



**Statement for the UPR Pre-Session
of the Universal Periodic Review of Cuba
by the United Nations Human Rights Council
Geneva, April 13, 2018
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I. Presentation

This statement is on behalf of Cuba Archive, initiative of the U.S.-based non-profit organization *Free Society Project*, upholding the intrinsic right of all people to live safely and in freedom.

It will address our first report for the UPR, “Systematic Violations of the Right to Life by the Cuban State,” submitted jointly with Human Rights Foundation and Cubalex.

Beforehand, I mention, for your consideration, two other issues that Cuba Archive investigates for which we may provide information:

First, on Cuba’s export services, primarily of health workers: In April 2017, we sent a report to the Rapporteur on Trafficking in Persons with details of a state-run business of around \$10 billion US dollars annually that sends over 60,000 Cubans to dozens of countries in conditions of exploitation and servitude contrary to numerous international agreements.

Second, on the intervention of Cuba’s military and security forces in Venezuela: It implicates Cuba in human rights abuses, including deaths, outside its borders and is consistent with a long history of international interventions and subversion.

II. Statement

Now, let’s address the matter at hand: the right to life.

A national consultation with civil society is impossible in Cuba, as independent human rights organizations are not allowed. The state has ignored numerous accepted recommendations from its two reviews to conform its laws to its international commitments, including one to specifically “promote real participation of NGOs and civil society institutions.”

Cuba does not honor its international commitments on human rights and for almost six decades has displayed a systematic disregard for all fundamental human rights both in law and practice.

It even ignores concrete obligations from subscribing or ratifying international human rights instruments, accepting recommendations in two past reviews, and holding membership in the Council (UNHRC). In fact, Cuba’s Constitution declares international agreements illegal and void if conflicting with the state’s unconventional concept of sovereignty.

The Constitution nullifies all freedoms if contrary to building socialism and communism. Human rights defenders are repressed, and those who denounce abuses or file complaints suffer serious retaliation. The judicial branch is completely subordinated to the executive and due process or remedies for abuses are inexistent.

In 2008, Cuba signed the International Covenant on Civil and Political Rights (ICCPR); ten years later it is not ratified despite 22 recommendations noted by the state to that effect in the last review. Essentially the state violates all rights guaranteed by the Convention, including to life (art. 6), "the foundation and basis of all other rights."

Thousands of summary, firing squad, and extrajudicial executions as well as other deaths attributed –with varying degrees of confirmation– to the state have been partially documented, and include citizens of several states and killings in other countries. (All our documented cases are available at database.CubaArchive.org for your review.)

Let me highlight major problem areas:

1) Capital punishment

Cuba's Penal Code establishes the death penalty by firing squad for many offenses, including numerous acts against state security, with very expansive definitions. Despite a moratorium on executions since 2003, individuals remain on death row.

In its last review, Cuba took note of three recommendations to ratify the Second Optional Protocol to the ICCPR and declared it was in favor of eliminating the death penalty "when suitable conditions exist." It has not reported when that might be.

2) Extrajudicial deaths and deaths in custody

Since the last review, we have documented 23 alleged or suspected extrajudicial killings (2 while attempting to flee the country) and 51 deaths in custody (5 in protest hunger strikes).

In the last review, Cuba rejected 2 recommendations for an independent investigation of the death in 2012 of human rights defenders Oswaldo Payá and Harold Cepero. Truth-seeking and justice remain systematically thwarted and independent investigations not allowed.

The state did accept a recommendation to ensure Standard Minimum Rules for the Treatment of Prisoners but has ignored it, just as it ignores its ratified obligations under the *Convention against Torture*. Political and common prisoners continue to suffer severe physical and psychological pain and suffering; we know that scores are dying as a result, which is nearly impossible to document.

3) Enforced or involuntary disappearances

We have documented 147 unresolved involuntary disappearances in Cuba, many more have been reported. 4 occurred since 2009, after Cuba ratified the *Convention on Enforced Disappearances* (17 more were reported with insufficient data). Since the last review, hundreds of involuntary disappearances during arbitrary short-term detentions were resolved when subjects were released or allowed to establish contact. But these troubling detentions averaged at least 20 a day in 2016-17 and have been rising in 2018.

Regrettably, the U.N. Committee on Enforced Disappearances has not received these accounts, but last March reported on numerous flaws in Cuba's legal framework obstructing the Convention's application.

III. Suggested recommendations

Cuba has been awarded impunity in general and in the UPR process. Faith in the international system and in the Council can only be restored if Cuba is held accountable for its grave and widespread violations to human rights.

We encourage states to consider making the following recommendations to Cuba, among others included in our report:

1. Allow independent investigations of alleged or suspected forced disappearances and extrajudicial killings, guaranteeing full cooperation and access to evidence and gravesites.
2. Extend standing invitations to the Special Rapporteurs on Extrajudicial Executions and on Torture as well as to the Working Group on Enforced Disappearances.
3. Take immediate steps to fully implement the Convention on Enforced Disappearances.
4. Ratify and implement the ICCPR, its Optional Protocols, and the Optional Protocol to the Convention against Torture.

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