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LADB Staff

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UN HCR's Resolution on Cuba

by LADB Staff

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During its 59th annual session on the state of human rights around the world, the UN Human Rights Commission, meeting in Geneva, approved a resolution implicitly criticizing Cuba though without censure. Cuba took the weak resolution as a sign of US isolation, especially as the US was outvoted on other resolutions asserting such universal rights as food, health, and education.

State Department data suspect

According to the State Department, US embassies prepare much of the raw material for the reports on human rights using information "from a variety of sources across the political spectrum." Among those sources are journalists and human rights groups. In Washington, the reports from the field undergo review by the Bureau of Democracy, Human Rights and Labor. Collaborating on the final country reports are State Department officers who see to it that they meet the department standard "that all relevant information was assessed as objectively, thoroughly, and fairly as possible." The reports are used to shape policy, says the State Department, and provide the basis for the annual US-promoted resolutions at the Human Rights Commission.

Considerable evidence now exists that many journalists and human rights organizations in Cuba were funded and managed by the State Department through its Interests Section in Havana (see NotiCen, 2003-04-24). Logically, material collected from those sources can be considered tainted. Instead of the reports shaping policy, it is likely that policy shapes the reports. Costa Rica, Peru, Nicaragua, and Uruguay offered this year's resolution on Cuba, which disappointed the US because it did not include any specific condemnation. Instead of censuring Cuba, or even referring to specific cases of alleged rights violations, the three-paragraph resolution only asks Cuba to receive Françoise Chanet, personal representative of the UN High Commissioner on Human Rights, and facilitate her review of conditions in Cuba. This is similar to the resolution adopted last year under which Chanet was appointed to go to Cuba (see NotiCen, 2002-05-02). Cuba, however, refused to accept the visit.

The vote, scheduled for April 16, had to be postponed after Costa Rica withdrew its sponsorship of the resolution to offer an amendment toughening it. Cuba then offered two other amendments and the three forced a procedural delay. The Costa Rican amendment added a specific condemnation based on the arrest and trial of 75 dissidents and calling for their immediate release (see NotiCen, 2003-04-24). It also expressed concern over the execution of three Cuban hijackers who attempted to divert a Cuban harbor ferry to Florida.

Frank Calzon, executive director of the Washington-based Center For a Free Cuba, recommended the amendment to the Costa Ricans. Calzon's organization regularly receives US government funds channeled through Freedom House (see NotiCen, 2001-02-22). The first of Cuba's two amendments called for the immediate end to the US embargo, which Cuba considers a blockade violating the human rights of Cubans. The second asks High Commissioner Sergio Vieira de Mello to evaluate

the effects on Cubans of terrorist acts launched from US territory. The Cuban amendments let the original resolution stand but would have, if passed, brought the US under a greater decree of censure than Cuba.

Nevertheless, Juan Antonio Fernandez, the head of Cuba's delegation, said Cuba would not accept the final resolution anyway. The three amendments were defeated and the resolution passed 24 in favor, 20 opposed, and nine abstentions. Cuba drew consolation from the proceedings. The Costa Rican amendment received only 15 supporting votes from the 53- member commission, with Costa Rica the only Latin American delegation voting for it.

The US could only round up 24 votes to pass a resolution that contained no censure. "The United States cannot get Cuba censured," said Cuban Foreign Minister Felipe Perez Roque. "This is where they've ended up. After 14 years, all their efforts, all the pressure of US diplomacy, have produced this ridiculous document." As to UN representative Chanet, Perez Roque said Cuba did not accept her last year and would not cooperate this year either. He stressed that Cuba did not object in principle to such visits, and he reminded the commission that Cuba was the first country in Latin America to invite a UN rapporteur in 1994. "Cuba is not refusing to cooperate with the high commissioner," he said, but would not accept "manipulation" of the human rights issue and the use of a UN emissary "to justify the campaign against our country." "The only place in Cuba that deserves to be analyzed for violations of those rights is the [US naval] base at Guantanamo," said Perez Roque, referring to the long-term incarceration there of more than 600 prisoners taken in the war on terror in Afghanistan.

In a recent ruling, a District of Columbia appeals court held that Taliban and al Qaeda suspects held at Guantanamo are not entitled to due-process rights in the US because the naval base is outside of US jurisdiction. UN special rapporteur Param Cumaraswamy denounced the ruling, and the Human Rights Watch (HRW) report for 2003 said the US was violating the human rights of the prisoners. The Brisbane, Australia, daily Courier-Mail reported that children under the age of 16 were being held at the Guantanamo prison. At least one arrived there at the age of 12.

A Pentagon official said, "The point is they are enemy combatants. Their age is really not a factor in their detention." Latin Americans have the most-watched votes As in past years, the vote put Latin American members of the commission in a dilemma. The US uses their votes against Cuba to show Cuba's isolation, while Cuba uses them to portray its neighbors as lackeys groveling before the US. Chile, which consistently backs US resolutions against Cuba, annoyed the US by opposing the war on Iraq, but backed the US at Geneva.

Foreign Minister Soledad Alvear said Chile was "sensitive" to the human rights issue because of the 17- year dictatorship of Gen. Augusto Pinochet (1973-1990). Alvear said Chile's vote was motivated by the jailing of dissidents and the execution of the three hijackers, whom she referred to as people who wished to leave Cuba.

Cuban Ambassador in Chile Alfonso Fraga said Chile's position had worsened bilateral relations. Argentina, also a consistent supporter of US resolutions, switched its vote this year. President

Eduardo Duhalde announced that Argentina would abstain and issued an unusually strong accusation against the human rights behavior of the US. The vote on Cuba was "ill-timed," he said, while "a unilateral war...in violation of human rights was moving forward."

Mexico has voted against Cuba for the last two years in a radical shift away from its traditional policy of nonintervention. Many Mexican political leaders associated the policy shift with former foreign relations secretary Jorge Castaneda, forced out of office in January under heavy attacks from opposition parties (see NotiCen, 2002-04-03). But the vote this year suggests the policy has deeper roots in the administration of President Vicente Fox. The new Foreign Relations Secretary, Luis Ernesto Derbez, issued a statement justifying the vote as one based on the administration's "deep concern" about human rights in Cuba. He also said the vote was consistent with Mexican principles and not a condemnation or criticism of Cuba. Nevertheless, Jorge Bolanos, Cuba's ambassador in Havana, had already declared that a vote against Cuba would seriously hurt bilateral relations.

Following the vote, the Mexico City daily La Jornada ran the headline, "Yesterday, the epitaph for Mexico's foreign policy was finally written." Cuba says US is isolated While the US takes the anti-Cuba resolutions as evidence of Cuba's isolation, there is little mention of the votes that go against the US. The commission approved a resolution asserting the universal right to food, citing precedents from the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the World Food Summits of 1996 and 2002. The resolution passed with 51 votes in favor, one against, and one abstention. The US cast the lone opposing vote.

The US also voted "no" on a resolution to condemn illicit dumping of toxic wastes and dangerous products in developing countries, and the transfer to developing countries of such products through "fraudulent waste-recycling programs" and other means. The US voted "no" on a resolution condemning unilateral coercive measures that "create obstacles to trade relations among States." In an obvious reference to the US embargo against Cuba, the measure also condemns the use "by certain powers of such measures as tools of political or economic pressure," and rejects the use of food and medicines as "tools for political coercion." The resolution passed 36 in favor, 14 against, and two abstentions. The "no" votes came mostly from the US and the European Union (EU).

The US also voted against resolutions asserting the right to health, medicine, education, and economic development, and to others rejecting structural-adjustment policies, violence against women, and a proposal to hold a session on human rights in Iraq. Politics dogs commission Commission votes are never solely about human rights since political considerations block resolutions against some offenders. Critics of the yearly exercise have suggested that the commission does not actually survey and judge the state of human rights around the world but rather provides a stage on which to play out political drama. In Cuba's case, the vote is more of a referendum on the loyalty of commission members to US policies.

A movement to reform the commission, which arose most prominently in the independent Commission de Derechos Humanos de Centroamerica (CODEHUCA) headquartered in Costa Rica, has apparently died. Despite its yearly support of the US-produced resolutions against Cuba, Costa Rica complained last year about the commission's "excessive politicization." Foreign Minister Roberto Rojas said that, instead of mounting a defense of human rights as required in

the commission's charter, it had focused on censuring (see NotiCen, 2002-05-02). Then there is the matter of consistency.

Russia was censured in 2000 and 2001 for its war in Chechnya, but escaped censure this year even though the fighting continues today. Since the US began pressing for condemnations of Cuba at the annual meetings, the US has prevailed by narrow margins and lost in 1998. Combining "no" votes and abstentions, a majority, running as high as 37 of the 53 commission members has not supported the US. This year, the 24-20-9 vote means a majority of 29 did not support the resolution. State Department reports in 2003 and previous years describe serious human rights violations in some states voting against Cuba, though none has been censured. Reports on Guatemala, Mexico, and Peru are especially damning, citing numerous cases of police use of torture, extrajudicial killings of prisoners in custody, denial of due process, disappearances, official impunity, substandard prison conditions, child labor, and even massacres.

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