeronautics Institute of Cuba issued a set of guidelines on the definition and reinforcement of security and protection measures. These guidelines provide for training seminars to be conducted in airports, airlines and company offices, as well as in other State institutions concerned with airport operations, such as the general customs office of the Republic and the directorate of immigration and foreigners. The seminars provide training on the rules and procedures included in the national regulations on the safety and protection of civil aviation and other provisions, as well as on the safety and protection plans of Cubana de Aviación S.A. and Aerocaribbean S.A. airlines. The purpose of the training is to help personnel to be watchful and prevent unlawful seizures of aircraft.

In addition, special measures were taken in a wide variety of spheres, including the following:

- A special plan for reinforcing protection to certain foreign embassies was implemented, so as to prevent future terrorist acts.
- The authorities have addressed the concerns of the U.S. Interests Section in Cuba, relating to the safety of the office and staff.
- Security has been reinforced at air and maritime boundaries.
- Tighter controls have been implemented on the stay in our country of foreigners from regions in conflict, as well as of permanent and temporary residents who are nationals of countries in those regions.
- Priority has been given to monitoring foreign firms and economic associations, as well as negotiations currently underway with countries in the regions in conflict.
- A survey was made of all citizens of countries located in the regions in conflict who travelled in the national territory between 1 January 2001 and 10 September 2001, and their names were compared with the names of the alleged perpetrators and individuals who supported the terrorist acts of 11 September 2001. No matches were found.
- Structural adjustments were made to Cuba's discovery systems, clarifying duties and priorities, and a specialized body was set up to organize, evaluate and monitor national efforts to develop a comprehensive approach to the fight against terrorism.
- Special measures were taken to detect, investigate and clarify potential threats or suspicious actions relating to bioterrorism.
- The aforementioned measures and other actions to be carried out as events unfold are being assigned priority by all those bodies responsible for dealing with these issues in the Ministry of the Interior, working in close coordination and cooperation with the Revolutionary Armed Forces, the Ministry for Foreign Affairs, other State institutions and the grassroots and political organizations.

3. Public statements by the Government of Cuba

⇒ **A few hours after the terrorist attacks against the United States territory, the Government of the Republic of Cuba issued the following statement:**

"The Government of the Republic of Cuba has learned with grief and sadness of the violent surprise attacks carried out this morning against civilian and official facilities in the cities of New York and Washington, which have caused numerous deaths.

"Cuba's position against any terrorist action is well known." Our history proves that, and those who know the history of our revolutionary struggles know it well. "It is not possible to forget that for over four decades our country has been the target of such actions fostered from within the United States territory.

“For both historical and ethical reasons, the Government of our country strongly rejects and condemns the attacks against the aforementioned facilities and hereby expresses its most heartfelt sympathies to the American people for the painful and senseless loss of human lives resulting from these attacks.

“In this bitter hour for all Americans, our people express their solidarity with the American people and their full willingness to cooperate, to the extent of their modest possibilities, with the health care institutions and other medical or humanitarian organizations in that country in the treatment, care and rehabilitation of the victims of this morning’s events.”

⇒ On the very morning of 11 September 2001, the Minister for Foreign Affairs of the Republic of Cuba presented his condolences to the people of the United States for the unjustifiable acts against them, and announced that Cuba placed its airports at the disposal of aircraft in flight would not be able to land in American airports owing to the closing down of the airspace of the United States.

⇒ On the same day of the terrorist attacks in New York and Washington, the President of the Councils of State and of Government of the Republic of Cuba, in the context of his statement at the inauguration of a teacher training school, made the following remarks:

“... Today is a day of tragedy for the United States. You know very well that hatred against the American people has never been sown here. Perhaps, precisely because of its culture, its lack of prejudice, its sense of full freedom – with a homeland and without a master – Cuba is the country where Americans are treated with the greatest respect. We have never preached any kind of national hatred, or anything similar to fanaticism, and that is the reason for our strength, because our conduct is based on principles and ideas. We treat all Americans who visit us with great respect, and they have noticed this and said so themselves.

Furthermore, we cannot forget the American people who put an end to the Viet Nam war with their overwhelming opposition to that genocidal war. We cannot forget the American people who – in numbers that exceeded 80% of the population – supported the return of Elián González to his homeland (applause) We cannot forget their idealism, although it is often undermined by deception, because – as we have said many times – in order for Americans to be misled to support an unjust cause, or an unjust war, they must first be deceived. The classic method used by that huge country in international politics is that of deceiving the people first, so as to have their support later. When it is the other way around, and the people realize that something is unjust, then based on their traditional idealism they oppose what they have been supporting. Often these are extremely unjust causes, which they had supported in the belief that they were doing the right thing.

Although we do not know the exact number of victims, we have seen those moving scenes of suffering. Therefore, faithful to the line we have always followed, we feel profound grief and sadness for the American people.

We do not go around flattering any government, or asking for forgiveness or favours. Nor do we harbour in our hearts a single atom of fear. The history of our Revolution has proven its capacity to stand up to challenges, its capacity to fight and its capacity to withstand whatever it has to; that is what has turned us into an invincible people. These are our principles. Our Revolution is based on ideas and persuasion, not on the use of force. I hope there is not anyone in the world crazy enough to say that 1.2 million people were forced to march along the seafont drive on July 26.

That has been our reaction, and we wanted our people to see the scenes and watch the tragedy. We have not hesitated to express our sentiments publicly, and right here I have a statement, which was drafted as soon as the facts were known and handed out to the international media around 3:00 p.m. In the meantime, our television networks were broadcasting news of the events. This statement was scheduled to be read to the Cuban public tonight during the evening TV newscast.

I am going to move the time up a few minutes by reading to you here and now the official statement of the Government of Cuba on the events that took place in the United States:

“The Government of the Republic of Cuba has learned with grief and sadness of the violent surprise attacks carried out this morning against civilian and official facilities in the cities of New York and Washington, which have caused numerous deaths.

“Cuba’s position against any terrorist action is well known.” Our history proves that, and those who know the history of our revolutionary struggles know it well. “It is not possible to forget that for over four decades our country has been the target of such actions fostered from within the United States territory.

“For both historical and ethical reasons, the Government of our country strongly rejects and condemns the attacks against the aforementioned facilities and hereby expresses its most heartfelt sympathies to the American people for the painful and senseless loss of human lives resulting from these attacks.”

“In this bitter hour for all Americans, our people express their solidarity with the American people and their full willingness to cooperate, to the extent of their modest possibilities, with the health care institutions and other medical or humanitarian organizations in that country in the treatment, care and rehabilitation of the victims of this morning’s events.” (Applause)

This message has not only been made public, but it was also officially delivered this afternoon, especially since we started to hear of the huge numbers of possible casualties, and knew that hospitals were full of injured.

Although it is not known whether the casualties are 5,000, 10,000, 15,000 or 20,000, it is known that the planes that crashed into the Twin Towers and into the Pentagon were carrying hundreds of passengers, and we have offered to provide whatever help we can, if necessary.

The United States is a country of great scientific and medical development and resources, but at some point in time there might be a need for blood of a specific type or plasma – any other product that we could donate, we would be most willing to give – or medical support or paramedics. We know that many hospitals are short of specific technicians and professionals. In other words, we want to express our willingness and readiness to be helpful in relation to these tragic events.

There is a history to all of this, because as I said, we have been affected by terrorism for more than forty years. We have even stated publicly that on specific occasions we have informed the United States Government of serious risks to the lives of Americans. Here is an example; it is a page and a quarter long.

After the terrorist attacks against our hotels by the terrorist mob in Florida that organized and paid for the terrorist attacks against Cuba, as well as the assassination plots organized against me when I have needed to travel abroad, a group headed by that monster Posada Carriles – we had already caught some of his accomplices, who were foreign mercenaries, when they entered our national territory – intended to repeat the sophisticated procedure used with the bombs planted in hotels or places frequently visited by foreign tourists, like La Bodeguita del Medio Restaurant, that could explode up to 99 hours after being set up. They could travel here, plant the bomb on the plane, party for three days, and go back to their country before the bomb exploded. There was the case of a Salvadoran mercenary who planted five bombs in hotels and other public places and attempted to make them blow up almost simultaneously, one after the other. You can see how far they had gone.

We contacted the U.S. Government more than once through confidential channels, and here I have one of the direct messages that we sent to the President at that time. These were messages sent through confidential channels, not official ones, through fully trustworthy friends of ours who were also friends of the United States, and we explained in detail everything that we wanted them to convey. Part of this information has already been released to the public, but I will give you an example:

“An important issue.

“Number one: Plans for terrorist actions against Cuba continue to be hatched and paid by the Cuban American National Foundation, using Central American mercenaries. Two new attempts at setting up bombs in tourist resorts have been undertaken both before and after the Pope’s visit.

“In the first case, those responsible failed. They were able to escape and return to Central America by plane, leaving behind the technical means and explosives, which were then seized.

“In the second case, three mercenaries were arrested with explosives and other means. They are Guatemalans. They would have received US\$ 1,500 for every bomb exploded.” (These were among the first caught, not the one who planted the most bombs.)

“In both cases they were hired and supplied by agents of the ring organized by the Cuban American National Foundation. Now, they are plotting and taking steps to set up bombs in planes from Cuba or any other airline carrying tourists between Cuba and Latin American countries.

“The method is similar: to hide a small device at a certain place inside the plane, a powerful explosive with a fuse controlled by a digital clock that can be programmed up to 99 hours in advance, then easily abandon the plane at its destination. The explosion would occur either on the ground or while the plane is in flight to its next destination. Really devilish procedures: easy-to-handle mechanisms, components whose detection is practically impossible, minimum training required for their use, almost absolute impunity. Extremely dangerous to airlines and to tourist facilities or of any other type. Tools suitable for crimes, very serious crimes.

“If these tactics were revealed and their potential became known” (we did not want to reveal the technology used) “they could become an epidemic, as was the case previously with the hijacking of planes. Other Cuban extremist groups living in the United States are beginning to move in that direction.

“The American investigation and intelligence agencies are in possession of enough reliable information on the main people responsible. If they really want to, they have the possibility of preventing in time this new modality of terrorism. It will be impossible to stop it if the United States doesn’t discharge its fundamental duty of fighting it. The responsibility to fight it can’t be left to Cuba alone, since any other country of the world might also become a victim of such actions.”

We passed this information on to them, and they were so concerned that they even consulted with us on the advisability of sending the airlines a text issued by the U.S. Government.

They sent us the text in which the airlines were informed of the following: “We have received unconfirmed information of a plot to place explosive devices aboard civilian aircraft operating between Cuba and Latin American countries. Those involved in the plot plan to plant a small explosive device on board an aircraft...” (Basically, they explained what we had reported to them.)

“We cannot discard the possibility that the threat could include international air carrier operations from the United States.

“The United States Government continues to seek further information to clarify and substantiate or refute this threat.”

We told them we were opposed to publicizing this warning because one of the objectives of the individuals was to sow panic, and we explained that there were other ways to deal with the situation, as we had done: we place the necessary guards wherever there was a risk that these bombs would be planted, we checked and we knew who might plant them and who were involved in the plots. We were watchful, which is what has to be done,

in order not to sow panic or create an uproar and give the perpetrators what they wanted, which was to affect the economy of the country and spread terror.

They published the information anyway. That's okay, we had already considerably reinforced our mechanisms for capturing the individuals, and after that they were not able to place one little bomb more, and we have the guards where they are needed. When they went to try that attack there in Panama, we knew more than they themselves did about what they were plotting. That is perfectly clear.

There is the mob in Miami trying to gain freedom for the terrorists who were caught red-handed and arrested in Panama. They are already planning how to do it, which country to evacuate them through and how to do it, by pretending to be sick and moving around. They receive visitors from Miami freely. They even took part in sending armed infiltrators to Cuba a few months ago, by way of Santa Clara.

Thanks to our many friends everywhere and to men like those who are there [he is referring to the Cuban patriots imprisoned in Miami for seeking information on terrorist plans against Cuba], the country has defended itself from that terrorism.

I point this out because there is a reality, there are other papers and notes. Sometimes we have sent them messages verbally, and sometimes we have put it in writing; one of the arguments we have used is irrefutable: the United States is the country that has the greatest number of organized extremist groups, and 400 of them are armed.

Airplane hijackings, a method that was invented against Cuba, became a universal plague, and it was Cuba which finally solved the problem when, after repeated warnings, we returned two hijackers to the United States. It was hard – they were Cuban citizens – but we had warned them. They came and we sent them back, keeping the word we had given in public, but never, not even afterwards, did they ever give us any news for their family members. They have their own *modus operandi*. Nobody knows. I know they were sentenced to 40 years, and that was what finally ended the airplane hijackings.

But listen, there they have 800 extremist groups. Some of them have shut themselves up somewhere for some reason, they have set fire to themselves, they have all died. These are groups that for one reason or another – many of them for political reasons, sometimes for religious reasons, but violent groups – they are prone to use force or prepare poison, things to act against the American authorities themselves. I'm not talking about the mob; I'm talking about hundreds of organized extremist groups that are acting inside the United States. Not long ago they blew up that building in Oklahoma.

The country that is most vulnerable to terrorism is the United States. It is the one that has the most airplanes, that relies most heavily on technical resources, electric power systems, gas pipelines and so forth. And many members of those groups are fascists, they don't mind killing; mentally they must be much closer to madness than to balanced intelligence. We have told the American authorities: you need to avoid publicizing those methods – we used that argument –, they are so easy to use, it's dangerous for you.

Right now, when I came here, there were no grounds for saying who might have placed those bombs, because it might be an action that was planned and carried out by some of those groups, which have already done it before, like in Oklahoma, or it might be groups from abroad. But it is obvious, from the details we have received, that this was organized very effectively. I would say there was plenty of organization and good timing; this is characteristic of people who know, who are trained, who had pilots that were able to handle those big Boeings, who coordinated the exact times when they would act. They undoubtedly hijacked the plane on the air route they were travelling, and they had pilots who could fly those airplanes directly into a tower or other targets, and a few minutes later, almost at the same time, aim another one at the Pentagon.

In other words, these are people who are well-trained technically; they are well organized and they don't necessarily have to operate in large groups. Nobody knows how much damage small groups can do, say 20, 25 or

30 fanatics or people committed to certain ideas, and the place where they can do the most damage is the United States. You can tell they figured out at what time there would be more people in the offices, around 9 o'clock, they knew the damage they could do, the thousands of victims they could cause.

Actually, it will be important now to look for clues, some clue, because this event has special characteristics. That is why it seems to me that the most important duty of the leaders in the United States is to fight against terrorism. These tragedies are partly a consequence of their having applied terrorist methods, in the case of Cuba for a whole lot of years, and in other countries. Because they have spread the idea of terrorism, and there is no power in the world today, no matter how big, that can avoid such acts, because they are carried out by fanatics, people who are completely indifferent to death. So it is hard to fight against such methods.

There is one idea we can get out of all this: none of the problems facing the world today can be solved by the use of force. No global power, no technological power, no military power can guarantee full immunity against such acts, because they can be carried out by small groups that cannot easily be discovered. The problem is complicated by the fact that the perpetrators are prepared to commit suicide. So the international community must make a concerted effort to put an end to a number of conflicts that are going on throughout the world, at least in that field. To put an end to world terrorism (applause), to create awareness throughout the world of the need to fight terrorism. And I am speaking on behalf of a country that has lived the Revolution for more than 40 years and has gained a lot of experience, a country that is united and has a high cultural level. We are not fanatics; we have not sown fanaticism, but rather ideas, convictions, principles.

We would be better able to defend ourselves, and we have proven it – how many lives have been saved! – even when faced with so much money and so many resources to spread terrorism in our country! We have lived 40 years of experience, we are ten times more prepared to prevent such acts than even the United States.

It is very important to know how the United States Government will react. There may be dangerous times ahead for the world; I'm not talking about Cuba. Cuba is the calmest country in the world, for a number of reasons: because of our policies, our methods of struggle, our doctrine, our ethics. And especially, fellow citizens, because there is absolutely no fear here.

Nothing disturbs us, nothing intimidates us. It would be hard to fabricate a slander against Cuba, not even the person who invented it and held the patent to it would believe it, it's very hard. And Cuba today is not just a nobody in the world (applause), it is in a very strong moral position, a very solid political position. I can't even imagine it, even if it came from one of the simpletons in the mob trying to cook up a plot, and I think he even mentioned Venezuela and Cuba, one of the many despicable bigmouths in the mob. Nobody is going to pay the least bit of attention to them. But there are bound to be tense situations, risks, depending on how the United States Government acts.

The next few days will be tense ones within the United States and outside the United States. A whole lot of people will start saying what they think.

Whenever a tragedy like this occurs, no matter how difficult it sometimes is to prevent it, I see no other way but to keep calm. If I one might be allowed to make a suggestion to an adversary that has been tough with us for so many years, but knows we are tough too, that we can withstand anything – we are not stupid, and they may even have some respect for our country – there are many problems in many places, but if it were all right to make a suggestion to the adversary, for the sake of the American people, I would suggest, based on the arguments I have just mentioned, that those who are leading the powerful empire should keep calm, act with equanimity, and not let themselves be carried away by rage or hatred, nor start a manhunt and throw bombs all over the place.

I repeat, none of the world's problems, not even terrorism, can be solved through force, and any action of force, any foolish action using force, anywhere, would seriously aggravate the problems of the world.

The way to deal with this is not through force or war. I say this here with the authority of someone who has always spoken with honesty, who has strong convictions and has lived through the years of struggle that Cuba has experienced. Only through reason, only through an intelligent policy that relies on the strength of consensus and international public opinion can the problem be eliminated at its roots. This unprecedented act should give rise to an international determination to fight terrorism. But the international struggle against terrorism cannot be conducted by getting rid of an occasional terrorist here and there, killing one here and another one there, applying their own methods and sacrificing innocent lives in the process. The battle must be waged by putting an end, among other things, to State terrorism and other abhorrent types of killing, by putting an end to genocide, by loyally following a policy of peace and respect for moral and legal norms which must not be broken. There is no hope for the world outside of international peace and cooperation.”

⇒ On 19 September, the spokesperson for the Ministry for Foreign Affairs of the Republic of Cuba issued the following statement:

“In response to queries from the press, following the statements made by the United States Department of State, the spokesperson for the Ministry for Foreign Affairs confirmed that contacts have recently taken place, in Washington and in Havana, between the Government of Cuba and the Government of the United States. The purpose of these contacts, which have been conducted through diplomatic channels, is to exchange information concerning activities which are a matter of concern to both countries, relating to persons involved in the smuggling of immigrants, attempts to use our territory for terrorist activities against the United States or other countries, or issues which, in the light of the current international situation, might need to be addressed in combating illegal activities.

These contacts have been sporadic, and have been limited to a few issues, including the formal activities to be carried out in connection with ceremonies honouring the memory of the American victims of the terrorist attack of 11 September.

These contacts have usually been related to the struggle against drug trafficking, the issue of illegal immigration, the arrival of returnees, and the prevention of incidents on the waters at the boundary between the two countries. Consequently, the aforementioned contacts have no special significance and have not been secret or unusual.

Cuba has no problem with engaging in sporadic or regular exchanges with the United States authorities as long as they are useful and convenient to both countries.

Havana, 19 September 2001”

⇒ On 19 September, the Government of the Republic of Cuba issued the following statement:

“Under the effect of the shock to the whole world caused by the sad and brutal news of the terrorist attack against the American people on 11 September, along with horrible scenes of suffering and pain, certain people who let themselves be carried away by feelings of hatred and pride have taken it upon themselves, in a sinister way, to resort once again to old methods and doctrines that are at the very root of terrorism and of the serious tensions that have been created today throughout the world.

At a time when the only sensible thing to do is to calmly and courageously seek definitive solutions to terrorism and other tragedies, by universal consensus, some influential leaders and politicians in the United States have spoken harshly and angrily, in a vindictive spirit not heard since the days preceding the Second World War.

Any honest person would be entitled to wonder whether they really want justice or whether they want to use the painful and unprecedented tragedy to impose methods, prerogatives and privileges that would lead to the most

powerful State in the world imposing tyranny, with no limits or restrictions whatsoever, over all the peoples of the Earth.

Some leading officials are openly talking about lifting the restriction on the right of United States institutions and officials to assassinate anyone, including by using criminals and offenders of the worst ilk.

That prerogative was used by those in power in the United States to eliminate patriotic leaders like Patrice Lumumba in 1961, to organize coups d'état and genocidal attacks that cost hundreds of thousands of lives and left millions of people tortured, disappeared or eliminated in whatever way they saw fit. Cuba has denounced hundreds of plots to attack its leaders and has constantly called for punishment for those responsible and for the perpetrators of countless acts of terrorism that have left a high number of victims among our people.

The United States Senate itself investigated and denounced several of these actions against Cuba in which a variety of devices were used which had the capacity to kill in the most horrible ways. A whole science was developed for this purpose.

The world has not offered unanimous support nor has it expressed its sincerest condolences to the noble American people so that these feelings could be used to develop doctrines that would spread chaos and bloodshed throughout the planet. Just as bad as terrorism – in fact, one of its most execrable forms – is for a State to proclaim that it has the right to kill, at its discretion, anywhere in the world, without legal rules, trials or even evidence. Such a policy would be a barbarous and uncivilized thing that would tear down all the legal rules and bases on which peace and coexistence between nations might be built.

In the midst of the panic and confusion created by the present situation, and despite the extreme seriousness of introducing such procedures into international politics, the political leaders of several different States, with only a few exceptions, have refrained from saying a single word about the resurgence of fascism and terrorism that is implicit in such statements.

One of the earliest results has been that hundreds of acts of xenophobia and terror have been carried out against people of different nationalities and religions. The American people would never be in favour of the brutal method of coldly murdering other people, violating laws, punishing without evidence and negating principles of elementary equity and justice to combat terrorism, no matter how offensive and ruthless it may be. These methods would take the planet back to the law of the jungle; they would be a blemish on the United States, destroying its prestige and feeding the hatred that is now the cause of so much pain and sadness. The American people want justice, not retribution!

From the very beginning, Cuba stated that none of the problems facing the world today can be solved by the use of force, that in facing terrorism, there must be a universal awareness and union capable of eradicating and putting an end to this and other conflicts and tragedies that threaten the very survival of the species.

Although the drums of war are beating with unusual force, apparently leading inexorably to a bloody outcome, not all is lost yet. The ulema of Afghanistan, religious leaders of a traditionally combative and valiant people, are meeting to take fundamental decisions. They have said that they would not oppose the application of justice and the pertinent procedures if those who are accused of the acts who reside in their country are guilty. They have simply asked for proofs, they have asked for guarantees of impartiality and equity in the process, something which the United Nations, with the full support of the international community, can perfectly well provide.

If such proofs exist, as the leaders of the American Government categorically affirm, and if the religious leaders are not asked to set aside the deeply held convictions of their faith, which as we know they are accustomed to defending to the death, an alternative to war might be found. They would not uselessly sacrifice their people if what they are asking for, which is irrefutable on ethical grounds, is taken into account. They would save rivers of blood. This could be the first great step towards a world without terrorism or impunity; a truly global association for peace and justice. The American people would gain enormous prestige and respect. Cuba would not hesitate to

support such a solution. But there is not a moment to waste, there is very little time left. Without this elementary, simple and possible effort, the war would be unjust.

The Government of the Republic of Cuba
Havana, 19 September 2001”

⇒ On 22 September 2001, at the Tribuna Abierta de la Revolución, San Antonio de los Baños, the President of the Council of State and of Government of the Republic of Cuba made the following statement:

“Fellow citizens:

No one can deny that terrorism is today a dangerous and ethically indefensible phenomenon that must be eradicated, regardless of its deep economic and political origins and those responsible for them.

The unanimous anger aroused by the human and psychological damage done to the American people by the unexpected and shocking deaths of thousands of innocent people, whose images have shaken the world, is understandable. But who are the ones who have profited from it? The extreme right, the most backward and right-wing forces, those in favour of crushing the growing world rebellion and sweeping away everything progressive that remains on the planet. Whoever organized and was responsible for this act committed an enormous error, a tremendous injustice and a great crime.

Nevertheless, the tragedy should not be used to start a war recklessly, in the name of justice and under the peculiar and bizarre name of “Infinite Justice”, that could actually unleash an endless carnage of innocent victims.

In the past few days we have seen the hasty establishment of the foundations, the concept, the true purposes, the spirit and the conditions of such a war. No one could claim that it was not something well thought-out in advance, something that was just waiting for a chance to materialize. After the so-called end of the cold war, those who continued a military build-up and the development of the most sophisticated means of killing and exterminating human beings were aware that their huge military investments would give them the privilege of imposing their absolute and complete dominance over the other peoples of the world. The ideologists of the imperialist system knew very well what they were doing and why they were doing it.

After the shock and sincere sorrow felt by all peoples throughout the world for the atrocious and insane terrorist attack against the people of the United States, the most extremist ideologues and most belligerent hawks, already established in their privileged positions of power, have taken command of the most powerful country in the world, whose military and technological capabilities seem infinite. Its capacity to destroy and kill is enormous, while its inclination towards equanimity, serenity, thoughtfulness and restraint is minimal.

The combination of elements, including complicity and the common enjoyment of privileges with the other powerful and rich countries, and the prevailing opportunism, confusion and panic, make it almost impossible to avoid a bloody and unpredictable outcome.

The first victims of whatever military actions are undertaken will be the billions of people living in the poor and underdeveloped world, with their unbelievably serious economic and social problems, their unpayable debts and the ruinous prices of their basic commodities; their growing natural and ecological disasters; their hunger and extreme poverty; the massive undernourishment of their children, teenagers and adults; their terrible AIDS epidemic; and their malaria, tuberculosis and infectious diseases, which threaten whole nations with extermination.

The grave world economic crisis was already a real and irrefutable fact affecting absolutely all of the major economic power centres. This crisis will inevitably worsen under the new circumstances, and when it becomes unbearable for the overwhelming majority of people, it will bring chaos, rebellion and the inability to govern.

But the price will also be unpayable for the rich countries. For years to come, it will be impossible to speak out strongly enough about the environment and ecology, or about new ideas, research and testing, or about nature conservation projects because these will be crowded out by military actions, war and crimes as infinite as “Infinite Justice”, the name given to the war operations to be unleashed.

Can there be any hope left, after listening to the speech delivered by the United States President before the Congress barely 36 hours ago?

I shall avoid the use of adjectives, qualifiers or offensive words towards the author of that speech. They would be absolutely useless and badly timed, when the tensions and seriousness of the moment favour thoughtfulness and equanimity. I shall limit myself to quoting some short sentences that say it all:

“We will [use] every necessary weapon of war.”

“Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen.”

“Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists.”

“I’ve called the armed forces to alert, and there is a reason. The hour is coming when America will act, and you will make us proud.”

“This is the world’s fight. This is civilization’s fight.”

“I ask for your patience [...] in what will be a long struggle.”

“[...] the great achievement of our time, and the great hope of every time, now depends on us.”

“The course of this conflict is not known, yet its outcome is certain [...] and we know that God is not neutral.”

I ask our fellow countrymen to meditate deeply and calmly on the ideas contained in several of the above-mentioned sentences.

- “Either you are with us or you are with the terrorists.”

No nation of the world has been left out of the dilemma, not even the big and powerful States; none has escaped the threat of war or attack.

- “We will use any weapon.”

No procedure has been excluded, regardless of its ethics, nor has any threat, however fatal – nuclear, chemical, biological or any other – been excluded.

- “It will not be a short combat but a lengthy war, lasting many years, unparalleled in history.”
- “It is the world’s fight; it is civilization’s fight.”
- “[...] the great achievement of our time, and the great hope of every time, now depends on us.”

Lastly, an unheard-of confession in a political speech on the eve of war, and no less so in a time of apocalyptic danger: "The course of this conflict is not known, yet its outcome is certain [...] and we know that God is not neutral."

The assertion is astounding. When I think about the real or imagined parties involved in the bizarre holy war that is about to begin, I find it difficult to distinguish which fanaticism is stronger.

On Thursday, before the United States Congress, the idea was put forward of a world military dictatorship under the exclusive rule of force, irrespective of any international law or institution. The United Nations, which has been simply ignored in the present crisis, would fail to have any authority or prerogative whatsoever. There would be only one boss, only one judge and only one law.

We have all been ordered to become allies either with the United States Government or with terrorism.

Cuba, the country that has suffered the most and the longest from terrorist actions, the one whose people are not afraid of anything because there is no threat or power in the world that can intimidate them, courageously proclaims that it is against terrorism and against war. Although the possibility is now remote, Cuba reaffirms the need to avert a war of unpredictable consequences; even those who are starting it have admitted they do not have the slightest idea of how events will unfold. Likewise, Cuba reiterates its willingness to cooperate with every country in the total eradication of terrorism.

An objective and calm friend should advise the United States Government not to cast young American soldiers into an uncertain war in remote, isolated and inaccessible places, where they will fight against ghosts whose whereabouts and even existence is uncertain, not knowing whether the people they kill are responsible or not for the killing of their innocent countrymen in the United States.

Cuba will never declare itself an enemy of the American people, who are today being subjected to an unprecedented campaign to sow hatred and a vindictive spirit, so much so that even the music inspired by the hope of peace has been banned. On the contrary, Cuba will make that music its own, and even our children will sing their songs of peace as long as the announced bloody war lasts.

Whatever happens, the territory of Cuba will never be used for terrorist actions against the American people, and we will do everything within our reach to prevent such actions against them. Today we are expressing our solidarity, while urging peace and calmness. One day they will admit we were right.

We shall defend our independence, our principles and our social achievements with honour, to the last drop of blood, if we are attacked.

It will not be easy to fabricate pretexts for such an attack. They are already talking about a war using all necessary weapons, but it will be useful to recall that not even that would be a new experience. Almost four decades ago, hundreds of strategic and tactical nuclear weapons were aimed at Cuba, and nobody remembers any Cuban losing sleep over that.

We are the same sons and daughters of that heroic people, with a patriotic and revolutionary conscience that is stronger than ever. It is a time for serenity and courage.

The world will become aware of this and will raise its voice in the face of the terrible tragedy it is about to suffer.

⇒ On 29 September, one week later, in Ciego de Ávila, President Fidel Castro made the following statement:

“Fellow citizens:

A peaceful solution might still be possible.

Under the tense circumstances of the moment, nobody can write a speech just hours before delivering it without running the risk of being overtaken by events. I am also running the risk of being too optimistic, without being really optimistic. However, I must speak my mind.

The commotion that spread throughout the world after the demented terrorist attack of 11 September, which was shown live on television, created an exceptional opportunity for eradicating terrorism without unleashing a useless and possibly interminable war.

As they would anywhere in the world, the acts of terrorism in the United States caused terrible harm to all those peoples who are fighting for what they see as a just cause, objectively speaking.

Terror has always been an instrument used by the worst enemies of humankind to crush and repress many peoples’ struggle for their liberation. It will never be an instrument used for a truly noble and just cause.

Throughout history, almost every struggle for national independence, including that of the North American people, has been carried out through armed struggle, and no one has questioned, nor could they question, the right to do so. But the intentional use of arms to kill innocent people as a method of struggle is absolutely reprehensible and must be eradicated, for it is as unworthy and inhuman, as abhorrent as the historical terrorism practiced by oppressive States.

In the present crisis, despite the real possibility of eradicating terrorism without war, the fundamental obstacle is that the main political and military leaders of the United States don’t want to hear anything that would keep them from using arms or contribute to the search for a truly and effective solution to the difficult problem. They don’t take into account the fact that it would be highly honourable for the North American people to achieve this without shedding a drop of blood. Those who take decisions only think of warlike action. They have associated honour and war. Some talk about using nuclear weapons as if that were as simple as drinking a glass of water. Others say they will use guerrilla war tactics with special forces. Someone has even pondered the use of lies as a weapon, although there are always those who are more rational and use common sense, still within the context of war. There is a shortage of objectivity and calm reflection. Warlike formulas have been planted in the minds of many citizens, without regard for the loss of American lives.

It is hard to know whether they a final decision has already been reached as to the strategy and tactics to be used against a country whose communications and technological infrastructure and materials conditions have hardly left the stone age.

Guerrilla tactics with squadrons of aircraft carriers, battleships, cruisers and submarines in a landlocked country? Why send dozens of B-1 and B-2 bombers, hundreds of modern combat planes, thousands of missiles and other strategic weapons? What will they shoot? In the meantime, confusion and panic reign in the rest of the world, along with opportunism, fuelled by those who seek their own benefit and by national interests. Some have torn their honour into shreds. As a result of the initial bewilderment, we now see a strange and widespread manifestation of the ostrich instinct, and there are not even any holes in which people could hide their heads.

Many people still don’t seem to be aware of the fact that on 20 September, the Congress of the United States decreed the end of independence for all other States, without exception, and put an end to the role played by the United Nations.

Let no one think, however, that the peoples and many honest political leaders won't react as soon as the acts of war materialize and the horrible pictures begin to be published. Then they will take the place of the sad and compelling pictures of the tragedy in New York. Forgetting them will seriously impair the feelings of solidarity with the North American people, which at present is a fundamental factor in eliminating terrorism without the need for war, with its unpredictable consequences, and without the death of countless innocent people.

We have already seen the first victims: millions of people fleeing from war, pictures of starving children, which deeply touch the world. Nothing can stop the world from seeing these things.

It is a great mistake for the United States and its rich allies in NATO to think that the strong nationalism and deeply held religious convictions of the Muslim peoples can be neutralized with money and promises of aid or that their countries can be indefinitely intimidated by force. We are already hearing statements by religious leaders in large nations that have no relationship with the Taliban expressing their strong opposition to the military attack. Disagreements are already surfacing among the allies of the United States in central and southern Asia.

Feelings of xenophobia, hatred and contempt against all Muslim countries are coming to the fore. An important European Head of Government recently said in Berlin that Western civilization was superior to Islamic civilization and that the West would continue conquering nations, even if that meant confrontation with Islamic civilization, which had remained stagnant at the same point it was 1,400 years ago.

In an economic situation such as the one the world is going through now, with many serious problems still facing mankind, including its very survival, when it is threatened by the destructive power of modern weapons, why insist on starting a complicated and endless war? Why are the United States leaders so arrogant, if their enormous power gives them the privilege of showing some moderation?

It would be enough to restore to the United Nations the prerogatives that were snatched from it, so as to allow the General Assembly, the most universal and representative body of the Organization, to serve as the central forum in this struggle for peace, no matter how limited its powers may be, given the veto right of the Permanent Members of the Security Council, most of whom are also members of NATO. Then terrorism could be eradicated with the full and unanimous support of world public opinion.

Under no circumstances should those who were responsible for the brutal attack against the people of the United States go unpunished if they can be identified. An honourable solution for all countries would be for them to be tried by impartial courts that would guarantee the veracity of the evidence and ensure the rule of law.

Cuba was the first country to speak of the need for an international struggle against terrorism. This was clearly stated in the following words, spoken shortly after the tragedy suffered by the North American people on 11 September: "None of the problems facing the world today can be solved by the use of force. [...] The international community needs to create awareness throughout the world of the need to fight terrorism. [...] Only an intelligent policy that relies on the strength of consensus and international public opinion can eliminate the problem at its roots. [...] This unprecedented act should give rise to an international determination to fight terrorism. [...] There is no hope for the world outside of international peace and cooperation."

We firmly hold to those views.

It is essential that the role of the United Nations as a peacemaker be restored to it.

I don't for a minute doubt that the Third World countries – almost without exception, I would venture to say –, regardless of their political or religious differences, would be willing to join with the rest of the world in the struggle against terrorism as an alternative to war.

I think the ideas I have expressed do not in any way minimize honour, dignity or the political and religious principles held by the aforementioned States.

I am not speaking on behalf of any country in the poor and underdeveloped world. I am expressing these views out of my profound conviction, and in the light of the tragedy which these countries are suffering, having been exploited and humiliated for centuries. Even in the absence of war, the poverty and underdevelopment they have inherited, along with hunger and curable diseases, are silently killing tens of millions of innocent people every year.

For these peoples, defending peace with dignity, with independence and without war is the cornerstone of a struggle in which we must all be involved, so as to preserve true justice in a world where everyone is free.

Cuba is not motivated by any economic interest; we are not being opportunistic, and we are certainly not afraid of threats, danger and risks. A people who, as everyone knows, has for more than 40 years stood firm with honour despite the economic war, the blockade and the terrorism to which it has been subjected, has the right to expound, to reiterate and to insist on its viewpoints. And it will not hesitate to do so to the very end.

We are and we will always be against terrorism and against war!

Nothing that might happen will cause us to depart from this line of thinking!

The dark clouds that have appeared on the world horizon will not prevent the Cuban people from continuing to work tirelessly on our wonderful social and cultural programmes, as we realize that we are carrying out a human task for which there is no parallel in history. And if the wars that are being announced should turn these programmes into mere dreams, we will fall with honour defending those dreams."

⇒ **On 1 October, His Excellency Bruno Rodríguez Parrilla, Permanent Representative of Cuba to the United Nations, made his main statement during the special debate on terrorism convened by the United Nations. Following is the text of his statement:**

Mr. President:

Just two days ago, in a speech addressed to 100,000 fellow citizens, President Fidel Castro stated the following:

"The commotion that spread throughout the world after the demented terrorist attack of 11 September, which was shown live on television, created an exceptional opportunity for eradicating terrorism without unleashing a useless and possibly interminable war."

"Terror has always been an instrument used by the worst enemies of humankind to crush and repress many peoples' struggle for their liberation. It will never be an instrument used for a truly noble and just cause."

Later on, he added:

"Many people still don't seem to be aware of the fact that on 20 September, the Congress of the United States decreed the end of independence for all other States, without exception, and put an end to the role played by the United Nations."

"Cuba was the first country to speak of the need for an international struggle against terrorism. This was clearly stated in the following words, spoken shortly after the tragedy suffered by the North American people on 11 September: "None of the problems facing the world today can be solved by the use of force. [...] The international community needs to create awareness throughout the world of the need to fight terrorism. [...] Only

an intelligent policy that relies on the strength of consensus and international public opinion can eliminate the problem at its roots. [...] This unprecedented act should give rise to an international determination to fight terrorism. [...] There is no hope for the world outside of international peace and cooperation.”

“I don’t for a minute doubt that the Third World countries – almost without exception, I would venture to say –, regardless of their political or religious differences, would be willing to join with the rest of the world in the struggle against terrorism as an alternative to war.”

“For these peoples, defending peace, with dignity, with independence and without war is the cornerstone of a struggle in which we must all be involved, so as to preserve true justice in a world where everyone is free.”

Mr. President:

Instead of war, we must organize international cooperation so as to carry out effective global action, in accordance with international law, the Charter of the United Nations and the relevant international conventions, and on the basis of the extraordinary force of consensus and the sovereign and common will of all States.

As Cuba has stressed: “It would be enough to restore to the United Nations the prerogatives that were snatched from it, so as to allow the General Assembly, the most universal and representative body of the Organization, to serve as the central forum in this struggle for peace – no matter how limited its powers may be, given the veto right of the Permanent Members of the Security Council, most of whom are also members of NATO. [...] It is essential that the role of the United Nations as a peacemaker be restored to it.”

The United Nations is, in fact, the universal coalition that we need in the fight against terrorism. Neither an amorphous and unpredictable coalition nor NATO nor any military organization – no group of States, no matter how powerful – can substitute for the United Nations in carrying out legitimate global action against terrorism. The United Nations should not relinquish its functions or prerogatives in the face of impositions by any country, nor should it complacently serve hegemonic interests.

It is for the United Nations alone to address, in an in-depth, calm, resolute and forceful way, the serious challenges of a globalized world, including terrorism, which is now a matter of urgency.

The United Nations can rely on the universal participation of States; it has historical and moral authority; its principles and rules are accepted by all; it is authorized to establish and codify standards; it can take action in all areas; and its many and various bodies have great potential.

We support the Secretary-General’s statement that this Organization is the natural forum in which to build such a universal coalition and that it alone can give global legitimacy to the long-term struggle against terrorism.

The United Nations even has the prerogative to use force if necessary to defend the principle of collective security. However, this exceptional prerogative must be used with extreme prudence and a sense of responsibility.

Mr. President:

The United Nations has made great efforts to fight terrorism, as the existing conventions and other recently adopted instruments, as well as the many resolutions adopted by the General Assembly and other bodies, show.

In order to move forward, we must address all forms and manifestations of terrorism without exception, including State terrorism, in all parts of the world, in a way that is completely honest and avoids hegemonic interests and national ambitions.

The overwhelming political will of States to fully implement international instruments must prevail, without double standards or political selectivity and without special treatment for those who live in affluent societies.

Furthermore, neither States nor their armed forces – especially the most powerful ones – should act in disregard of international law.

Mr. President:

We share the calls for prudence and moderation coming from all regions. One cannot respond to the terrorist attacks of 11 September with vindictiveness and acts of war that would result in increasing violence and barbaric acts the nature of which we cannot yet imagine. The solution is not to enact laws or decrees authorizing extrajudicial executions, allowing States to kill foreigners, carrying out covert actions in other countries, breaking the law and disregarding boundaries or using force within other States.

That would divert the world from its goal of eliminating terrorism and would mean the end of collective security mechanisms. It would mean the rule of force and the beginning of the end of the often-touted rule of law.

Terrorist acts are usually carried out by extremist groups and even by individuals. Given an event of this nature – no matter how serious – the right to self-defence must not be invoked by a powerful State to unilaterally unleash a war that will affect the whole world in an unpredictable way and that will cause the death of an unthinkable number of innocent people. Instead, that right must be exercised as the right of all to the common defence of all. If we accept war today with the excuse that we are fighting terrorism, eventually the countries of the South will also become the victims of force.

Cuba supports the many ongoing initiatives and those under discussion which might contribute to United Nations actions, including those proposed by the Non-Aligned Movement, such as the call for a high-level conference on international terrorism, the creation of an international cooperation centre and the negotiation of a comprehensive convention on international terrorism. We are also willing to consider constructively other initiatives that might contribute to the struggle against terrorism and have the legitimacy referred to by the Secretary-General.

Mr. President:

While the Security Council has made efforts and adopted several resolutions in the past, terrorism has been an area in which prudence has prevailed. In the few cases where specific acts of terrorism have been addressed, this has been done because it was directly in the interest of some of its Permanent Members.

However, Cuba asked the Security Council to take action in the case of the 1976 in-flight bombing of Cubana Airlines flight CU-455, which resulted in the death of 73 people on board. But a draft resolution submitted by Cuba, contained in document S/23990, was not even considered.

I reviewed that draft resolution once again, comparing it to the resolution adopted by the Security Council on Friday night and discovered that, although ours was much more moderate, it did propose some of the same concepts and measures.

In the preamble, the Cuban draft stated that the suppression of acts of international terrorism was essential for the maintenance of international peace and security. It emphasized the need to deal effectively with terrorism and reaffirmed that every State had the duty to refrain from organizing, instigating, assisting, participating in or consenting to terrorist acts within its territory. Our text noted that one Permanent Member of the Security Council had stated that it had evidence in its possession relating to that act. It also took into account the fact that one of the masterminds of the terrorist act, Orlando Bosch, resided in the territory of that same State, where – by the way – he still lives; and that after committing the appalling crime, the other mastermind, Luis Posada Carriles, had held two jobs with the Government of that State. The Cuban draft resolution also urged the Council to participate in the struggle against international terrorism, invoking Chapter VII of the Charter.

The draft resolution did not request the use of force or sanctions, but simply asked the Council to condemn the in-flight bombing of the passenger aircraft, to affirm the obligation to investigate the crime and to punish the guilty parties.

It asked the State concerned to provide all the information and evidence in its possession relating to the past and current residence of the terrorists who were in its territory, and to adopt effective measures to prevent its territory from being used to prepare, organize or carry out terrorist acts against Cuba. And it asked the Council to remain seized of the matter.

After Cuba had spoken, the representative of the Permanent Member concerned took the floor for just five minutes and stated: "I frankly cannot help but wonder why we are here... By meeting today... we lose our most valuable commodity: time."

And that was the end of the meeting.

By contrast, the Security Council has just adopted – after quick negotiations that were anything but transparent – a resolution ordering States to change their legislation, as a matter of urgency, requiring immediate reports and creating a sort of anti-terrorist general staff.

The Council has decided to fight terrorism in many different areas, from the economic and financial spheres to illicit drug trafficking, border controls, money laundering, forgery of documents, traffic in explosives and nuclear, chemical, biological and other weapons. It also deals with issues relating to transnational organized crime, weapons of mass destruction, communications technologies and the exchange of intelligence on individuals and entities that practice terrorism.

To implement that resolution, it is necessary to previously determine who those people are and what constitutes a terrorist act. One can just imagine where those interpretations will come from.

The Security Council has been pushed to give legal support to hegemonic and arbitrary decisions made by the ruling Power, which violate the Charter and international law and encroach upon the sovereignty of all States. In doing so, the Council is again usurping the duties of the General Assembly, the only body whose universal composition and democratic practice could give legitimacy to such far-reaching decisions. The Council uses the unusual method of imposing on all States some of the provisions found in the conventions against terrorism, to which individual States have the right to decide whether or not they wish to be signatories.

The Security Council, a hostage to the veto power, can only exercise a selective, erratic, arbitrary and ineffective dictatorship, instead of providing the moral leadership required for a comprehensive campaign against terrorism in a globalized world.

Terrorism cannot be eliminated if some terrorist acts are condemned while others are silenced or justified. It is an ethical imperative, for example, to put an end to the use of the veto power to prevent international actions from protecting the Palestinian people against the countless acts of State terrorism they are suffering.

It is Cuba's view that any use of force against terrorism will require explicit and previous authorization of the Security Council, as provided by the Charter. Cuba also believes that neither of the two resolutions adopted by the Council in the wake of the attacks of 11 September can be invoked to launch unilateral military actions or the use of force.

Despite some arbitrary methods and decisions of the Security Council, our country, as always, will cooperate with the Council in good faith, in keeping with the Charter, enforcing its own legislation, adopted by our people in the exercise of their sovereignty and in accordance with international law. Our legislation is strongly and firmly opposed to all acts of terrorism, no matter who the perpetrators may be, as well as to other serious international crimes being committed in the world.

We can say this with the moral authority we enjoy by virtue of the fact that our finances are transparent, and our banks do not hold any laundered or illegitimate money; that our institutions do not illegally sell information or technology or tolerate trafficking in arms or dangerous substances; and that our borders do not harbour transnational crime.

The specific measures set forth in the resolution adopted by the Security Council, which Cuba supports, must be applied first of all to the large banks which – as everyone knows – are where money is laundered.

I must categorically state that Cuba will never participate in any military action.

Mr. President:

I bring with me today the memory of 3,478 Cubans who have died as a result of acts of aggression and terror and the cry for justice of 2,099 people who have become disabled as a result of those acts.

I bring, among others, the memory of Félix García, a diplomat with the Cuban Mission to the United Nations, who was murdered here in New York, precisely on 11 September 1980. His murderer was arrested, along with Luis Posada Carriles, last November in Panama, in the midst of an Ibero-American Summit, when, with the intent of assassinating President Fidel Castro, they were planning to blow up a university auditorium where thousands of students were expected to gather. Posada Carriles and his group have not been extradited or punished. There are reasons to fear that they will escape before being sentenced, or that they will get by with no punishment at all.

In the 1990s alone, a total of 68 acts of terrorism were perpetrated against Cuba, 33 of them during the last five years.

Our country speaks with the moral authority of one which has never committed a terrorist act, not even attempting to physically eliminate – in an act of legitimate self-defence – the direct perpetrators and masterminds of abominable crimes, financed and carried out by the Cuban American National Foundation and other terrorist mafia groups in Miami, against our people. However, from beyond our borders, bombings, assassination attempts against Cuban leaders and attacks against economic targets vital to our economy have been organized recently with total impunity.

It is only out of consideration and respect for the victims of the attack of 11 September, as well as the seriousness of the situation that brings us here to seek constructive solutions, that I shall contribute to the spirit of this debate by remaining silent on the origins of the terrorism against Cuba, not referring specifically to the real causes, the accomplices, those who are actually responsible, the financial flows, the venal courts that absolve criminals and the territories where terrorist organizations acting against Cuba are based.

I share the hope that the tragedy of 11 September will lead to reflection and to a change in the policies that encourage and justify terrorism against my people, as I am sure that is what the American people want. Terrorism against Cuba must stop.

I must say that, in the face of impunity, Cuba is fully within its rights to defend itself against terrorism. The five young Cubans who were unjustly jailed and suffer degrading treatment in Florida are not sorry for having heroically saved the lives of Cuban and American Citizens.

As President Fidel Castro has stated, “Cuba, speaking with the moral authority of the country that has suffered the most and the longest from terrorist actions, the one whose people are not afraid of anything because there is no threat or power in the world that can intimidate them, courageously proclaims that it is against terrorism and against war. Although the possibility is now remote, Cuba reaffirms the need to avert a war of unpredictable consequences; even those who are starting it have admitted they do not have the slightest idea of

how events will unfold. Likewise, Cuba reiterates its willingness to cooperate with every country in the total eradication of terrorism.

“Whatever happens, the territory of Cuba will never be used for terrorist actions against the American people, and we will do everything within our reach to prevent such actions against them. Today we are expressing our solidarity, while urging peace and calmness.”

Finally, the President of our country, expressing the unanimous sentiment of our people, has stated:

“We shall defend our independence, our principles and our social achievements with honour, to the last drop of blood, if we are attacked.”

Thank you.

⇒ On 4 October 2001, on the twenty-fifth anniversary of the destruction in mid-air, by a terrorist act, of a Cubana Airlines passenger plane off the coast of Barbados, the National Assembly of People's Power of the Republic of Cuba issued the following statement:

“A quarter of a century ago, Cuba suffered a treacherous and loathsome crime which shook the entire nation and still haunts the collective memory of the people.

On 6 October 1976, a Cubana Airlines airplane was sabotaged in a cowardly manner and blew up in mid-air off the coast of Barbados, killing all the passengers and crew, including the young winners of the Central American and Caribbean fencing championship and a group of Guyanese students. The 73 innocent victims are still waiting for justice to be done. The main perpetrators have yet to be punished and are still engaged in a life of crime which has lasted for over four decades.

Those who conceived, planned and led the genocidal action had a long history of terrorism, going back to the 1960s, when they began practicing it while on the CIA payroll. Their responsibility for blowing up the Cuban aircraft and killing, in cold blood, all the passengers and crew is known to the United States Government, which possesses information it is keeping secret. The Department of Justice of that country acknowledged this in an official document dated 23 June 1989.

Despite the infamous background of these terrorists, including serious crimes committed on North American territory, the negative decision of the Attorney General, and the opposition of major media in the United States, one of the terrorists, Orlando Bosch, has been living there – thanks to then President George Bush – for over ten years, and no one bothers him as he continues to practise his evil occupation. On 22 August 2001, he and other well-known terrorists, knowing that they enjoy total impunity and have the support of the so-called Cuban American National Foundation, published a full-page ad in a Miami newspaper announcing that they would continue using every means and method at their disposal against Cuba, without excluding terrorism and violence.

The other perpetrator, Luis Posada Carriles, escaped from a Venezuelan jail where he was awaiting trial in the case of the Cuban aircraft, and immediately went to work for the White House. He received his orders directly from Oliver North, in connection with covert activities the United States was conducting in Central America. He subsequently led the bombings of several tourist facilities in Cuba and planned an assassination attempt against President Fidel Castro and thousands of Panamanian students during the Ibero-American Summit held there in 2001. He is currently under arrest in Panama on minor charges, trusting that his friends will once again guarantee his escape and impunity.

The entire world has rejected the brutal attack of 11 September; the United Nations has adopted resolutions condemning it, and governments have stated their determination to punish similar actions and prevent them from happening again. The National Assembly, together with all of Cuba, has also condemned the attack and has

expressed its full solidarity with the North American people. At the same time, Cuba demands that the fight against terrorism be authentic and that there be a true willingness to eliminate it everywhere and in all its forms and manifestations.

Thousands of Cubans have lost their lives or suffered irreparable harm as a result of the vandalic acts perpetrated against Cuba for over forty years by groups that have operated and are operating on United States territory, where the authorities have either been their accomplices or tolerated them. Cuba, for its part, has never resorted to such despicable methods nor has it ever used force, not even to punish the bandits who, working from abroad, have committed countless atrocities against our people. We have always followed a policy based on principles. We defend ourselves without ever violating the ethics or the principles of international law. Moreover, we have tried to get the Government in Washington to fulfil its duty to prevent such actions and we have even supplied them with information obtained through the generous sacrifice of heroic compatriots like the five Cubans who are now unjustly imprisoned in Miami.

We have reasons, and we have the moral strength necessary, to demand that justice be done with regard to the crime of 6 October 1976 – to demand that the international fight against terrorism be sincere, consistent, without double standards, without racist discrimination, without hegemonic arrogance, without fraudulent manipulation. That is the only way this scourge can be completely eradicated. That is the only way to pay homage to its victims everywhere.

Twenty-five years ago, we came together like a big family to share the deep sorrow we felt at the cruelty that had cut off the lives of our brothers and sisters. We swore then that they would always be in our hearts, that we would never forget them. And they have indeed been with us, day by day, in the sacrifice and the exploits, in the dignity and the creative stamina of their people.

We shall continue denouncing their murderers and demanding that they be punished. We shall continue fighting, inseparable and united, to defend the Homeland and ensure that a free, independent Cuba, a country where justice and solidarity prevail, remains standing as a permanent tribute to them and to all our martyrs.”

⇒ On 6 October 2001, at the largest public demonstration against terrorism in the world, when one million Cubans gathered in the Plaza de la Revolución, the Head of State of Cuba made the following statement:

“Fellow citizens:

History is capricious and is given to strange twists. Twenty-five years ago, in this very same square, we bid farewell to a few coffins containing tiny fragments of the human remains and personal belongings of some of the 57 Cubans, 11 Guyanese – most of them students on scholarships in Cuba – and 5 Korean cultural officials who died as a result of a brutal and incredible act of terrorism. What was especially moving was the death of the entire youth fencing team, male and female, who were returning with all the gold medals they had won in a Central American championship in that sport.

A million of our fellow countrymen, with tears in their eyes, in many cases running down their cheeks, bid a more symbolic than actual farewell to our brothers and sisters whose bodies were lying at the bottom of the ocean.

No one, with the exception of a group of friendly distinguished persons and institutions, shared our sorrow; there was no uproar in the world, no serious political crises, no meetings at the United Nations, no imminent threat of war.

Perhaps few people in the world understood the terrible significance of that act. How important could it be that a Cuban civilian aircraft was destroyed in mid-flight with 73 people on board? It was as if it was a normal occurrence. Had not thousands of Cubans died already in La Coubre, Escambray and the Bay of Pigs and in

hundreds of terrorist attacks, acts of piracy and other similar actions? Who was going to attach importance to the complaints of a tiny country? It seemed that a simple denial from our powerful neighbour and its news media, which flooded the world, was sufficient and the matter would be forgotten.

Who could have predicted that almost exactly 25 years later a war with unpredictable consequences would be on the point of breaking out as a result of an equally repugnant terrorist attack which claimed the lives of thousands of innocent people in the United States? Back then, in what now appears to be a tragic omen, innocent people from several countries died; on this occasion human beings from 86 nations perished.

Then, as now, there were hardly any remains of the victims. In Barbados, not a single body could be recovered; in New York, only a few were recovered and not all of those could be identified. In both cases, family members were left with a vast emptiness and immense distress; the horrific crime brought unbearable sorrow and deep indignation to the peoples of each country. These were not accidents or the result of mechanical failures or human error; they were deliberate acts, conceived and carried out in cold blood.

There were, however, some differences between the monstrous crime committed off the coast of Barbados and the inconceivable and sinister terrorist attack against the people of the United States. In the United States, the act was the work of fanatics who were prepared to die alongside their victims; in Barbados, it was the work of mercenaries who did not run the slightest risk. The main goal in the United States was not to kill the passengers; the perpetrators hijacked the aircraft in order to attack the Twin Towers and the Pentagon, without any concern for the death of the innocent people travelling in them. In Barbados, the basic objective of the mercenaries was to kill the passengers.

In both cases, the anguish suffered by the passengers during the final minutes of their lives, especially those in the fourth aircraft hijacked in the United States – who already knew what had happened in New York and Washington – must have been terrible, like that of the crew and passengers of the Cuban aircraft during the desperate attempt to return to land when it was clearly impossible to do so. In both cases, there were demonstrations of courage and determination: in Barbados, we learned of them from the recorded voices of the Cuban crew, and, in the United States, from reports from that country on the attitude adopted by the passengers.

Moving filmed images have remained of the horrific events in New York. Not a single photograph has remained, nor could remain, of the explosion of the aircraft off the coast of Barbados and its plunge into the sea. The only testimony left is to be found in the dramatic communications between the crew of the doomed aircraft and the control tower at the airport in Barbados.

This was the first time in the history of Latin America that such an act had been instigated from abroad.

In this hemisphere, the systematic use in the political arena of such cruel and terrible practices and procedures was initiated against our country. It was preceded in 1959 by another equally senseless and irresponsible practice: the hijacking and diversion of aircraft in mid-flight, a phenomenon which was practically unknown in the world at that time.

The first attack of this kind was the hijacking of a DC-3 passenger aircraft bound from Havana to the Isla de la Juventud by several former members of the repressive forces of Batista's tyranny, who diverted the aircraft and forced the pilot to fly to Miami on 16 April 1959. This was less than four months after the triumph of the Revolution. The perpetrators of the attack were never punished.

Between 1959 and 2001, a total of 51 Cuban aircraft were hijacked and almost without exception diverted to the United States. Many of these hijacked aircraft were never returned to Cuba. A number of pilots, guards and other people were killed or wounded and several aircraft were destroyed or seriously damaged in failed hijacking attempts.

As a consequence, the plague of hijackings of aircraft in mid-flight soon spread to the United States itself, where, for the most varied reasons, a number of people, most of them unbalanced individuals, adventurers or common criminals, from both the United States and Latin America, began to hijack aircraft, armed with firearms, knives, Molotov cocktails and sometimes just bottles of water made to look as though they contained gasoline, with which they threatened to set the aircraft on fire.

Thanks to the painstaking care of the Cuban authorities, not a single accident occurred upon landing and the passengers always received proper treatment and were immediately returned to their places of origin.

Most of the hijackings and diversions of Cuban aircraft occurred between 1959 and 1973. Faced with the risk of a catastrophe in the United States or Cuba, since there were hijackers who, once they had taken control of an aircraft, threatened to fly it into the Oak Ridge atomic plant if certain demands were not met, the Government of Cuba took the initiative of approaching the Government of the United States – at that time under the Presidency of Richard Nixon and with William Rogers as Secretary of State – with a proposal for an agreement to deal with cases of hijacking of aircraft and piracy at sea. The proposal was accepted and the agreement was quickly drawn up; it was signed by representatives of the two Governments on 15 February 1973 and immediately published in the Cuban press and given wide coverage.

This reasonable and well-drafted agreement established heavy penalties for hijackers of aircraft and ships. It served as a deterrent. From that date on, there was a considerable reduction in the number of Cuban aircraft hijacked; during a period of over 10 years every attempted hijacking in Cuba failed.

The brutal terrorist attack that led to the explosion of the Cuban aircraft in mid-flight dealt a devastating blow to this excellent and effective agreement. As a result of this inconceivable act of aggression and taking into account the fact that it occurred in the middle of a new wave of terrorist acts against Cuba unleashed towards the end of 1975, the Cuban Government denounced the agreement, in accordance with the clauses stipulated therein. However, it retained in force, unchanged, the measures set out in the agreement against the hijacking of United States aircraft, including the application of severe penalties which, under the agreement, had been increased to sentences of up to 20 years' imprisonment. Even before the agreement was signed, the Cuban courts had been applying the penalties established in our Penal Code against aircraft hijackers, although the penalties were less severe.

Despite the strict application of the penalties, a few United States aircraft were hijacked and diverted to Cuba. After due advance warning, the Cuban Government returned two hijackers to the United States on 18 September 1980, handing them over to the United States authorities.

During the period from September 1968 to December 1984, 71 incidents were recorded of aircraft being hijacked and diverted to Cuba. According to the records, 69 participants in those hijackings were tried and sentenced to terms of imprisonment of between three and five years; subsequently, after the signing of the 1973 agreement, sentences ranged from 10 to 20 years.

As a result of the measures taken by Cuba, there has not been a single incident of the hijacking or diversion of a United States aircraft to Cuba in the past 17 years.

What, on the other hand, has been the attitude of the United States? From 1959 until today, the United States authorities have not punished a single one of the hundreds of individuals who have hijacked and diverted to that country dozens of Cuban aircraft, not even those who committed murder in carrying out the hijacking.

It is impossible to conceive of a greater lack of basic reciprocity or a greater incitement to the hijacking of aircraft and ships. This rigid policy has been maintained for over 42 years, without a single exception, and is still being maintained.

The constructive agreement between the Governments of Cuba and the United States on the hijacking of aircraft and ships, the results of which were immediately evident, was apparently accepted by the principal leaders of the terrorist groups. Some had cooperated or participated actively in the organization of irregular warfare, through armed groups which, at certain times, extended throughout the six former provinces of the country. The majority of them had been recruited by the United States Government in the days of the Bay of Pigs invasion and the Cuban missile crisis, and in later years, to take part in all kinds of violent actions, especially in assassination plots and terrorist attacks that did not leave any sphere of economic and social life untouched or rule out any method, any procedure or any weapon.

They attended all kinds of institutions, schools and training programmes, at times to be trained and at other times to be entertained.

Dramatic events such as the Kennedy assassination gave rise to major investigations, including those carried out by a United States Senate committee. The embarrassing situations and scandals which resulted compelled a change of tactic but no genuine change of policy towards Cuba, which explains why, after relative periods of calm, there were new waves of terrorism.

That is what happened in late 1975. The Church Commission had submitted its well-known report on plots to assassinate the leaders of Cuba and other countries on 20 November of that year. The Central Intelligence Agency could not continue to assume direct responsibility for assassination plots and terrorist acts against Cuba. The solution was simple: the most trustworthy and best-trained terrorist personnel would form groups which would act independently and on their own authority. This led to the sudden birth of a bizarre coordinating organization called CORU, which was made up of the principal terrorist groups. As a rule, those groups were sharply divided by leadership ambitions and self-interest. A violent wave of terrorist actions was unleashed. In mentioning just a few of them, taken from the many major acts of terrorism which were committed during this new period, I would point out that the following occurred within the space of only four months:

- Pirate speedboats from Florida attacked two fishing boats on 6 April 1976, causing the death of one fisherman and severe damage to the boats;
- A bomb planted in the Embassy of Cuba in Portugal killed two members of the diplomatic staff, inflicted serious injuries on a number of other staff and totally destroyed the premises on 22 April;
- An assault with explosives was perpetrated against the Cuban Mission to the United Nations on 5 June, causing serious material damage;
- A bomb exploded in the van carrying the luggage for a Cubana Airlines flight at Kingston airport, Jamaica, on 9 July, moments before it was due to be loaded aboard;
- A bomb exploded in the offices of British West Indies Air in Barbados, which represented the interests of Cubana Airlines in that country, on 10 July;
- A fisheries expert was murdered during the attempted kidnapping of the Cuban consul in the Mexican city of Mérida on 24 July;
- Two members of the Cuban Embassy staff in Argentina were kidnapped on 9 August and were never heard from again;
- A bomb exploded in the offices of Cubana Airlines in Panama on 18 August, causing considerable damage.

This shows clearly that a real war was in progress. The airlines were the target of a number of attacks.

The New York Times and *US News and World Report* called it a new wave of terrorism against Cuba.

The groups making up CORU, which began operations in early 1976 although it was not officially constituted until June of that year, issued public statements in the United States claiming responsibility for each of the acts they perpetrated. They sent war dispatches, as they called them, from Costa Rica to the Miami press. In August, one of their organs published an article under this very title, "War dispatch", describing the destruction of a Cuban embassy. That same day, it did not hesitate to publish a particularly significant communiqué signed by the five terrorist groups that made up CORU: "We shall very soon attack aircraft in mid-flight".

To carry out their strikes, the CORU terrorists utilized without difficulty as their principal bases of operation the territories of the United States, Puerto Rico, Somoza's Nicaragua and Pinochet's Chile.

Only eight weeks later, the aircraft with 73 persons on board would be blown up off the coast of Barbados.

Hernán Ricardo and Freddy Lugo, the two Venezuelan mercenaries who planted the bomb on the Trinidad and Tobago-Barbados leg of the flight, left the plane in Barbados, returned to Trinidad, were arrested and immediately admitted their involvement.

The Barbados Police Commissioner stated before an investigative committee that Ricardo and Lugo had admitted that they worked for the CIA. He added that Ricardo had pulled out a CIA card and a second card setting out the rules for the use of C-4 plastic explosives.

On 24 October 1976, *The New York Times* reported that the terrorists who had launched a wave of attacks in seven countries during the past two years were the products and instruments of the CIA.

The Washington Post noted that contacts confirmed with the United States Embassy in Venezuela cast doubt on the statement issued on 15 October by the United States Secretary of State, Henry Kissinger, to the effect that nobody connected with the United States Government had had anything to do with sabotage of the Cuban aircraft.

A correspondent of the Mexican newspaper *Excelsior* then commented from Port of Spain that, thanks to the admission by Hernán Ricardo Lozano, the Venezuelan arrested in Trinidad, for responsibility for the attack on a Cubana Airlines aircraft which had crashed off the coast of Barbados with 73 persons on board, a major anti-Castro terrorist network somehow connected with the CIA was about to be exposed.

Le Monde stated that the CIA connection with groups of Cuban-born terrorists who moved freely on United States soil was public knowledge.

Many of the most highly respected organs of the international press expressed a similar opinion.

Luis Posada Carriles and Orlando Bosch, who masterminded the terrorist crime and had been associated with the CIA since 1960, were arrested and underwent a tortuous trial, plagued with irregularities, amidst enormous pressure. The Venezuelan judge, Delia Estaba Moreno, instituted legal proceedings against them for murder, the manufacture and use of firearms, and forgery and possession of false documents. Her upright attitude elicited a violent reaction from the extreme right-wing political mafia.

General Elio García Barrios, the presiding judge of the Military Court, maintained a firm and decisive stance, thanks to which the two terrorists were required to serve a prison term of several years. The Miami terrorist mafia took their revenge by riddling one of his sons with bullets in 1983.

Posada was rescued by the Cuban-American National Foundation, which sent US\$ 50,000 via Panama to finance his escape. The day of the escape was 18 August 1985. In a matter of hours, he turned up in El Salvador. No sooner had he arrived than he was visited by the leaders of the Foundation. It was the time of the dirty war in Nicaragua. He was immediately entrusted with important tasks by the White House, which asked him to supply weapons and explosives by air to the counter-revolutionaries in Nicaragua.

The meaning and magnitude of the tragedy go far beyond the cold figure of 73 innocent persons murdered in Barbados.

Americans would certainly grasp its magnitude more fully if they were to compare the Cuban population of 25 years ago with the United States population on 11 September 2001. The death of 73 persons aboard a Cuban aircraft blown up in mid-air is equivalent, in United States terms, to seven aircraft owned by United States airlines, each with more than 300 passengers aboard, destroyed in mid-flight on the same day, at the same time, by a terrorist conspiracy.

If we go a little further and take into account the 3,478 Cubans who have died in over four decades as a result of acts of aggression, including the Bay of Pigs invasion and all the terrorist acts against Cuba which originated in the United States, it is as though 88,434 people had died in the latter country, a figure almost equal to the number of Americans who died in the Korean and Viet Nam wars combined.

These words of denunciation are not inspired by hatred or rancour. I understand that United States officials do not want to even hear mention of these embarrassing matters. They say that we should look ahead.

It would, however, be senseless not to look back to see where the mistakes were made which must not be repeated and what are the causes of major human tragedies, wars and other disasters that might have been avoided. Innocent people should not have to die anywhere in the world.

We have staged this massive protest against terrorism as a homage and a tribute to the memory of our brothers and sisters who died off the coast of Barbados 25 years ago, but also as an expression of solidarity with the thousands of innocent people who died in New York and Washington and a condemnation of the brutal crime committed against them. We seek ways of eradicating terrorism once and for all, of ensuring peace and avoiding a bloody and interminable war.

I am utterly convinced that the ties between the anti-Cuba terrorist groups set up in the United States during the first 15 years of the Revolution and the authorities of that country have never been severed.

On a day such as this, we are entitled to ask ourselves what action will be taken against Posada Carriles and Orlando Bosch, who were responsible for the horrendous terrorist act in Barbados, and against those who planned and financed the planting of bombs in hotels in the capital city and the attempts on the lives of Cuban leaders, which have not let up for even a minute in over 40 years.

It is not too much to ask that these professionals of terrorism be brought to justice. From the very territory of the United States, they have not ceased to apply their insidious craft against our people, in order to sow terror and destroy the economy of a harassed and blockaded country, even though not one terrorist device nor even one gram of explosive has ever left our territory to cause an explosion in the United States. Not one American has been killed or injured, not one facility, large or small, in that immense and rich land has suffered the slightest material damage as the result of an action initiated in Cuba.

In the global struggle against terrorism, to which we have committed ourselves alongside the United Nations and the rest of the international community, we have the necessary moral authority and the right to demand an end to the terrorism against Cuba. The economic war to which our people have been subjected for more than 40 years, in what amounts to a genocidal and brutal action, must also cease.

Our brothers and sisters in Barbados who died off the coast of Barbados are no longer simply martyrs. They are symbols in the struggle against terrorism. They rise today like giants in this historic battle which we are waging to eradicate terrorism from the face of the earth and to do away with a repugnant tactic which has injured their country so severely and heaped so much suffering on their loved ones and their nation, a nation that has already written pages without precedent in the annals of its homeland and its times.

Their lives have not been sacrificed in vain. Injustice is starting to tremble before an energetic and virile nation, which wept with indignation and sorrow 25 years ago and today weeps with emotion, hope and pride as it remembers them.

History, in its capriciousness, has wanted it that way.

⇒ **On 8 October 2001, as the war against Afghanistan began, *Granma* newspaper published the following editorial:**

“Yesterday at 9:00 p.m., Afghanistan time, the war began. More than the war, the military attack against Afghanistan. The word ‘war’ suggests that there is a conflict between more or less equal parties, in which the weaker one has at least a minimum amount of technical, financial and economic resources with which to defend itself. In this case, one of the parties has absolutely nothing. But let us call it ‘war’. That is what it has been called by the person who ordered the military operations.

A truly peculiar kind of war. An entire country has been turned into a testing ground for the most modern weapons ever invented. The specialists and the experts in research centres and military shops who invested tens of billions of dollars in creating instruments of death will monitor every detail in the performance of their sinister creations.

Whatever their excuses may be, it is a war in which the most highly sophisticated technology is used against people who can neither read nor write. A war in which an annual gross domestic product of 20 trillion dollars is being pitted against a country that produces about 1,000 times less. For economic, cultural and religious reasons, it will become a war of the old colonizers against the old colonized people, of the most developed against the least developed, of the richest against the poorest, of those who call themselves civilized against those they consider backward and barbarian.

It is not a war against terrorism, which should and could have been defeated by other truly effective, quick and lasting methods, which were within our reach. It is a war on behalf of terrorism, involving military operations that will make it much more complicated and difficult to eradicate. A remedy that is worse than the disease.

Now there will be daily news reports of bombs, missiles, air strikes, movements of armoured tanks carrying ethnic groups who are allies of the invaders, landings of troops and advances on the ground by elite forces of the attacking countries; cities being taken, including the capital, in a fairly short time; television shots of whatever the censors will allow or whatever gets by them. The battles will be against the natives of the country and not against the terrorists. There are no terrorist battalions or armies. This is a shady method, a sinister concept of battle, a spectre.

These events will be accompanied by a false sense of victory, chauvinistic exaltation, bragging and other expressions of arrogance and of the spirit of cultural and racial superiority.

After that will come the real question: Will resistance stop, will the contradictions disappear or will the real war, the one that was announced as long and endless, begin? We are sure that this is the biggest question being asked by those who right now are bragging about having started this rash war.

Millions of refugees are already scattered all over and the greatest difficulties are yet to come. Let us wait and see what happens.

Our people will be informed as objectively as possible of each development as it occurs, with greater or less space in the press, radio and television, depending on how important the news is, without changing the pace of our regular activities or our information and recreational programmes. We will not neglect our tremendous social and cultural development projects, nor will we pay any less attention to all the on-going production and service

activities, since these are now more important than ever, given the effect the world events are likely to have on the already deteriorated global economy. No country will escape the impact of these events, although none is better prepared, organized and aware than ours to face whatever problems may come. Neither will we pay any less attention to defence than we always have.

We will again see hesitation and panic in the world. Then, when the problems that can already be foreseen start happening, the people of the world will realize what is going on, and there will be a universal rejection of the war that has just begun. Sooner or later, even the citizens of the United States, who right now are so overwhelmed by the horrible tragedy, will understand this.

Even though opposition and condemnation of terrorism and war, which has been at the core of our position – a position that is now shared by many people throughout the world – has suffered a setback, as expected, with the beginning of military operations, we shall continue fighting with all our strength for the only possible solution: the cessation of military operations and the eradication of terrorism through the cooperation and support of every country and the unanimous rejection and condemnation of international public opinion, under the leadership of the United Nations.”

⇒ In a special appearance on Cuban television, on 2 November 2001, President Fidel Castro stated the following:

Although our position is well known, it is worth recalling that on the very day of 11 September, a few hours after the events, and having already expressed our total condemnation of the brutal act and our sincere and disinterested solidarity with the people of the United States – since we did not ask for or expect anything in return –, we stated our position, which we hold now more forcefully and with greater conviction than ever: “None of the problems facing the world today can be solved by the use of force. [...] The international community must create awareness throughout the world of the need to fight terrorism. [...] Only an intelligent policy that relies on the strength of consensus and international public opinion can eliminate the problem at its roots. [...] This unprecedented act should give rise to an international determination to fight terrorism. [...] There is no hope for the world outside of international peace and cooperation.”

A week later, in San Antonio de los Baños, I said, on behalf of our people: “Whatever happens (in other words, whether there is war or not), the territory of Cuba will never be used for terrorist actions against the American people.

And I added something more: “We will do everything within our reach to prevent such actions against them. Today we are expressing our solidarity, while urging peace and calmness. One day they will admit we were right.”

A week later, on 29 September, at the Tribuna Abierta de la Revolución, in Ciego de Ávila, I once again stressed our position: “Let no one think, however, that the peoples and many honest political leaders won’t react as soon as the acts of war materialize and the horrible pictures begin to be published. Then they will take the place of the sad and compelling pictures of the tragedy in New York. Forgetting them will seriously impair the feelings of solidarity with the North American people, which at present is a fundamental factor in eliminating terrorism without the need for war, with its unpredictable consequences, and without the death of countless innocent people.

“We have already seen the first victims: millions of people fleeing from war, pictures of starving children, which deeply touch the world. Nothing can stop the world from seeing these things.”

The latest developments are proving us right.

An editorial in *Granma*, our official Party newspaper, published on 8 October, just hours after the war began, stated: "It is not a war against terrorism, [...] It is a war [...] involving military operations that will make it much more complicated and difficult to eradicate. A remedy that is worse than the disease.

"Now there will be daily news reports of bombs, missiles, air strikes, movements of armoured tanks carrying ethnic groups who are allies of the invaders, landings of troops and advances on the ground by elite forces of the attacking countries; cities being taken, including the capital, in a fairly short time; television shots of whatever the censors will allow or whatever gets by them. The battles will be against the natives of the country and not against the terrorists. There are no terrorist battalions or armies. This is a shady method, a sinister concept of battle, a spectre."

Now, after 26 days of constant bombing, anyone who has followed the events in the daily news can see that the developments up to now have unfolded exactly as we predicted.

We insist that we must fight against terrorism and against war. We have never had any spirit of revenge or animosity towards the United States. I was saddened as I realized what a mistake they were making, but I never proffered an insult or a personal offence. I have repeated often to those who are taking part in this great battle of ideas: we must not offend anyone personally. Just state what has happened, avoid adjectives, analyse objectively, use arguments. That will preserve our moral authority and no one will have any right to question the strength and the sincerity of our stand.

I fear that if there ever was a possibility of defeating terrorism without war, through cooperation and with the unanimous support of the international community – a support which would allow for truly efficient measures to be taken and create a profound moral conscience against terrorism – that possibility is vanishing day by day.

⇒ On 13 November, His Excellency Felipe Pérez Roque, Minister for Foreign Affairs of the Republic of Cuba, made the following statement during the general debate at the fifty-sixth session of the United Nations General Assembly:

"Mr. President:

Before delivering my statement, I would like to express our condolences to the United States, the Dominican Republic and other countries represented here that have lost citizens among the many passengers and crew members who perished in yesterday's tragic crash of American Airlines flight 587, and I hereby extend these condolences to their families.

Mr. President:

The war in Afghanistan must be stopped. The Government of the United States must acknowledge that it has made a mistake, and must halt its ineffective, unjustifiable bombing campaign against the Afghan people.

Judging by its results, it would seem that this war has targeted children, the civilian population and the hospitals and facilities of the International Committee of the Red Cross. As to its methods, no honest voice would be raised in this Hall to defend the endless slaughter, with the most sophisticated weaponry, of a dispossessed, starving, helpless people. As to its doubtful purposes, this war will never be justified from the point of view of ethics and international law. Those responsible for it will one day be judged by history.

Cuba has opposed this war from the very beginning as an absurd, inefficient method to eradicate terrorism, and reiterates that it can only bring more hatred and the ever-increasing danger of new actions of this kind. No one has the right to continue murdering children, aggravating the humanitarian crisis and visiting impoverishment and death on millions of refugees.

If the United States obtained a military victory by eliminating all regular and irregular Afghan resistance – something that is not at all easy in practice and extremely costly on a moral level, for it would represent a real genocide without attaining the objective that we must pursue – the world would be farther away than ever from achieving peace, security and the eradication of terrorism.

Cuba's discourse is not founded on ill feelings against the country that has been our most pitiless adversary for over 40 years. It is inspired by a sincere, constructive spirit and a sense of respect for and sympathy towards the people of the United States, who have suffered an unjustifiable and atrocious terrorist attack. It is also based on the aspiration for peace and justice for all the peoples of the world.

What Cuba has to say in this Hall, frankly and openly, may not be to the liking of those who govern the United States today, but it will be understood one day by the American people, whose generosity and sense of justice were proved to the Cuban people when we were supported by 80 per cent of the public opinion in this country in our struggle to prevent a kidnapped Cuban child from being torn away from his family and subjected to ludicrous political manipulations and cruel psychological tortures.

What Cuba is saying from this rostrum, as we well know, is what many people have been saying in the corridors of this building.

What international coalition are we talking about? What is its legitimacy based on, if it has started by scandalously disregarding the General Assembly? The United States has not fostered international cooperation. Rather it has unilaterally imposed its war and has stated, in an unprecedented manner, that whoever does not endorse them is in favour of terrorism. How long will the precarious support obtained last, since it is not based on harmonized objectives and voluntary agreement, but on the imposition of will through threats and pressures?

You can be the strongest without necessarily being right. You can inspire dread without earning sympathy and respect. A truly effective and lasting alliance against terrorism can only be forged from genuine international cooperation, in which all countries, big and small, participate with a full understanding of each other's positions, with a broadminded and tolerant approach, within the framework of the United Nations and with strict respect for the principles enshrined in its Charter.

The world was surprised to hear the official announcement by the United States to the Security Council that it reserved the right to decide whether to attack other countries in the future. What is left of the Charter after this? Can this unprecedented threat be interpreted as an exercise of the right to legitimate self-defence, enshrined in the Charter as the right of a State to deal with acts of aggression until the Council adopts the necessary measures, and not as a vulgar excuse to unleash attacks against other countries? Is not this announcement the proclamation of the right of a super-Power to trample upon the still fragile and incomplete standards that protect the sovereignty, security and rights of peoples?

Cuba calmly and firmly rejects that language. We do so not out of concern for our own security, because there is no power in the world that can subdue our spirit of independence, freedom and social justice and our courage to defend it at any cost. We do so because we believe that it is still possible to halt the escalation of a useless, brutal war that threatens to further plunge into hopelessness, insecurity and death the poor peoples of the planet, who are by no means responsible for any act of terrorism, but will be – and already are – the main victims of this madness.

Only under the leadership of the United Nations will we be able to defeat terrorism. Cooperation, and not war, is the way. Coordinated action and not imposition is the way to go. The elimination of terrorism by removing its root causes must be our objective, not the hegemonic assertion of its strength by a super-Power, turning us into accomplices to its arrogance and arbitrariness.

That is why Cuba – which has already responded to the Secretary-General's appeal by deciding to immediately ratify all the international legal instruments on terrorism – resolutely supports the adoption of a general convention on international terrorism. Of course, this can only be done in the framework of the General

Assembly, which – though now completely ignored by those who are promoting the new campaign – has, over the past 10 years, despite the silence and apathy of the Security Council, adopted the main resolutions and declarations advocating a direct fight against terrorism.

This will allow us finally to accurately define terrorism. We have to prevent a handful of actors with vested interests to try to label as terrorism the right of nations to fight for their self-determination or against foreign aggression. It must be clearly established that the support, abetting, financing or concealment of terrorist actions by a State is also an act of terrorism.

Cuba is working on its own anti-terrorism law, which should be in effect shortly. We unreservedly endorse the proposal to convene an international conference on terrorism under the auspices of the United Nations. This has been a longstanding aspiration of the Non-Aligned Movement and should enable us, as a result of open discussions, collective action and respectful and non-discriminatory agreement – and not of threats, terror or force – to find a way to fully eliminate terrorism and its causes. Here I am speaking of terrorism committed not only against the United States but against any other country, even if it comes from the territory of the United States or is tolerated by or has the complicity of its authorities, as has been Cuba's painful experience for over four decades.

Mr. President:

Only four days ago, the Pakistani media attributed to a character who is well known and very familiar to the United States a statement supposedly made from Afghan territory saying that he has chemical and nuclear weapons and is threatening to use them against the United States if it uses similar weapons against Afghanistan.

Everybody knows that Afghanistan does not have the slightest ability to produce or launch nuclear or chemical weapons. Only a terrorist organization or leader could come up with the idea of executing an action of this kind using nuclear or chemical weapons. In theory, this could be possible, as a result of the irresponsible behaviour of the major nuclear Powers and of the arms trade, corruption and illegal trafficking in all sorts of military technology.

Indeed, several of those Powers have acted as accomplices to, and taken part in, the traffic in fissile material and the transfer of nuclear technology, as suits their interests. However, in reality, given the conditions of war in Afghanistan, it would be ridiculous to resort to those threats. To do so would be to show tremendous political and military ignorance. If one lacked such means, this would be a dangerous bluff, and if one did have them, it would be absolute madness to threaten to use them.

If the threats contained in the statement published by two Pakistani newspapers are true, they deserve the strongest condemnation, as would the eventual use of such weapons against Afghanistan. That would be a stupid reaction, since, under those circumstances, the only recourse of that poor, suffering country would have to be to seek a universal condemnation of the use of such weapons. Such threats only serve the interests of the extremist and belligerent forces within the United States, which favour the use of the most sophisticated weapons of mass destruction against the Afghan people. The best weapon for a country that is the victim of aggression is to earn and keep the sympathy of the world, and to not allow anyone to violate the ethical principle that no one has the right to kill children, not even if others are doing it. There is no justice in killing innocent people to avenge the death of other innocents.

Cuba has stated without hesitation that it is opposed to terrorism and to war. Cuba, which is not under obligation to anyone, will continue to be consistent in its positions. Truth and ethical considerations should prevail above all else.

The way events have unfolded, the increased level of hatred and the intensification of passions and potential dangers have shown the absolute truth of the assertion that war has never been, is not, and never will be the way to eradicate terrorism.

Mr. President:

The most critical socio-economic crisis ever – the result, halfway through the last decade, of the resounding and irreversible failure of neo-liberalism and neo-liberal globalization – has been dramatically aggravated by this war, which was imposed by one side but whose consequences we all have to bear.

This war must be stopped, not only because of its consequences for the Afghan civilian population and the danger of destabilization in that region. It must be stopped in order not only to save thousands of Americans – mostly young – and thousands of Afghans and other nationals from a senseless death, and not only to preserve international peace and stability, but because this conflict makes it impossible to achieve the objective set by the United Nations 15 years ago: the right to development for all and an equal opportunity to attain it, and because it renders obsolete the decision made only a year ago to work together in order to eliminate poverty from the face of the Earth.

Will we be willing to organize a coalition against poverty, famine, ignorance, disease and the scourge of AIDS that is currently decimating the African continent; a coalition for sustainable development, for the preservation of the environment and against the destruction of the planet?

A coalition has been assembled to avenge the grievous and unjustifiable death of over 4,000 innocent people in the United States. Let us come together to seek justice for this great crime – and let us do so without war; let us come together to save from death the hundreds of thousands of poor women who die during childbirth every year; let us come together to save from death the 12 million children who die of preventable diseases before the age of 5 every year in the third world; let us come together to bring medicine for AIDS to the 25 million Africans who today are hopelessly awaiting death; let us come together to invest in development at least a portion of the billions already spent on bombing a country in which almost nothing has been left standing.

Cuba demands that the General Assembly, the Security Council and the United Nations Organization as a whole take up once again, as top priorities, the debate on these problems. The lives of 4.5 billion inhabitants of the third world, whose rights and hopes have also been buried under the rubble of the World Trade Center, depend on it.

Mr. President:

Cuba reiterates its categorical condemnation of the terrorist acts committed last 11 September. Cuba reiterates its condemnation of terrorism in all its forms and manifestations. Cuba reiterates that it will not allow its territory ever to be used for terrorist acts against the people of the United States or of any other country.

Cuba has the will to do this because it has suffered terrorist acts for over 40 years; because in Cuba there are still the relatives of the nearly 3,500 Cubans killed as a result of acts of aggression and terrorism; and because justice is still demanded by the more than 2,000 Cubans disabled by acts of aggression and terrorism. Some of Cuba's sons and daughters who fought against terrorism have become the victims of cruel persecutions, merciless treatment and unjust and slanderous trials.

The people of the United States are victims not only of terrorism and panic but also of the lack of truthful information, manipulation and the questionable curbing of their freedoms. Cuba does not nurture any hatred towards the American people, whom we do not hold responsible for our suffering caused by terrorism, acts of aggression and the unfair economic war that we have had to withstand during almost an entire lifetime. We share with the American people the hope of one day having relations based on respect and cooperation.

Mr. President:

If anyone here takes offence at these words uttered on behalf of a small, generous and courageous people, I apologize. We speak in a straightforward manner. Words exist to uphold the truth, not to conceal it. We rebel against injustice and oppression. We have the moral resolve. We defend our ideals with our lives. Our support can

be won for any just cause, but we will not be overcome by force or allow absurd slogans or shameful campaigns to be forced upon us.

For many years now, we have proclaimed that for us Cubans, the historical dilemma is: "Homeland or Death!" From this comes our confidence and our certainty that we are and will continue to be a worthy, sovereign and just people.

Thank you.

⇒ In a public statement issued on 27 November 2001 to commemorate the death of 30 Cubans, including 13 children, in an illegal operation involving the traffic of migrants to the United States, and to denounce the effects of the so-called "Cuban Adjustment Act" currently in force in the United States, the President of Cuba said:

"On 11 September, Cuba was the first country to declare its support for the North American people after the atrocious act committed against them. It proposed the idea of creating a universal awareness of the need to fight terrorism and implement an active international political struggle to put an end, in an efficient and appropriate manner, to the scourge of terrorism, which has affected our country for over 40 years. Cuba was also the first country to accede to the twelve international conventions on terrorism, in response to the request by the Secretary-General of the United Nations to States Members of the Organization. Now we have received a terrible blow with the news that several children were swallowed up by the sea in the tragic shipwreck, in the early morning of 17 November, in an abhorrent Cuban-emigrant-trafficking operation."

4. Action by the courts (prosecution of Guatemalan terrorists)

1. On 1 and 2 November 2001, a hearing in connection with Case No. 4/1999 was held in the chamber that deals with offences against State security, in the Provincial Court in the city of Havana. This lawsuit was brought in response to the request made by the prosecuting attorney in preparatory dossier No. 5/1998, in the investigative branch of the Department of State Security, against the defendants MIGUEL ABRAHAM HERRERA MORALES, MARÍA ELENA GONZÁLEZ MEZA DE FERNÁNDEZ and JAZID IVÁN FERNÁNDEZ MENDOZA for the offence of terrorism, in connection with the following events:

The defendants, MIGUEL ABRAHAM HERRERA MORALES, who claims to be and to be named NADER KAMAL MUSALAM BACARAT, age 28, born on 30 December 1969, son of Mikael and Alice, a Guatemalan citizen residing in Guatemala City, Republic of Guatemala; MARÍA ELENA GONZÁLEZ MEZA DE FERNÁNDEZ, age 53, born on 19 August 1944, daughter of Gamaliel and Jova, a Guatemalan citizen residing in Guatemala City, Republic of Guatemala; and JAZID IVÁN FERNÁNDEZ MENDOZA, age 27, born on 24 July 1970, son of Hugo and Gladis, a Guatemalan citizen residing in Guatemala City, Republic of Guatemala, were hired in the country where they live by an individual who may be and may be named FRANCISCO ANTONIO CHÁVEZ ABARCA to go to the Republic of Cuba for the purpose of planting four explosive charges in hotel facilities in our country with the intent of causing damage in those facilities and fear and insecurity among the population and the tourists who travel to the country.

On 4 March, the defendants MIGUEL ABRAHAM HERRERA MORALES and MARÍA ELENA GONZÁLEZ MEZA DE FERNÁNDEZ boarded AVIATECA flight number 950 from Guatemala City to Havana, arriving at José Martí International Airport in Havana on that same date.

The defendant MIGUEL ABRAHAM HERRERA MORALES was arrested on the same day he arrived in Havana by immigration authorities, who, upon searching his baggage, found two nine-volt batteries, three interface chips, two Casio PQ-10 alarm clocks and 432 grams of explosive substance the basic component of which was the substance known as Pentrite, stored in deodorant and shampoo bottles. He intended to prepare the explosive charge with these materials.

The defendant MARÍA ELENA GONZÁLEZ MEZA DE FERNÁNDEZ was arrested during the night of the same day. The authorities confiscated two Casio PQ-10 alarm clocks and two electric detonators containing the label "Explosive Dangerous Blasting G.P.A.". These materials had been introduced into the country for the purpose of preparing the explosive charge.

The defendant JAZID IVÁN FERNÁNDEZ MENDOZA was arrested at José Martí International Airport on 20 March, following discovery by the authorities of his involvement in these events, upon his arrival in the country on the AVIATECA flight from Guatemala City for the purpose of helping the defendant MARÍA ELENA GONZÁLEZ MEZA DE FERNÁNDEZ get out of Cuba.

During the investigation of the case, it was determined that these events were directly linked to the terrorist organization known as the CUBAN-AMERICAN NATIONAL FOUNDATION, which is based in Miami, Florida, United States. In particular, there was found to be a link between one of the leaders of this organization, Arnaldo Monzón Plasencia, and Luis Faustino Clemente Posada Carriles. These individuals were responsible for financing and supplying the means for these actions. They entrusted Francisco Antonio Chávez Abarca with organizing and carrying them out; Chávez Abarca was the one who hired the now-detained defendants, who supplied them with the means and who instructed them on how to use the means and materials that were seized from them.

By sentence 4/2001, of 10 December 2001, which was notified to the defendants on 17 December 2001, MIGUEL ABRAHAM HERRERA MORALES was sentenced to 15 years imprisonment; MARÍA ELENA GONZÁLEZ MEZA DE FERNÁNDEZ, to 12 years imprisonment; and JAZID IVÁN FERNÁNDEZ MENDOZA, to 10 years imprisonment, all for the offence of terrorism.

The aforementioned sentence is not yet final, since the convicted defendants are allowed to appeal, according to the law.

2. On 20 December 2001, a hearing in connection with Case No. 2/2001 was held in the chamber that deals with offences against State security in the People's Provincial Court, in the city of Havana. This lawsuit was brought in response to the request made by the prosecuting attorney in preparatory dossier No. 11/2001, in the investigative branch of the Department of State Security, against the defendant ELIZARDO TEODULO SAMPEDRO MARÍN for an offence against the heads and diplomatic representatives of a foreign State, in connection with the following events:

The defendant ELIZARDO TEODULO SAMPEDRO MARÍN, a Cuban citizen, age 61, son of Alcides and Aracelis, residing in the municipality of Cerro in the city of Havana, was hired by Armando Tang Báez, a member of the ALPHA 66 terrorist group based in Miami, Florida, United States. His contact was Nazario Sargent, national coordinator of ALPHA 66 in Cuba, who instructed him to carry out actions on behalf of that organization in our country.

On 31 January 2001, with the intent of destabilizing relations between the Republic of Cuba and the Government of the United Mexican States, he sent a threatening letter to Ricardo Andrés Pascoe Pierce, Ambassador of Mexico in Cuba, questioning the Mexican Government's policy toward our country and announcing a visit from the terrorist organization ALPHA 66.

The message was also sent to several news agencies, in an effort to publicize it widely and to bring the matter to the attention of the top leaders of the terrorist organization that had hired him, paying him a certain amount of dollars.

On 1 February 2001, Ricardo Andrés Pascoe Pierce, Ambassador Extraordinary and Plenipotentiary of the United Mexican States to Cuba, notified the Ministry for Foreign Affairs of Cuba, through the Director of Protocol, of the threats he was receiving.

PART THREE

TERRORIST ACTIONS CARRIED OUT AGAINST CUBA FROM 1959 TO THE PRESENT. MAIN PERPETRATORS AND PERSONS RESPONSIBLE FOR THESE ACTS

1. Chronological summary of terrorist acts and actions against Cuba from 1959 to the present

For the last 42 years, Cuba has been the victim of a wide range of terrorist acts and actions, from State terrorism to terrorism perpetrated by individuals and organizations, most of them based in the United States. These acts include biological and bacteriological terrorism against animals and plants and against human beings.

Many of these terrorist actions, which include such abominable acts as the blowing up of the merchant vessel *La Coubre* in the port of Havana in March 1960, leaving more than 100 dead and 200 wounded, and the blowing up in mid-flight of a Cubana Airlines commercial aircraft with 73 passengers on board off the coast of Barbados in 1976, have been committed as part of the plans of the United States Government and its intelligence agencies to try to overthrow the Cuban Government.

In most of the cases, and even in those which were not officially sponsored by the United States authorities, these actions were planned, organized and financed by Cuban citizens living in the United States, who were trained to carry out acts of sabotage and attacks on instructions from the Central Intelligence Agency (CIA). After committing these crimes, these individuals returned, with total impunity, to that country.

Cuban vessels and aircraft have been kidnapped at high sea, in mid-air and even on land. Most of them have been taken to the United States, where the perpetrators of the crimes have not faced justice. On some occasions, the vessels and aircraft have not been returned.

Even a noble and humane programme like the literacy campaign undertaken by Cuba in 1961 was set back by the Bay of Pigs invasion launched by the United States Government in April of that year. Several young people who had gone to remote rural areas to teach people to read and write were killed, often along with their peasant students, by terrorist bands operating in several provinces of the country. These bands were encouraged and supplied by the Central Intelligence Agency.

Throughout these years, many groups have infiltrated the national territory in order to sabotage and economic targets vital to the economy and sow terror among the population. Every sector of the Cuban economy, from the sugar industry to, more recently, tourism, has been the target of fires, bombs, explosives, machine-gun fire from speedboats approaching the coast, as well as a whole range of other violent acts and actions.

Cuban diplomatic personnel and embassies, including their commercial and tourism offices, particularly at the Permanent Mission to the United Nations in New York, have been targets of bombs and shootings that have killed staff members and caused considerable property damage.

The chronological list shown below only refers to the most recent incidents. Fidel Castro Ruz, President of the Republic of Cuba, is the head of State or Government against whom most attacks have been attempted, many of them organized by the Central Intelligence Agency of the United States, as revealed by investigations conducted by the United States Congress and confirmed in declassified official documents.

Most of these crimes were planned, financed and carried out by organizations located in United States territory which have publicly claimed responsibility for them. Their military training exercises have also been widely publicized in the United States press. Some of these organizations are still engaged in such activities, and their leaders and members, the material and/or intellectual authors of acts of terrorism, are living in the United States and have not been prosecuted or even arrested by the authorities.

In brief, the hundreds of terrorist acts that have been carried out against Cuba over the last four decades, which are listed below, have created a clear awareness among the Cuban people of the fact that terrorism is a scourge that must be combated and eradicated. That is why the Cuban people have Cuban people's claim for human damage, already discussed at length in this report, represents more than a complaint; it represents our commitment to the fight against terrorism.

Also, as a result of this situation, Cuba has, over the years, developed a number of mechanisms, legislative and otherwise, culminating in the actions taken by the Cuban State after the abominable acts of 11 September 2001 with a view to improving its methods in the struggle against terrorism.