

108TH CONGRESS
1ST SESSION

S. RES. 62

Calling upon the Organization of American States (OAS) Inter-American Commission on Human Rights, the United Nations High Commissioner for Human Rights, the European Union, and human rights activists throughout the world to take certain actions in regard to the human rights situation in Cuba.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2003

Mr. ENSIGN (for himself, Mr. GRAHAM of Florida, Mr. FRIST, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. SESSIONS, Mr. REID, Mr. SANTORUM, Mr. CORZINE, Mr. SHELBY, Mr. MILLER, Mr. COLEMAN, Mr. BUNNING, Mr. DEWINE, Mr. CHAMBLISS, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on Foreign Relations

JUNE 26, 2003

Reported by Mr. LUGAR, without amendment

JUNE 27, 2003

Considered and agreed to

RESOLUTION

Calling upon the Organization of American States (OAS) Inter-American Commission on Human Rights, the United Nations High Commissioner for Human Rights, the European Union, and human rights activists throughout the world to take certain actions in regard to the human rights situation in Cuba.

Whereas the democracies of the Western Hemisphere have approved an Inter-American Democratic Charter that sets a regional standard regarding respect for human rights and fundamental freedoms;

Whereas the government of the Republic of Cuba approved and is bound to respect the Charter of the Organization of American States (OAS) and the American Declaration of the Rights and Duties of Man;

Whereas in 2001, 2000, 1999, 1998, and previous years, the government of the Republic of Cuba declined to reply to the OAS Inter-American Commission on Human Rights when it sought the government's views on human rights violations in the Republic of Cuba;

Whereas all countries have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and the Universal Declaration of Human Rights;

Whereas the United Nations Commission on Human Rights considered and passed a resolution in 2002 regarding the situation of human rights in the Republic of Cuba and called for the United Nations High Commissioner for Human Rights to send a personal representative to the Republic of Cuba;

Whereas the United States and other countries remain concerned about violations of human rights and fundamental freedoms in the Republic of Cuba, including the freedoms of expression, association, and assembly, and the rights associated with the administration of justice;

Whereas, according to the Department of State, Cuban authorities use exile as a means of repression and continue to harass, threaten, arbitrarily arrest, detain, imprison,

and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers with the goal of coercing them into leaving the country;

Whereas Cuban citizens are routinely jailed solely because their views do not coincide with those of the government;

Whereas Amnesty International in its 2002 report noted an increase in human rights violations in the Republic of Cuba, including short-term arbitrary arrests, threats, summonses, evictions, interrogations, losses of employment, restrictions on travel, house arrests, and other forms of harassment directed by the government against political dissidents, independent journalists, and other activists in an effort to limit their ability to exercise fundamental freedoms;

Whereas Amnesty International also noted with concern the beginning of a trend toward the increased use of violence by Cuban authorities in order to repress dissent;

Whereas Cuban political prisoners are deliberately exposed to harm and poor conditions as a means of punishment, including beatings, denial of medical treatment, forced labor against medical advice, unsanitary eating conditions, and coexistence with inmates carrying highly infectious diseases;

Whereas peaceful dissidents in the Republic of Cuba, such as Oscar Elias Biscet, who upon finishing more than 3 years in jail for “instigation to commit a crime” is again in police custody and facing a possible year-long sentence, are subjected to ongoing harassment and imprisonment;

Whereas many Cubans, such as journalist Bernardo Arevalo Padron, who is currently in jail serving a 6 year sen-

tence, are routinely jailed under the charge of “disrespect” for making negative statements about the government of the Republic of Cuba;

Whereas many Cubans, such as Carlos Oquendo Rodriguez, who is serving 2 years in prison, are routinely jailed under the charge of “public disorder” for criticizing the Castro regime;

Whereas many Cubans, such as Francisco Chaviano Gonzalez, the longest serving current Amnesty International prisoner of conscience in the Republic of Cuba, are imprisoned on charges of “revealing state security secrets” and “falsifying public documents” for promoting democratic practices and human rights;

Whereas many Cubans, such as Juan Carlos Gonzalez Leiva, a blind lawyer and president of the Cuban Foundation for Human Rights, are imprisoned on charges of “disobedience” and tortured while incarcerated for peacefully protesting the Republic of Cuba’s brutal treatment of dissidents;

Whereas many Cubans, such as Leonardo Miguel Bruzon Avila, president of the 24th of February Movement (named for both a turning point in the Spanish-American War and the day in 1996 when 2 civilian aircraft carrying 4 members of the Cuban American Brothers to the Rescue movement were shot down over international waters by Cuban fighter jets), are charged with “public disorder” and held without trial for planning peaceful public ceremonies;

Whereas many Cubans, such as Nestor Rodriguez Lobaina, who is president of the Cuban Youth for Democracy Movement and currently serving a 6 year prison sentence,

are charged with “damages” for denouncing violations of human rights by the Cuban government and communicating the brutality of the Cuban regime to Cuban citizens and the world;

Whereas many Cubans, such as Jorge Luis García Pérez, who is a founder of the Pedro Luis Boitel Political Prisoners Movement and serving a 15 year prison sentence, are charged with “enemy propaganda” and suffer systematic abuse and a lack of medical assistance while in prison, for criticizing communism;

Whereas Amnesty International reports that participants in Oswaldo Paya’s Varela Project collecting the required 10,000 signatures on a petition for peaceful change to the legal system of the Republic of Cuba have been harassed, detained, subjected to confiscation of signed petitions, and “kicked, punched, and threatened” by Cuban state security officials; and

Whereas the European Parliament rightfully recognized Oswaldo Paya for his work on the Varela Project with the 2002 Sakharov Prize for his human rights work in the Republic of Cuba: Now, therefore, be it

1 *Resolved*, That the Senate calls upon—

2 (1) the Organization of American States Inter-
 3 American Commission on Human Rights to continue
 4 its reporting on the human rights situation in the
 5 Republic of Cuba and to request a visit to the Re-
 6 public of Cuba for the purposes of reviewing and re-
 7 porting to the international community on the
 8 human rights situation there;

1 (2) the United Nations High Commissioner for
2 Human Rights and his newly appointed personal
3 representative to vigorously pursue the implementa-
4 tion of the 2002 Resolution regarding the situation
5 of human rights in the Republic of Cuba;

6 (3) the European Union, to build upon the Eu-
7 ropean Parliament's recognition of Cuban dissidents
8 and, through the appropriate bodies and mecha-
9 nisms, request to visit the Republic of Cuba for the
10 purpose of reviewing the human rights situation
11 there and issue a report to the international commu-
12 nity on its findings; and

13 (4) human rights organizations throughout the
14 world to issue statements of solidarity with the
15 Cuban human rights activists, political dissidents,
16 prisoners of conscience, independent journalists, and
17 other Cubans seeking to secure their internationally
18 recognized human rights and fundamental freedoms.

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